

R E S O L U T I O N

WHEREAS, Konterra Associates, LLC is the owner of a 17.21-acre parcel of land known as Parcel 218, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned Planned Industrial/Employment Park (I-3); and

WHEREAS, on June 21, 2019, Konterra Associates, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18029 for Park Place 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 October 10, 2019 for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 10, 2019, 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 TCP1-010-2018-01, and further APPROVED Preliminary Plan of Subdivision 4-18029 for 2 parcels, with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
  - a. Revise General Note 2 to provide the correct tax map and grid designations.
  - b. Revise General Note 5 to delete "pending."
  - c. Revise General Note 23 to indicate approval of CSP-17005.
2. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (19983-2018-00), or any subsequent revisions.
3. Total development within the subject property shall be limited to uses that would generate no more than 123 AM and 117 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. Prior to approval of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a Capital Improvement Program/Consolidated Transportation Program, or otherwise provided by the applicant, the applicant's heirs, successors and/or assignees:

Konterra Drive and Muirkirk Road intersection:

- a. Add a second southbound left turn lane at the intersection.
  - b. Modify the westbound center lane to provide a shared left-through-right turn lane.
5. Prior to approval of any building permits, the applicant, the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Public Works and Transportation for the placement of a bikeway sign(s) along Muirkirk Road. A note shall be placed on the final plat for payment to be received prior to approval of the first building permit.
6. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
    - a. To reflect the alternative layout proposed for minimizing primary management area Impact B as reflected in Exhibit B submitted by the applicant.
    - b. Show the proposed lot lines.
    - c. Show woodlands as cleared within all proposed water and sewer easements.
    - d. Update General Note 1 with the PPS case number.
    - e. Update the woodland conservation worksheet, as follows:
      - (1) Reflect the reduction of on-site clearing resulting from the minimization of "Impact B";
      - (2) Update clearing values resulting from proposed water and sewer easements;
      - (3) Revise off-site woodlands cleared and include woodlands cleared inside and outside of the floodplain; and
      - (4) Indicate how any additional woodland conservation requirements will be satisfied.
    - f. Revise General Note 10 to indicate that the plan is not grandfathered.

- g. Revise the vicinity map of the TCP1 to match the area of the application.
  - h. Remove the overall property map from the TCP1.
  - i. Relocate the woodland preservation labels off-site, so they do not obscure underlying site features.
  - j. Add the TCP1 approval block to the plan.
  - k. Remove the area labeled as “Restaurant Depot Future Expansion 9,860 square feet” from the TCP1.
  - l. Have the qualified professional sign and date the TCP1 worksheet, and sign and date their certification block on the plan.
  - m. Show the location of all specimen trees listed in the specimen tree table.
7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-010-2018-01). 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 (TCP1-010-2018-01 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. 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.”
8. Prior to 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.”
9. At the 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."

10. 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.
11. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
12. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Grant 10-foot-wide public utility easements along all public rights-of-way.
  - b. Obtain water and sewer Category 3 through the administrative amendment procedure.
  - c. Dedicate right-of-way as depicted on the master plan and the preliminary plan of subdivision.
13. Prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide:
  - a. The installation and maintenance of a sprinkler system that is National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems compliant to mitigate the fire risk. The installation of sprinklers shall not be waived.
  - b. The installation and maintenance of automated external defibrillators (AEDs) in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05) shall be required for a sufficient number of AEDs to be installed so that any employee is no more than 500 feet from an AED.
  - c. The installation and maintenance of bleeding control kits shall be required for a sufficient number of bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.
14. Prior to approval, the detailed site plan shall include the following requirements in the general notes:
  - a. The installation and maintenance of a sprinkler system that is National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems compliant to mitigate the fire risk shall be provided. The installation of sprinklers shall not be waived.

- b. The installation and maintenance of automated external defibrillators (AEDs) in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05) shall be provided for a sufficient number of AEDs to be installed so that any employee is no more than 500 feet from an AED.
- c. The installation and maintenance of bleeding control kits shall be provided for a sufficient number of bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.

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 property is located on the south side of Muirkirk Road, approximately 650 feet west of the Muirkirk Road and Virginia Manor Road/Konterra Road intersection. This preliminary plan of subdivision (PPS) includes Parcel 218, which is a legal acreage parcel pursuant to Section 24-107(c)(9) of the Subdivision Regulations. The parcel is in its current configuration due to a lot line adjustment recorded in the Prince George's County Land Records, in Liber 38815 folio 610.

The subject property is 17.21 acres, and was rezoned to the Planned Industrial/Employment Park (I-3) Zone, pursuant to the approval of Zoning Map Amendment A-9953-C. This plan includes two parcels for 128,810 square feet of flexible industrial space to be used for an office/warehouse/wholesale trade facility office; the site is currently vacant.

A variance was filed to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of five specimen trees on the subject site. The request was subsequently withdrawn on August 30, 2019, and the variance will be evaluated at the next stage of development.

3. **Setting**—The property is located on Tax Map 9 in Grids C-4 and D-4 and Tax Map 13 in Grid C-1, is in Planning Area 60, and is zoned I-3. The subject site is irregularly shaped and is bounded by Muirkirk Road to the north. Properties beyond Muirkirk Road are zoned I-3 and are developed with residential and agricultural uses. An abutting property to the east is zoned I-3 and is developed with an industrial use, property to the south is zoned Open Space (O-S) and is vacant, and property to the west is zoned Rural Residential (R-R) and has residential uses.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	I-3	I-3
Use(s)	Vacant	Flexible Industrial space for Office, Warehouse, Wholesale
Acreage	17.21	17.21
Lots	0	0
Parcels	1	2
Gross Floor Area	0	128,810
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on July 12, 2019.

5. **Previous Approvals**—This property was rezoned from the R-R Zone to the I-3 Zone via A-9953-C, approved by the Prince George’s County District Council on August 10, 2006. There are no conditions of approval applicable to this application.

Conceptual Site Plan CSP-17005 was approved by District Council, with conditions, on May 14, 2019, for development of 131,810 square feet of flexible industrial space for office/warehouse uses. The following conditions are applicable to this PPS application:

3. **At time of the submission of the preliminary plan of subdivision application, the applicant shall provide alternative layouts demonstrating how proposed Impact B can be reduced or eliminated, including reducing the size of the proposed buildings as to minimize or avoid proposed Impact B.**

The applicant provided an alternative layout demonstrating how Impact B shown on CSP-17005 can be reduced and eliminated. This is further detailed in the Environmental finding of this resolution.

5. **Prior to approval of the preliminary plan of subdivision (PPS), Phase I (Identification) archeological investigations, according to the Prince George’s County Planning Board’s 2005 “Guidelines for Archeological Review,” shall be provided to determine if any cultural resources are present. Evidence of the Maryland-National Capital Park and Planning Commission’s concurrence with the final Phase I report and recommendations is required prior to signature approval of the PPS.**

6. **Upon receipt of the Phase I report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Prince George's County Planning Board approval of the final plat, the applicant shall provide a plan for:**
  - a. **Evaluating the resource at the Phase II level, or**
  - b. **Avoiding and preserving the resource in place.**
7. **If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or approval of any grading permits.**

A Phase I archeology survey was completed on the property as detailed in the Historic finding of this resolution. Conditions 5–7 have been satisfied.

15. **At the time of preliminary plan of subdivision, the applicant shall provide a traffic warrant study of the Muirkirk Road/Muirkirk Meadows Road intersection.**

In a September 26, 2019 email from the Department of Public Works and Transportation (DPW&T), information regarding a traffic signal warrant study at this location was provided. In January 2018, a signal warrant study was conducted by DPW&T for the subject intersection, and a signal was found to be warranted. In May 2019, the applicant completed a more recent traffic signal warrant study for the subject intersection and provided this study. While the study indicates that “it is unlikely a traffic signal will be approved by the County” (Guckert to McCoy, May 2019), it does indicate that two warrants were met, which could result in DPW&T approving a traffic signal at the subject intersection. It is at the discretion of DPW&T whether or not a traffic signal be installed at this location.

While the 2018 signal warrant study indicated that a signal would be warranted, and the 2019 study indicated that a signal may be warranted, the applicant would not be required to provide the signal with this application because the “Transportation Review Guidelines, Part 1” (Guidelines) did not find this intersection to be inadequate for transportation. Pursuant to the Guidelines, when an intersection operates with a delay greater than 50 seconds, a second analysis using the critical lane volume (CLV) methodology is required. If the results of the second analysis show a CLV of less than 1150, the intersection is deemed to be operating adequately, and no further action is required. The results of the traffic study show that the intersection operates with CLVs of 958 and 911 during the AM and PM peak hours, respectively. Consequently, from the standpoint of transportation adequacy and per the Guidelines, the intersection is found to be adequate, and a signal warrant study would not have been necessary, since these CLVs fall below the adequacy threshold of 1150. Additionally, Condition 15 of the CSP did not

require any improvements to be made should a signal be warranted, only that the signal warrant study be completed.

The Planning Board, therefore, concludes that the traffic signal warrant study that was done in May 2019, and provided by the applicant, satisfies Condition 15 of CSP-17005.

6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities policy area. The vision for the Established Communities area is to accommodate context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

The 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)*, (Subregion 1 Master Plan and SMA) retained the I-3 zoning and recommends industrial land uses on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this plan conforms to the industrial land use recommendation of the master plan.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan (19983-2018-00) and associated letter, that is in conformance with the current code and valid until August 21, 2021, was submitted with the subject application. The plan shows the use of 20 micro-bioretenion facilities to treat the majority of stormwater before it leaves the site. However, an additional fee-in-lieu of providing on-site attenuation/quality control measures is also required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The water quantity requirement is conditioned to be provided by a regional facility. The approved concept plan is consistent with the PPS.

Development must be in conformance with the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, this PPS is exempt from the mandatory dedication of parkland requirement because it consists of nonresidential development.
9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 1 Master Plan and SMA, in order to implement planned trails, bikeways, and pedestrian improvements. The site is not located within either a center, or corridor, and is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

One master plan trail/bikeway impacts the application; a planned bicycle lane is recommended by the master plan along Muirkirk Road. The planned bicycle lane along Muirkirk Road per the MPOT, warrants a bikeway signage fee to accommodate future bicycle improvements. The submitted plans indicate additional right-of-way dedication. This dedication will provide the space necessary for the bicycle lanes.



The complete streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The adjacent development (Detailed Site Plan DSP-87108) to the east has an eight-foot-wide asphalt sidepath constructed along its frontage on Muirkirk Road. This was constructed per Condition 1 of DSP-87108, which required an eight-foot hard surface path within the right-of-way. However, this sidepath does not appear to meet current county standards and specifications due to an insufficient buffer, or green space between the path and the curb and the asphalt surface (DPW&T recommends concrete). Basic Plan A-9953-C for the subject site included no conditions of approval related to bicycle, pedestrian, or trail access. Because the applicable master plan recommends a standard sidewalk and designated bicycle lanes along Muirkirk Road, this was recommended for the frontage of the subject site at the time of CSP-17005. Provision of a standard sidewalk and designated bicycle lanes along the site's frontage of Muirkirk Road shall be demonstrated prior to acceptance of the DSP.

10. **Transportation**—The PPS is required to subdivide an existing parcel into two parcels to support the development of office/warehouse/wholesale retail facilities. Access and circulation for the subject site is provided by means of driveways from the existing public roadway, Muirkirk Road.

The subject property is located within Transportation Service Area 2, as defined in 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 (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6), is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the "Transportation Review Guidelines, Part 1."

**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. A three-part process is employed for two-way stop-controlled intersections: (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 CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all

movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The table summarizes trip generation in each peak-hour that will be used for the analysis and for formulating the trip cap for the site:

<b>Trip Generation Summary, 4-18029; Park Place</b>						
<b>Proposed Use</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
96,610 square feet Warehousing	31	8	39	8	31	39
42,060 square feet General Office	76	8	84	15	63	78
<b>Total Traffic</b>	<b>107</b>	<b>16</b>	<b>123</b>	<b>23</b>	<b>94</b>	<b>117</b>

An August 2019 traffic impact study (TIS) was submitted and accepted as part of the application documentation. The following tables represent the results of the analyses of critical intersections under existing, background, and total traffic conditions.

<b>EXISTING TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
Konterra Drive and MD 200 Westbound On-Ramp	736	525	A	A
Konterra Drive and MD 200 Eastbound On-Ramp	1058	1019	B	B
Konterra Drive and Muirkirk Road	1334	1133	D	B
Muirkirk Road and Muirkirk Meadows Drive	876	811	A	A
US 1 and Muirkirk Meadows Drive	863	826	A	A
US 1 and Ritz Way	896	757	A	A
Virginia Manor and Ritz Way	619	709	A	A

In evaluating the effect of background traffic, three background developments in the area plus a growth of 0.5 percent per year for three years that was applied to the through traffic volumes were included. Based on the regional growth, a second analysis was done.

The table shows the results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Konterra Drive and MD 200 Westbound On-Ramp	870	1191	A
Konterra Drive and MD 200 Eastbound On-Ramp	1228	1396	C	D
Konterra Drive and Muirkirk Road	1503	1413	E	D
<i>With improvements</i>	<i>1053</i>	<i>1158</i>	<i>B</i>	<i>C</i>
Muirkirk Road and Muirkirk Meadows Drive	928	893	A	A
US 1 and Muirkirk Meadows Drive	885	837	A	A
US 1 and Ritz Way	984	902	A	A
Virginia Manor and Ritz Way	873	1071	A	B

Regarding the total traffic scenario, the trip generation, as computed above, was applied to the local transportation network. Total traffic analysis indicates the following results:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Konterra Drive and MD 200 Westbound On-Ramp	887	1206	A
Konterra Drive and MD 200 Eastbound On-Ramp	1270	1422	C	D
Konterra Drive and Muirkirk Road	1534	1486	E	E
<i>with improvements</i>	<i>1084</i>	<i>1234</i>	<i>B</i>	<i>C</i>
Muirkirk Road and Muirkirk Meadows Drive	958	911	A	A
US 1 and Muirkirk Meadows Drive	895	851	A	A
US 1 and Ritz Way	985	904	A	A
Virginia Manor and Ritz Way	893	1081	A	B
West Access and Muirkirk Road	8.7 seconds	9.3 seconds	n/a	n/a
East Access and Muirkirk Road	8.7 seconds	9.6 seconds	n/a	n/a

Results show that all of the intersections will operate adequately under total traffic conditions, except for the Konterra Drive and Muirkirk Road intersection. To address this inadequacy, the TIS has recommended the following improvements:

- Add a second southbound left turn lane at the intersection.
- Modify the westbound center lane to provide a shared left-through-right turn lane.

The table above shows that with these improvements, the intersection will operate with adequate LOS.

The property has frontage on Muirkirk Road, which is to be upgraded to a major collector road (MC-106) within a right-of-way of 80–100 feet. The plan shows dedication, which is consistent with the master plan recommendation and is deemed acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required, in accordance with Section 24-124.

11. **Schools**—The PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and it was determined that the subdivision is exempt from a review for schools because it is a nonresidential use.
12. **Public Facilities**—In accordance with Section 24-122.01, police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated August 16, 2019 (Saunders Hancock to Turnquest), incorporated by reference herein.
13. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d).

The Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George’s County Fire/EMS Department, stated in writing on February 2, 2018, that a five-minute total response time is recognized as the national standard for Fire/EMS response times. The five-minute total response time arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of non-residential subdivision applications.

Deputy Fire Chief James V. Reilly stated in writing that the subject project was determined to have a response time over five minutes from the closest Fire/EMS station, 831, which is located at 7911 Prince George’s Avenue, in Beltsville.

The Planning Board approves three measures to mitigate the failure of the response time standards, as follows:

- a. The installation and maintenance of a sprinkler system that is NFPA 13 Standards for the Installation of Sprinkler Systems compliant to mitigate the fire risk. The installation of sprinklers shall not be waived.
- b. The installation and maintenance of automated external defibrillators, in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05). A sufficient number of AEDs shall be installed so that any employee is no more than 500 feet from an AED.

- c. The installation and maintenance of bleeding control kits is required because uncontrolled hemorrhage is also a time sensitive life threat. The requirement includes that a sufficient number of bleeding control kits be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.

The three measures will mitigate the failure of the response time standards, and adequate facilities will exist to serve the site.

14. **Water and Sewer**—Section 24-122.01(b)(1) states that “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 2008 *Water and Sewer Plan* designates the subject property in water and sewer Category 4, inside the sewer envelope, in the Growth Tier, and within Tier 1, under the Sustainable Growth Act. Category 3, obtained through the administrative amendment procedure, must be approved before approval of the final plat.

15. **Use Conversion**—The total development included in this PPS includes 128,810 square feet of industrial development in the I-3 Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

16. **Public Utility Easement (PUE)**—Section 24-122(a) 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 PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of Muirkirk Road. The required PUEs are delineated on the PPS.

17. **Historic**—A Phase I archeology survey was completed on the subject property, in October 2018. One archeological site, 18PR1132, a historic artifact scatter associated with a former house site, was identified. No additional archeological investigations are required. The subject property does not contain, and is not adjacent to any Prince George’s County historic sites or resources. This plan will not impact any historic sites, historic resources, or known significant archeological sites. Conditions 5, 6, 7, and 8 of PGCPB Resolution No. 19-23 have been satisfied. This plan will not impact any historic sites, resources, or known archeological sites.

18. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
A-9953C	N/A	District Council	Approved	9/26/2006	Z. O. No. 14-2006
DSP-08024	TCPII-035-2009	Planning Director	Dismissed	4/28/2015	NA
N/A	NRI-198-2017	Staff	Approved	3/26/2018	N/A
CSP-17005	TCP1-010-2018	Planning Board	Approved	9/24/2018	N/A
4-18029	TCP1-010-2018-01	Planning Board	Pending	Pending	Pending

**Grandfathering**

This project is not grandfathered, with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010, because the application is for a new PPS. This project is subject to the WCO and the Environmental Technical Manual.

**Plan 2035**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, the Established Communities of the General Plan Growth Policy, and within Employment/Industrial category of the General Plan Generalized Future Land Use as designated by Plan 2035.

**Master Plan Conformance**

The site is located within the Subregion 1 Master Plan and SMA. This application falls immediately outside of Focus Areas 2 and 3 within the SMA. The Environmental Infrastructure section of the master plan contains guidelines which have been determined to be applicable to the current project. The text in **BOLD** is text from the master plan, and the plain text provides the findings of the Planning Board on the PPS’s conformance to the guidelines.

**POLICY 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.**

This project is entirely situated on regulated and evaluation areas within the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). Measures to protect, preserve, and enhance these areas are discussed further.

**POLICY 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

**POLICY 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.**

An approved SWM Concept Letter and associated plan (19983-2018-0) from DPIE was issued, in conformance with the provisions of the Prince George's County Code and state regulations.

**POLICY 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.**

Green building techniques and energy conservation techniques shall be applied as appropriate. The use of alternative energy sources such as solar and wind is also encouraged.

**POLICY 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.**

The site is adjacent to existing single-family homes and regulated environmental features. The use of alternative lighting technologies, such as full cut-off optic fixtures, is encouraged to minimize light intrusion onto adjacent properties.

**Countywide Green Infrastructure Plan**

The Green Infrastructure Plan was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. The Green Infrastructure Plan indicates that the perimeter of the site, except for the frontage along Muirkirk Road, contains a regulated area within the designated network. The remainder of the site is mapped as an evaluation area.

The following policies and strategies are applicable to the subject application:

**POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
  - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**

- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
- e. Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
- f. Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**

**1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.**

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
- b. Prioritize use of public funds to preserve, enhance, connect, restore and protect critical ecological systems.**

The site contains a regulated area that is located within the Indian Creek subwatershed of the Anacostia River, and in a stronghold watershed. There are four impacts to regulated environmental features, which may result in the loss of habitat and eco-system services. The majority of the regulated area will remain intact. No sensitive species project review areas or special conservation areas are located on or within the vicinity of the subject site.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

**2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**



- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

No network gaps have been identified on the subject site. No mitigation has been identified for impacting the green infrastructure network at this time.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
  - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
  - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The site is currently undeveloped, and most of the regulated area will not be directly impacted by the development. A large retaining wall will be installed around the perimeter of the regulated area, which may impede movement of wildlife on and across the site. The use of arched and bottomless culverts, or bridges, are required for the road improvements that cross over the two existing streams, which traverse the site. The Green Infrastructure Plan will not be significantly impacted by transportation improvements. No master-planned trails are proposed through the regulated area of the site.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Conservation easements are required for the subject application to protect areas identified within the primary management area (PMA).

A required woodland conservation easement will be placed over all areas proposed for preservation and natural regeneration, prior to the Type 2 tree conservation plan (TCP2) approval.

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The current project has an approved SWM Concept Letter and plan (19983-2018-00). Only outfalls necessary to safely convey stormwater off-site are being proposed within the regulated environmental features and their buffers. The approved SWM concept plan indicates that all micro-bioretenment areas are outside of these regulated areas. Only outfall pipes and the associated outfall structures are within the boundaries of these regulated areas.

**POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.**

**General Strategies for Increasing Forest and Tree Canopy Coverage**

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

The woodland conservation threshold for the site will be met on-site. Use of appropriate planting techniques and the planting of native species is encouraged by both the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and the WCO.

### **Natural Resource Inventory/Existing Conditions**

An approved Natural Resources Inventory, NRI-198-2017, was submitted with the application. There is PMA comprised of streams and wetlands including their associated buffers, floodplain, and steep slopes located on-site. The forest stand delineation indicates the presence of one forest stand totaling 5.31-acres with a high priority for preservation and restoration. The site has 4.92 acres of net tract woodland. Fourteen specimen trees are identified on the NRI, eleven of which are on-site. No revisions to the TCP1 are required for conformance with the NRI.

### **Woodland Conservation**

This site is subject to the provisions of the WCO because the site is larger than 40,000 square feet in area, contains more than 10,000 square feet of woodlands, and has a previously approved Type 1 tree conservation plan (TCP1). TCP1-010-2018 was approved with CSP-17005. A revised TCP1-010-2018-01 was submitted with the current application.

The site has a woodland conservation threshold of 15 percent, or 2.52 acres. According to the worksheet, the woodland conservation requirement for this development after clearing is 4.08 acres. The TCP1 meets this requirement with 1.81 acres of preservation, 1.05 acres of natural regeneration, and 1.22 acres of off-site woodland conservation credits.

There are several technical revisions that need to be addressed on the TCP1 plan prior to signature approval. These revisions are specified further in this resolution.

### **Regulated Environmental Features/Primary Management Area**

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 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 outfalls at points 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. Impacts to regulated environmental features must first be avoided, and then minimized. The statement of justification (SOJ) must address how each impact has been avoided and/or minimized.

### **Statement of Justification**

An SOJ and associated exhibits were submitted for four impacts, identified as Impacts A–D originally totaling 17,300 square feet. Revised Impact “Exhibit B,” received on August 16, 2019, depicts a reduction in impacts to 12,020 square feet.

### **Analysis of Impacts**

The SOJ includes a request for the following impacts described below:

#### **Impact A: Eastern Frontage Improvements to Muirkirk Road**

Impact A is for the disturbance of 1,500 square feet of a stream buffer resulting from road improvements, and a stormwater outfall required for a re-alignment of Muirkirk Road, along the frontage of the site. This impact is required by Prince George’s County as part of the development of this site, has been determined to be necessary and unavoidable, and has been minimized to the extent possible. Impact A is approved.

#### **Impact B: Construction of a Retaining Wall and Perimeter Road**

Impact B is for the disturbance of 8,800 square feet of a stream buffer for construction of a retaining wall, and a perimeter road to access parking and the loading dock of proposed Building ‘A,’ on Parcel 1. It was determined that the road could not be located farther away from the PMA because of the topography of the site. The location of the entrance is determined by the safest sight distance along Muirkirk Road. The portion of the wall proposed to accommodate the access road was not considered a necessary impact when originally proposed at time of CSP, and it was determined that the location of the impact would be evaluated during the next phase of development, when the applicant was required to provide alternative designs to explore if the impact could be minimized or avoided.

An alternative design layout labeled as Exhibit B was submitted with this PPS, as required by Condition 3 of CSP approval. Exhibit B shows a decrease in grading associated with the proposed wall, resulting in a reduction in PMA impacts from 8,800 square feet to 3,520 square feet. The alternative design layout for Impact B is approved, as it will reduce the PMA impacts by 5,280 square feet. The PPS and TCP1 shall be revised accordingly, to reflect the alternative layout delineated on Exhibit B, prior to signature approval. Impact B is approved, as shown on revised Exhibit B.

#### **Impact C: Sanitary Sewer Connections**

Impact C is for the temporary disturbance of the PMA consisting of stream buffer, stream bed, and floodplain to accommodate a sanitary sewer connecting to an existing sewer line located off-site on Parcel 2, located east of the subject site, totaling 5,500 square feet. It appears that this is the most viable option to provide public sewer access, which is necessary for the development of the site, and that impacts have been minimized. Impact C is approved.

**Impact D: Western Frontage Improvements to Muirkirk Road**

Impact D is for the disturbance of 100-year floodplain, and the 75-foot-wide minimum stream buffer associated with road improvements and a stormwater outfall required for a re-alignment of Muirkirk Road, along the frontage of the site. This impact is shown to total 1,500 square feet. Impact D is approved.

Impact A for eastern frontage improvements to Muirkirk Road, Impact C for sanitary sewer connections, and Impact D for western frontage improvements to Muirkirk Road are approved, as shown. Impact B is approved, as depicted on the alternative layout presented by the applicant in Exhibit B for Impact B. The impacts are for 0.28 acre (12,020 square feet) of PMA impacts.

Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The limits of disturbance (LOD) shown on revised Exhibit B, show an alternative design reducing Impact B from 8,800 square feet to 3,520 square feet. The PMA impacts total 12,020 square feet.

**Specimen Trees**

Section 25-122(b)(1)(G) of the WCO 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.”

A Subtitle 25 Variance Application and an SOJ dated October 17, 2018, in support of a variance to remove 5 of the 11 specimen trees located on-site, was submitted. A full evaluation of the need to remove specimen trees has not been completed with the current PPS application because there are concerns regarding the location of the final LOD with respect to potential PMA impacts and woodland conservation areas. A full evaluation of the current variance request for specimen tree removal is deferred until review of the DSP and TCP2 when more detailed grading information will be available.

**Soils**

The predominant soils found to occur on-site, according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana-Downer complex, Croom gravelly sandy loam, Issue-Urban land complex (occasionally flooded), Urban land-Russett-Christian complex, and Zekiah and Issue soils (frequently flooded).

According to available information, no Marlboro clay exist onsite; however, Christiana complexes are mapped on this property. Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures. However, there are no slopes of significant concern identified within the area of this soil type, and the applicant is proposing to cut and fill the site to a one percent grade for a buildable area. A geotechnical review was not requested with this application, but may be required for review with a future development application.

No further action is needed as it relates to this application. A soils report may be required by DPIE in future phases of development.

19. **Urban Design**—Conformance with the following Zoning Ordinance regulations is required for the site development at the time of the required DSP review including, but not limited to, the following:

- Section 27-471, I-3 Zone requirements;
- Section 27-473, regarding the uses permitted in the I-3 Zone;
- Section 27-474, regarding regulations in the I-3 Zone;
- Part 11, Off-street Parking and Loading; and
- Part 12, Signs

**Conformance with the 2010 Prince George’s County Landscape Manual**

In accordance with Section 27-471(b) of the Zoning Ordinance, the development is subject to the Landscape Manual. Specifically, this property is subject to the requirements of 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. Conformance with the applicable landscaping requirements will be determined at time of DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Section 25-127(a)(1) of Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires that developments that propose 5,000 square feet, or greater, of gross floor area, or disturbance, shall be in compliance with this Division. Tree canopy coverage requirements are based on the gross tract area, and by zone. The subject application is required to provide a minimum 10 percent of tree canopy coverage. For a property of 17.21 acres, the required tree canopy coverage would be 1.72 acres. Compliance with this requirement will be further evaluated at time of DSP.

**Other Design Issues**

On the TCP1, the applicant shows two building footprints surrounded by two surface parking lots that are not connected. Even though specific site layout is not part of this PPS review, there are serious concerns about the isolated site design for the two buildings. Further review of all site improvements including on-site circulation will be carried out at time of DSP.

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.

\* \* \* \* \*

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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, October 10, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of October 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

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