



PGCPB No. 2020-65

File No. 4-19036

RESOLUTION

WHEREAS, Cambridge Place at Westphalia, LLC is the owner of a 68.94-acre parcel of land known as Parcel 1 and Parcel 2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on February 19, 2020, TC MidAtlantic Development II, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19036 for TC MidAtlantic 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 April 23, 2020, 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 April 23, 2020, 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 TCP1-011-12-03, and further APPROVED Preliminary Plan of Subdivision 4-19036 for 4 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Reflect an undisturbed area for the future 40-foot-wide buffer on the east side of the property and new proposed trail and utility alignments, in accordance with the applicant's exhibit submitted March 27, 2020 (sheet DSP-11 from the pending detailed site plan).
 - b. In General Note 6, ensure the summed net area of the three proposed parcels matches the "total net area of proposed parcels."
 - c. Remove Parcel 4 from the plan and show its land area as right-of-way to be dedicated. Revise the plan and general notes accordingly to show only three parcels proposed.
 - d. Remove the Maryland-National Capital Park and Planning Commission approval blocks from the plan. Save a 2-inch square blank space in the lower right corner of the plan for placement of a new certification approval.

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
3. Total development within the subject property shall be limited to uses which generate no more than 207 AM peak-hour trips and 201 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. At the time of final plat, the applicant shall dedicate 100 feet of right-of-way for the master-planned MC-634, as required by the Prince George's County Department of Permitting, Inspections and Enforcement.
5. At the time of final plat, the applicant shall dedicate 60 feet of right-of-way for the extension of Deer Stream Drive, in accordance with the approved preliminary plan of subdivision.
6. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4 (Pennsylvania Avenue)/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a fee of \$1.92 (in 2010 dollars) per square foot, pursuant to the Memorandum of Understanding (MOU) required by CR-66-2010. The MOU shall be recorded in Prince George's County Land Records. These unit costs will be adjusted based on an inflation cost index factor, to be determined by the Prince George's County Department of Public Works and Transportation at the time of issuance of each permit.
7. Prior to approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer, its heirs, successors, and/or assignees shall execute a Memorandum of Understanding (MOU) with the County that sets forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among Prince George's County Land Records and the Liber/folio noted on final plat of subdivision.
8. Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

Westphalia Road/Site Access intersection: Conduct a traffic signal warrant study and install signal if deemed to be warranted and approved by the Prince George's County Department of Permitting, Inspections and Enforcement.
9. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (32693-2019-00) and any subsequent revisions.

10. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities, and shall provide an exhibit depicting these improvements at the time of detailed site plan:
 - a. A minimum 8-foot-wide concrete or asphalt sidepath, along the subject site frontage of Westphalia Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - b. A minimum 8-foot-wide concrete or asphalt sidepath, along one side of master plan road MC-634, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - c. A standard sidewalk along one side of master plan road MC-634, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - d. Standard sidewalks along both sides of Deer Stream Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - e. A minimum of three inverted-u shaped bicycle racks placed at a location convenient to the entrance of the proposed building.
 - f. A continental style crosswalk crossing Westphalia Road that connects the sidewalk on the north side of Westphalia Road and the trail along the eastern side of the subject site, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
11. Prior to approval of detailed site plan, provide an exhibit that illustrates the location, limits, and details of the trail and easement, which runs adjacent to the eastern edge of the subject property.
12. Prior to approval of a final plat:
 - a. The final plat shall grant 10-foot-wide public utility easements along the public roadways, in accordance with the approved preliminary plan of subdivision.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant, for trail access across Parcel 1 from Deer Stream Drive to Westphalia Road, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision and detailed site plan.

13. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. The correct TCP1 number for this application is TCP1-011-12-03, which should reference consistently on the plan. Revise the revision number in the woodland conservation worksheet, in General Note 22, and in the approval block.
 - b. Revise the TCP Approval Block to add the prior approval of 4-18005 with the -02 revision and other associated information in standard font, and also add information related to the -03 revision.
 - c. Update the Development Review Division approval format cover sheet.
 - d. Revise the TCP1, as necessary, in accordance with the applicant's exhibit received on March 27, 2020, to show the western relocation of the sewer easement, along the eastern property boundary Parcel 1, to allow for retention of an undisturbed 40-foot-wide landscaped bufferyard, and the colocation of the sewer easement into the Deer Stream Drive and MC-634 rights-of-way to the southern boundary of the property.
 - e. Revise the Specimen Tree Table to indicate that no specimen trees are proposed to be removed and show the trees to be retained on the plan sheet.
 - f. Remove woodland preservation from public utility easements.
 - g. Any retaining walls shall be set back 10 feet from the primary management area (PMA) to allow for construction and maintenance without disturbance to the PMA.
 - h. Woodland conservation areas shall be set back 10 feet from any retaining wall to allow for construction and maintenance without disturbance to the primary management area.
 - i. Add a label to Westphalia Road indicating that it is a designated historic road, and show the location of the Section 4.6 landscape buffer (Buffering Development from Special Roadways) on the plan, and outside of the public utility easement.
 - j. Remove the "proposed tree line" for the plan. The limits of disturbance line are sufficient.
- k. Correct sheet numbering so there is only one Sheet 2.
- l. Provide a key sheet on the plan identifying the location of individual plan sheets.
- m. Revise the TCP1, as applicable, to be consistent with any other revisions required to the preliminary plan.

- n. Revise all notes, worksheets, and tables to correctly reflect revisions to the TCP1, and consistent with the preliminary plan of subdivision.
- o. Make any technical revisions required for consistency with the Woodland and Wildlife Habitat Conservation Ordinance and the Environmental Technical Manual.
- p. Have the revised plan signed and dated by the qualified professional preparing the plan.

14. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-011-12-03. 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 (TCP1-011-12-03), 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 (M-NCPPC), Prince George’s County Planning Department.”

15. 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.”

16. 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 the 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 road, 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.”

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

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**– The subject site consists of two existing parcels totaling approximately 68.94 acres, recorded in Plat Book SJH 247 pages 2–5. The first parcel is known as Parcel 1 and totals 16.67 acres. The second parcel is known as Parcel 2 and totals 52.27 acres. The site is located on the south side of Westphalia Road, approximately 0.5 mile northeast of MD 4 (Pennsylvania Avenue) and is in the Mixed Use-Transportation Oriented (M-X-T) Zone.

The subject application proposes four parcels for a total of 362,880 square feet of industrial development. Most of the land area, and all of the proposed development, is to be located on proposed Parcel 1, a 45.4-acre parcel taking up the northern portion of the property. Proposed Parcels 2 and 3, sized 4.5 and 13.17 acres respectively, are located in the southern portion of the property, and will retain existing woodland under the current application. Proposed Parcel 4 is 5.86 acres and is to be used entirely for road dedication. The existing 142,500 square foot vacant industrial building on the site is to be razed.

A preliminary plan of subdivision (PPS) is required because the proposed use on-site is substantially different from what was approved under previous PPS. In June 2014, the Prince George's County Planning Board approved PPS 4-11012, which proposed 301 multifamily units on existing Parcel 1. In November 2018, the Planning Board approved PPS 4-18005, which proposed 349,860 square feet of industrial development on existing Parcel 2. The current application is for resubdivision of the existing parcels for development of a 362,880-square-foot industrial building, in lieu of the previously approved development.

The removal of the previous multifamily proposal has caused some concern about the visual impact of the newly proposed industrial development on Westphalia Road (an historic road) and abutting residential property. To allay these concerns, the applicant will preserve a 40-foot wide tree buffer on the east side of the property, in between the new industrial building and the abutting Parkside (also known as Smith Home Farm) development. Woodland will also be retained at the front of the property between the building and Westphalia Road. The buffer, tree preservation, and views of the property are further discussed in the environmental and urban design findings of this resolution.

A variance request to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) was initially filed with this PPS application. However, the applicant is able to reroute a proposed sewer line so that the specimen trees do not have to be removed. Therefore, the applicant withdrew the variance request in an email dated March 27, 2020 (Speech to Finch), incorporated by reference herein.

3. **Setting**— The site is located on Tax Map 90, Grids C1, D1, C2, and D2, and is within Planning Area 78. The site is located on the south side of Westphalia Road, approximately 0.5 mile northeast of MD 4. To the north of the subject site is Westphalia Road. Beyond Westphalia Road are multifamily dwellings in the Multifamily Medium Density Residential Zone, as well as the Westphalia Community Center and Westphalia Neighborhood Park in the Rural Residential Zone. To the east of the site is the Parkside (also known as Smith Home Farm) development in the Residential Medium Development Zone. To the south of the site is a vacant wooded parcel owned by the Potomac Electric Power Company in the Light Industrial (I-1) Zone. To the west of the site are various industrial uses, also in the I-1 Zone. The site and surrounding properties are within the Military Installation Overlay (M-I-O) Zone for height and noise.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Industrial (vacant)	Industrial
Acreage	68.94	68.94
Gross Floor Area	142,500 square feet	362,880 square feet
Dwelling Units	0	0
Parcels	2	3
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George’s County Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on March 6, 2020.

5. **Previous Approvals**—The existing industrial building on-site was developed pursuant to Detailed Site Plan DSP-83045, approved by the Planning Board in August 1983. There was one subsequent revision to this DSP, DSP-83045-01, approved in June 2004. The previous DSP is not applicable to this PPS because the existing industrial building is to be razed. DSP-14021 was approved for the site in July 2015. This DSP proposed 301 multifamily dwelling units on existing Parcel, 1 in accordance with PPS 4-11012 (discussed below). This previous DSP is also not applicable because the development proposal for the site no longer includes the residential units. A new DSP, DSP-18020, is currently pending for industrial development of the site.

The subject site was rezoned from the I-1 Zone to the M X-T Zone through the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA).

On October 24, 2013, the Planning Board reviewed and approved Conceptual Site Plan CSP-11003 (PGCPB Resolution No. 13-122), which is applicable to this PPS. The CSP approved

up to 165,200 square feet of industrial and up to 68,221 square feet of commercial development, as well as up to 325 multifamily dwelling units. Because the current PPS includes more industrial development than approved under the CSP, the CSP must be revised. A revision to the CSP is expected to be submitted alongside the DSP submitted for the project.

CSP-11003 was approved subject to 14 conditions, and the following conditions in **BOLD** are related to the review of this PPS:

3. **Prior to the signature of the Type 2 Tree Conservation Plan for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:**

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”

This condition must be addressed prior to certification of a Type 2 tree conservation plan (TCP2).

4. **Prior to acceptance of a preliminary plan of subdivision, the following information shall be provided:**
 - a. **A statement of justification describing how the application meets each of the goals, policies, and strategies of the Environmental Infrastructure Section of the 2007 *Approved Westphalia Approved Master Plan and Sectional Map Amendment*.**
 - b. **A detailed statement of justification for the proposed removal of any specimen trees. The statement of justification shall be based on a detailed site design, including grading and stormwater management, and shall show how each of the required findings have been met by the application.**
 - c. **A stream corridor assessment using the Maryland Department of Natural Resources protocol shall be prepared for any on-site stream restoration efforts.**
 - d. **A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the Westphalia Sector Plan.**

- e. **An inventory of scenic and historic features along the site's frontage on Westphalia Road.**
- f. **An approved stormwater concept plan with a focus on stormwater facilities designed as amenities using LID techniques. The concept plan shall show the same site layout as the preliminary plan and its associated TCPI.**
- g. **A copy of the Erosion and Sediment Control Concept Plan.**

Conditions 4a. through 4g. are discussed in detail under the Environmental Finding of this resolution.

5. At the time of the preliminary plan of subdivision the applicant shall:

- a. **Demonstrate that rights-of-way for Westphalia Road, MC-634, are consistent with the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.**

The PPS delineates the rights-of-way for Westphalia Road and MC-634, consistent with the Westphalia Sector Plan and SMA. The dedication of MC-634 is discussed further in the Transportation finding.

- b. **Evaluate the feasibility of providing an access point into the multifamily portion of the development that is aligned with the existing intersection of Chester Grove Road and Westphalia Road.**

A possible alignment was first evaluated with 4-11012 and investigated further with the DSP for existing Parcel 1, DSP-14021. The project was discussed at an April 14, 2015 Prince George's County Department of Public Works and Transportation (DPW&T)/Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)/Maryland-National Capital Park and Planning Commission (M-NCPPC) coordination meeting, and it was found that due to sight-distance constraints and operational issues, it was not feasible to locate the site entrance so that it is aligned with Chester Grove Road. Aligning the site entrance with the entrance to the Westphalia Neighborhood Park and Community Center also does not appear to be feasible, based on the presence of regulated environmental features (wetlands) on the subject site directly across from the community center. Further, the multifamily use approved with CSP-11003 is no longer proposed. At the time of DSP, this CSP may be amended to reflect the current development proposal.

- 9. **Prior to the issuance of any building permits within the subject property the evidence of the following certifications shall be provided:**

- b. A registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces established in CB-3-2012.**

Condition 9b. should be addressed at the time of DSP.

- 10. Total development within the subject property shall be limited to uses which generate no more than 279 (129 in; 150 out) AM peak hour trips and 303 (142 in; 161 out) PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

A traffic study was submitted with this PPS. The development evaluated with this PPS will generate trips within the trip limit of the CSP. The evaluation of the traffic study and findings of adequacy of transportation facilities is discussed further in the Transportation finding.

- 11. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances; (b) have been permitted for construction through the operating agency's access permit process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

- a. Westphalia Road @ D'Arcy Road Intersection:
Conduct a signal warrant study and install signal, pursuant to DPW&T specifications if signal is deemed warranted and approved by DPW&T.**
 - b. Westphalia Road @ West site access intersection:
Conduct a signal warrant study and install signal, pursuant to DPW&T specifications if signal is deemed warranted and approved by DPW&T.**
 - c. Westphalia Road @ East site access Intersection:
Conduct a signal warrant study and install signal, pursuant to DPW&T specifications if signal is deemed warranted and approved by DPW&T.**

Condition 11 is no longer applicable because there are no longer two site access points proposed. A similar new condition applies to this PPS and is discussed in the Transportation finding.

- 14. A comprehensive and safe pedestrian network shall be provided. A pedestrian and bikeway facilities plan shall be provided with the preliminary plan or detailed site plan, as appropriate, that demonstrates how these pedestrian connections can be provided for the entire area of the CSP, and provide a timeline for the implementation of those connections. The following items shall be addressed in the pedestrian and bikeway facilities plan:**

- (a) **Pedestrian connectivity to recreation facilities and amenities on the subject site and adjacent sites.**
- (b) **Additional consideration shall be paid to providing safe pedestrian route across Westphalia Road.**
- (c) **Linkage of private recreational facilities to trails via a ten-foot-wide asphalt master planned trail along the Cabin Branch and eight-foot-wide trail connectors to the neighborhoods.**
- (d) **Pedestrian connectivity from the existing industrial building to Westphalia Road and the proposed multifamily development.**
- (e) **Connections to transit facilities including but not limited to bus stops.**

Conditions 14(a) and 14(c) are no longer applicable, as the project no longer includes recreational facilities. However, there is substantial pedestrian connectivity within the proposed plan; there is a proposed sidewalk between the parking lot and Westphalia Road, a trail connecting Westphalia Road and the residential community to the east, and a sidepath along master plan road MC-634. Pursuant to Condition 14(b), a crosswalk shall be provided to connect the sidewalk on the north side of Westphalia Road and the proposed trail along the eastern side of the subject site. In addition, there is a planned roadway, Deer Stream Drive, that will connect to the abutting residential community, MC-634, and the industrial building. Sidewalks shall be built on both sides of Deer Stream Drive, unless modified by DPIE. Lastly, the nearest transit stop to the subject site is a bus stop at the intersection of Westphalia Road and MD 4. There is an existing sidewalk that will connect the bus stop to the subject site.

Two PPS followed the CSP. The Planning Board heard and approved PPS 4-11012 on June 5, 2014 (PGCPB Resolution No. 14-52), which subdivided the property into two parcels for 301 multifamily units (Parcel 1) and 142,500 square feet of existing industrial development (Parcel 2). Following this, the Planning Board heard and approved PPS 4-18005 on November 15, 2018 (PGCPB Resolution No. 18-117) for redevelopment of Parcel 2 with 349,860 square feet of industrial development. This application approved further subdivision of Parcel 2 into one parcel and two outparcels, which has not been platted. Approval of PPS 4-19036 will supersede both previous preliminary plans. However, those conditions of approval, which remain relevant are discussed further in the related findings of this resolution.

The subject property was platted pursuant to PPS 4-11012 and recorded in Plat Book SJH 247-02 through 05 on February 27, 2017. A new final plat of subdivision will be required, in accordance with PPS 4-19036.

6. **Community Planning**—Conformance with the *Plan 2035 Prince George's Approved General Plan* (Plan 2035) and the Westphalia Sector Plan and SMA are evaluated, as follows:

General Plan

This application is in an Established Communities Growth Policy area. According to Plan 2035, “Established Communities are most appropriate for context-sensitive infill and low-to-medium density development” (page 20).

Master Plan

The Westphalia Sector Plan and SMA reclassified the subject property into the M-X-T Zone and recommends a variety of residential, commercial, and employment land uses on the subject property.

Aviation/MIOZ

This application is located within the Imaginary Surface D (Inner Horizontal Surface) of the M-I-O Zone, pursuant to Section 27-548.54, Requirements for Height of the Prince George’s County Zoning Ordinance. The maximum height for structures in this area is 150 feet above the runway surface. The site is within a noise contour of 60–74 dBA Ldn. Per Section 27-548.55(b), “interiors of all new residential construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.” The proposed warehouse use is not subject to Section 27-548(b) because it is not a residential use.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Letter (32693-2019-00) and associated plan were submitted with this PPS. The approval is dated October 25, 2019 and expires October 25, 2022. The plan shows two proposed submerged gravel wetlands at the rear of the industrial building, which will provide drainage.

Development of the site shall conform with the SWM concept approvals and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject PPS is exempt from the mandatory dedication of parkland requirement because it consists of nonresidential development. The previous conditions of PPS 4-11012 and DSP-14021 associated with recreational facilities for residential development on this property will no longer be applicable given this application approval. The existing park club agreement required by PPS 4-11012, recorded in Liber 37678, folio 327, for a monetary contribution into the Park Club for construction of recreational facilities, to serve residential development in the Westphalia Sector Plan Area, will no longer be applicable and will be voided by this PPS approval.

The applicant has proffered a trail along the east side of the property connecting Westphalia Road with the Smith Home Farm subdivision. This trail will have an associated public use easement, which will be dedicated to M-NCPPC. The specific alignment of the trail and boundaries of the easement will be determined at the time of DSP.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Westphalia Sector Plan and SMA. The site is not

considered to be in a General Plan center or corridor because only approximately 60 square feet of the site falls within the MD 4 corridor. This finding was first made with PPS 4-11012.

Previous PPS Conditions

Condition 1(a-b) of 4-18005 gave the following:

1. **Prior to signature approval of the PPS, the plan shall be revised to make the following technical corrections:**
 - a. **Update the Pedestrian and Bikeway Facilities Plan to incorporate the proposed future dedication of Deer Stream Drive on the subject site. The trail along MC-634 shall be relabeled as a Master Plan sidepath.**
 - b. **Revise the plans to show the sidepath along MC-634 as delineated on the Pedestrian and Bikeway Facilities Plan (Applicant's Exhibit A).**

With the current PPS, the applicant provided a pedestrian network exhibit that indicates the facilities listed above.

Existing Conditions, Sidewalks, and Bicycle Infrastructure

There are narrow sidewalks currently in place along the subject property's frontage of Westphalia Road. There is no existing bicycle infrastructure along Westphalia Road in the vicinity of the subject property. The portion of Westphalia Road that is fronted by the subject property is a planned sidepath per the MPOT.

Review of Proposed On-Site Improvements

The submitted plans provide the following pedestrian and bicyclist improvements:

- An 8-foot wide trail running north-south along the eastern portion of the subject property
- A sidepath along MC-634
- An internal sidewalk network
- A 5-foot-wide sidewalk along Westphalia Road

While the applicant has proposed sidewalk improvements along the subject site frontage along Westphalia Road, the master plan recommends a sidepath. A sidepath shall be provided, unless modified by DPIE. A sidepath is an 8- to 12-foot-wide concrete or asphalt pathway that runs parallel to the roadway.

As shown on an exhibit submitted March 27, 2020 (sheet DSP-11 from the pending DSP), the applicant has proffered a north-south trail, which runs along the eastern edge of the property. The location of the trail is supported, which provides pedestrian connectivity to Westphalia Road,

connecting to the subject site, as well as the community center across the street. The location of the trail also maintains the full landscape buffer from the residential community to the east. The trail will be located within a designated public use easement and will be constructed and maintained by the applicant. The appropriate dimensions and the final location of the trail and easement will be determined at the time of DSP.

Review of Plan Compliance

The MPOT provides policy guidance regarding multimodal transportation. The Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

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.

POLICY 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The applicant's submission features a pedestrian network exhibit which shows an internal sidewalk connecting the parking lot to Westphalia Road and an 8-foot trail along the east side of the property, providing separation between the subject property and the Parkside townhouse community. The submission also displays master-planned road MC-634, which features a planned sidepath.

The property falls within the Developing Tier and will require sidewalks on both sides of all new internal roads. Standard sidewalks shall be provided along both sides of Deer Stream Drive, and a sidewalk and a sidepath shall be provided along MC-634, unless modified by DPIE. The future expansion of Deer Stream Drive, which will connect to MC-634, provides an additional opportunity for pedestrian and bicycle friendly roadways to be planned with new road construction. Designated space for bicycle parking that is convenient is an important component of a bicycle-friendly roadway network. Inverted U-shaped bicycle racks shall be installed outdoors for visitors at a location convenient to building entrances.

This development is subject to the Westphalia Sector Plan and SMA. A bicycle/pedestrian trail network is displayed per Map 11 (page 45). The hiker/biker/equestrian trail displayed is no longer feasible in its planned location. However, the applicant has proposed a trail along the east side of

its subject property, which will increase pedestrian and bicycle connections to Westphalia Road and to the recreation center across the street from the subject site.

Within the Westphalia Sector Plan and SMA, the subject property falls within the Industrial Areas category per Map 4: Land Use (page 19). Per Policy 6 - Industrial Areas - Strategies (page 32):

- **Provide access to industrial sites by means of pedestrian trails and public transit, as well as public roads.**

Upon the completion of MC-634, which will feature a sidepath and sidewalk, access to the site by pedestrian and bicycle modes will be greatly improved. The recommended sidepath along Westphalia Road will also support pedestrian, bicycle, and transit modes of transportation to the proposed industrial development. In addition, the Prince George's County 20 Bus, which originates at the Addison Road Metro Station, has a stop at the MD 4 and Westphalia Road intersection, to serve the project vicinity.

Based on the preceding findings, pursuant to Subtitle 24 of the Prince George's County Code, the MPOT, and the Westphalia Sector Plan and SMA, the plan conforms to the required findings for approval for a PPS from the standpoint of pedestrian and bicyclist transportation, subject to the conditions of approval herein.

7. **Transportation**—Transportation-related findings for adequacy are made with this application, along with any needed determinations related to dedication, access, and general subdivision layout. This application is supported by a traffic impact study (TIS) dated October 2019. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted consistent with the "Transportation Review Guidelines, Part 1," (Guidelines).

Analysis of Traffic Impacts

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

Trip Generation Summary - 4-19036 TC MidAtlantic							
Land Uses	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Tot	
Existing							
<i>1 - Industrial – 142,500 sq. feet</i>	98	24	122	24	98	122	684
Proposed							
Warehousing – 324,480 sq. feet	104	26	130	26	124	130	1,006
General Office – 38,400 sq. feet	69	8	77	13	58	71	538
2 - Total new trips	173	34	207	39	182	201	1,544
Net Increase (2-1)	75	10	85	15	67	79	860

The property currently consists of 68.93 total acres, 16.66 acres for Parcel 1 and 52.27 acres for Parcel 2. The purpose of this application is to create four new parcels broken down, as follows:

- Parcel 145.4 acres
- Parcel 24.50 acres
- Parcel 3 13.17 acres
- Parcel 45.86 acres (Road dedication to MC-634)

It is noted that since Parcel 4 is to be used entirely for road dedication, it should not have a parcel designation, and instead be labeled as right-of-way to be dedicated.

Information provided in the applicant's statement of justification (SOJ) has indicated that the development being proposed will be limited to proposed Parcel 1. The planned uses for Parcels 2 and 3 are not part of this application and will be evaluated for transportation adequacy with future submittal(s).

The traffic generated by this PPS would impact the following intersections, interchanges, or links in the transportation system deemed to be critical:

- Westphalia Road and MD 4
- Westphalia Road and site access
- Westphalia Road and D'Arcy 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 D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized

intersections within any tier subject to meeting the geographical criteria in the Guidelines.

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.

An October 2019 TIS was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING CONDITIONS		
Intersection	AM-	PM
	LOS/CLV	LOS/CLV
Westphalia Road and MD 4	E/1,479	C/1,300
Westphalia Road and D'Arcy Road*	15.7 seconds	14.8 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. 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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

In evaluating the effect of background traffic, staff included 16 background developments in the area plus a growth of 1 percent per year for six years that was applied to the through traffic volumes. Based on the regional growth, a second analysis was done. The table below shows the results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Westphalia Road and MD 4	F/1,982	F/2,057
Westphalia Road and Site Access*	44.4 seconds	>200 seconds
Westphalia Road and D'Arcy Road*	76.8 seconds	99.0 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. 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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Total traffic analysis indicates the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Westphalia Road and MD 4	F/2,029	F/2,076
Westphalia Road and Site Access*	55.0 seconds	>200 seconds
<i>Tier 3 - CLV Test</i>	<i>NA</i>	<i>C/1,264</i>
Westphalia Road and D'Arcy Road*	86.1 seconds	106.9 seconds
<i>Tier 3 - CLV Test</i>	<i>B/1,086</i>	<i>A/786</i>
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. 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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Results from the total traffic revealed the following:

- The Westphalia Road/D'Arcy Road unsignalized intersection will operate adequately when analyzed under the Tier 3 CLV test. This intersection will operate with a CLV in each peak hour that is below the 1,150 threshold. Pursuant to the "Guidelines," no further action will be required.
- The Westphalia Road/Site Access intersection will exceed the 1,150 CLV threshold during the PM peak hour. This indicates that a traffic signal warrant study will be required of the applicant.

- The intersection of MD 4 and Westphalia Road was found to be operating inadequately at all phases of the adequacy evaluations. This intersection has a previously approved Public Facilities Financing and Implementation Program (PFFIP) funding mechanism in place that will ultimately provide for an upgrade to a grade separated interchange, with interim improvements occurring until that point. It is recommended in the TIS that a condition be approved allowing the applicant to contribute funds to the PFFIP in lieu of off-site improvements at this intersection. This issue is discussed further.

Feedback received from neither the Maryland State Highway Administration (SHA), DPIE, nor DPW&T discuss the TIS. At the time of PPS 4-18005 in 2018, the same critical intersections for this development were evaluated. At that time, neither of the county agencies had any issues with the traffic analyses, where the traffic impact was approximately twice that of the current proposal. The intersection of MD 4 and Westphalia Road is under the control of SHA. This intersection has been the subject of multiple evaluations for other developments where pro-rated monetary contributions have been proffered before, with SHA concurrence.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)

One of the conclusions cited in the applicant's traffic study was the fact that with monetary contributions towards the construction of the planned interchange at the MD 4/Westphalia Road intersection, the development would meet the requirements for transportation adequacy, pursuant to Subtitle 24.

On October 26, 2010, the Prince George's County Council approved Council Resolution CR-66-2010, establishing a PFFIP district for financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7, and 8) a cost allocation table was prepared that allocates the estimated \$79,990,000 cost of the interchange to all the properties within the PFFIP district. CR-66-2010 also established \$79,990,000 as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average daily trips (ADT) contributed by each development passing through the intersection, to the total ADT contributed by all the developments in the district passing through the same intersection. The ratio between the two sets of ADT becomes the basis on which each development's share of the overall cost is computed.

Data from the TIS has indicated that the proposed combined uses of warehouse and general office will generate 1,544 daily trips. However, based on its previous use, the site has been grandfathered with a development right of 684 daily trips from previous approvals. Consequently, this application is being evaluated based on 860 (1544-684) net daily trips. Based on the trip assignment from the TIS, 80 percent of the site daily trips ($860 \times 0.80 = 688$) will pass through the intersection of Westphalia Road and MD 4. Based on 688 daily trips, this site's contribution for the PFFIP was computed as \$695,651.30 (2010 dollars). Given the total area of the proposed building(s) as 362,880 square feet, the unit cost compute as \$1.92 per square foot. A spreadsheet of the PFFIP contributions, made part of this PPS record and incorporated by reference herein, provides greater detail of this computation.

Master Plan Roads and Site Access Evaluation

The property is in an area where the development policies are governed by the Westphalia Sector Plan and SMA, as well as the MPOT. The subject property currently fronts on Westphalia Road, which is designated as a master plan collector (C-626) road within an 80-foot right-of-way. The site plan shows Westphalia Road within 80 feet of right-of-way, hence no additional dedication for this road is required. The master plan also recommended the creation of a new road designated as MC-634 within a 100-foot right-of-way. This planned road will bifurcate the subject property upon its construction. The applicant has agreed however, to dedicate all 100 feet of the proposed right-of-way within the entirety of the property. The applicant is also proposing the extension of Deer Stream Drive to connect with the future MC-634. this future connection is approved with this PPS.

All other aspects of the site regarding access and layout are deemed to be acceptable.

Based on the findings presented in this section, adequate transportation facilities will exist to serve the subdivision, as required under Section 24-124.

11. **Schools**—Pursuant to Section 24-122.02 of the Subdivision Regulations, this PPS is exempt from review for impact on school facilities because the proposal consists of nonresidential development.
12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated March 6, 2020 (Thompson to Diaz-Campbell), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS is proposed to be 362,880 square feet of industrial development in the M-X-T 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 or any residential development shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), 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 property abuts Westphalia Road to the north, and the plan shows an existing PUE along this road which is to be retained. The plan also includes right-of-way dedication for MC-634 and Deer Stream Drive; PUEs are shown along these roads as required.

15. **Historic**—The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources. A Phase I archeology survey was conducted on the subject property in January 2013. Based on the results of the Phase I survey, no cultural material was identified, and no archeological sites were delineated. Due to the lack of cultural material or identified archeological sites, no further work is required on the subject property.
16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
DSP-83045	N/A	Staff	Approved	8/24/1983	N/A
DSP-83045-01	N/A	Planning Director	Approved	6/11/2004	N/A
NRI-016-11	N/A	Staff	Approved	11/04/2011	N/A
CSP-11003	TCP1-011-12	Planning Board	Approved	10/24/2013	13-122
4-11012	TCP1-011-12-01	Planning Board	Approved	6/5/2014	14-52
DSP-14021	TCP2-002-15	Planning Board	Approved	7/30/2015	15-79
NRI-016-11	N/A	Staff	Revalidated	8/28/2018	N/A
4-18005	TCP1-011-12-02	Planning Board	Approved	11/15/20018	18-117
4-19036	TCP1-011-12-03	Planning Board	Approved	4/23/2020	2020-65
DSP-18020	TCP2-002-2015-01	Planning Board	Pending	Pending	Pending

Grandfathering

This project is subject to the current regulations of Subtitles 24, 25, and 27 of the County Code that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Master Plan Conformance

The current master plan for this area is the Westphalia Sector Plan and SMA. In the master plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan conformance.

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

According to the approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's Resource Conservation Plan* (Countywide Green Infrastructure Plan), the site contains Regulated and Evaluation areas, associated with the stream system and wetlands on and adjacent to the site. The applicant has demonstrated that the Regulated areas, included in the primary management area (PMA), have been preserved and/or restored to the fullest extent possible.

- 2. Preserve 480 or more acres of primary management area as open space within the developing areas.**

Impacts to regulated environmental features and the PMA have been evaluated under the Environmental Review section of this finding.

- 3. Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.**

The current application only proposes redevelopment of an existing developed parcel. The remainder of the site is currently proposed to remain undisturbed with green space along the majority of the on-site stream network.

- 4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

The site contains headwaters of the Cabin Branch, within the Western Branch watershed. Preservation and restoration of the on-site stream system has been evaluated under the Environmental Review section of this finding.

- 5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.**

Impacts to the PMA are discussed in detail in the Environmental Review section of this finding.

- 6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.**

Impacts to the PMA are discussed in detail in the Environmental Review section of this finding.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

Impacts to environmentally sensitive areas are discussed in detail in the Environmental Review section of this finding.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

Strategies:

1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.

The site does not contain agricultural uses.

2. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.

A stream corridor assessment using the Maryland Department of Natural Resources (DNR) protocol was received by the Environmental Planning Section on March 14, 2014, during the review of PPS 4-11012. The stream corridor assessment report indicates that there are six problem areas in the on-site stream system; however, all problem areas that were identified are located on the undeveloped portion of the site and are not within the area proposed to be developed with this PPS application. At time of any PPS application proposing further development for the southern portion of the site, the problem areas identified in the assessment must be addressed. It should be noted that the stream corridor assessment report identified a failing riser structure in the existing in-stream SWM pond on the southern portion of the site.

3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.

The current application only plans for development of one of the proposed parcels. The remainder of the site is to remain undisturbed. An evaluation of the undeveloped parcels on the site will be required as part of any future development application for those parcels.

4. **Encourage shared public/private stormwater facilities as site amenities.**

SWM is discussed in detail in the Environmental Review section of this finding.

5. **Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

SWM is discussed in detail in the Environmental Review section of this finding.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

1. **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

The use of green building techniques and energy conservation techniques are encouraged for this site. Development on the remaining parcels of the site will require an evaluation, as part of a development application for those parcels.

2. **Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of alternative energy sources is encouraged.

Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

Strategies:

1. **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
2. **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
3. **Evaluate development proposals using Phase I noise studies and noise models.**

4. **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
5. **Provide for the use of appropriate attenuation measures when noise issues are identified.**

Strategies 1 and 2 are specific to noise associated with Joint Air Force Base Andrews. The subject property is located within the M-I-O Zone, Noise Intensity area. Based on the most recent Air Installation Compatible Use Zone study released to the public in 2007 by Joint Air Force Base Andrews, aircraft-generated noise in the vicinity is significant. The noise contours associated with Joint Air Force Base Andrews have been appropriately shown on the Type 1 tree conservation plan (TCP1). The northern portion of the site, adjacent to Westphalia Road, is mapped within the 65–69 dBA zone. The remainder of the site is mapped in the 70–74 dBA and 75–79 dBA zones. The current application proposes commercial/ industrial development on the northern portion of the site, located within the areas mapped as 70-75 dBA. Residential uses are not approved with this application.

Strategies 3 through 5 apply to traffic generated noise. The site fronts on Westphalia Road, a master-planned collector along the frontage, and a small portion is designated as arterial west of the subject site. The arterial portion appears to be associated with the off-ramp from MD 4. A master-planned right-of-way designated as a Major Collector, MC-634, runs through the site. No roadway designated as arterial or higher is located close enough to the property to warrant concern regarding traffic generated noise.

Countywide Green Infrastructure Plan (2017)

The Countywide 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. According to the approved Countywide Green Infrastructure Plan, the site contains regulated and evaluation areas within the designated network of the plan. While the green infrastructure elements mapped on the subject site will be impacted, the site was previously developed with an industrial use and the design of the site meets the zoning requirements and the intent of the growth pattern established in the Plan 2035.

Previous PPS Conditions

PGCPB Resolution No. 18-117 for PPS 4-18005 and TCP1-011-12-02, contains the following conditions that are environmentally-related.

6. **At the time of final plat:**
 - c. **A conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated PMA, except for the**

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 road, 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.”

The placement of conservation easements, as indicated, will be addressed with the current PPS.

9. **Prior to the issuance of any building permits within the subject property, evidence of the following certifications shall be provided:**

b. An acoustical engineer or qualified professional of competent expertise shall certify noise level reduction within the interior of the nonresidential building.

This condition was associated with noise impacts to residential uses. No residential uses are approved in this PPS.

Environmental Review

Natural Resources Inventory Plan/Existing Features

A Natural Resources Inventory, NRI-016-11-01, was approved on January 14, 2020 and was provided with this application. The TCP1 and PPS show the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-011-12-03) was submitted with this PPS application.

The TCP1 submitted with this application comprises Parcels 1, 2, 3, and 4, with Parcel 4 being a master plan right-of-way. The gross tract area is 68.94-acres, with 4.25-acres of 100-year floodplain, and 5.86 acres of right-of-way, for a net tract area of 58.83 acres. The total site contains 45.03-acres of woodland in the net tract with 3.63-acres of woodland in the floodplain. The woodland conservation threshold for M-X-T-zoning is 8.82 acres (15 percent). The woodland conservation worksheet includes the removal of 16.56-acres of woodland on the net tract area, resulting in a woodland conservation requirement of 12.96 acres. The requirement is to be met with 12.99 acres of woodland preservation on-site.

The TCP1 shows 5.12 acres of woodland retained not credited attributed to the area identified as a master plan right-of-way (MC-634), to be dedicated with this application.

Section 25-122(b)(1)(N)(v) requires that “land dedicated or to be dedicated shall not be counted toward meeting the requirements,” and that “land areas dedicated or to be dedicated for future road construction shall be counted as cleared if the associated development is required to construct the road.” The applicant is proposing to dedicate the road with this application, but not required to construct it at this time. Prior to approval of a grading permit for development of MC-634, an approved TCP2, or revision to an existing TCP2, will be required and shall show the right-of-way as cleared.

While the application meets the woodland conservation requirement on-site, there was concern about the removal of existing trees along the eastern boundary of the property, adjacent to residential portions of the Parkside development. The 2010 *Prince George’s County Landscape Manual* (Landscape Manual) requires the provision of a 40-foot-wide landscaped bufferyard between the differing uses, and staff strongly encouraged the retention of existing trees to provide a robust buffer. In response to staff comments, the applicant submitted an exhibit on March 27, 2020 (sheet DSP-11 from the pending DSP), which proposed to retain an undisturbed 40-foot-wide bufferyard with existing woodlands and augmentation planting to fulfill the requirements of the Landscape Manual. This was accomplished by a relocation of a proposed sewer line and the proposed trail between Westphalia Road and Deer Stream Drive. The sewer line right-of-way was proposed to move into the Deer Stream Drive and MC-634 rights-of-way while traversing the property to the southern property line. Adoption of this alternative design results in the retention of more existing woodlands in the southern portion of the site, and also eliminates the removal of four specimen trees in the southeastern corner of the site. The revised alignment for the sewer right-of-way crossing the site, which will result in substantial technical revisions to the TCP1, shall be shown prior to signature approval of the PPS.

Corrections and technical revisions are required to the TCP1 prior to signature approval of the plans.

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of an historic site or are associated with an 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 [Environmental] Technical Manual.”

The site contains 34 specimen trees. The applicant submitted a Subtitle 25 Variance for removal of four specimen trees with the original application. A realignment of a necessary sewer connection was most recently proposed by the applicant, which allows for retention of the four specimen trees. The variance request was subsequently withdrawn by the applicant on March 27, 2020.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject

property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the TCP1, one impact to an isolated wetland and wetland buffer is proposed for redevelopment of the site.

Impacts totaling 40,558 square feet were previously approved with CSP-11003 and 4-18005, to allow 37,790 square feet of isolated wetland and the associated buffer for development, 1,652 square feet of wetland and wetland buffer for installation of a stormwater outfall, and 1,116 square feet for a stormwater outfall to be placed within the PMA and stream buffer.

Statement of Justification

An SOJ, dated January 24, 2020 included a request for impacts, in addition to the impacts approved with the CSP, for removal of an isolated wetland and wetland buffer, totaling 1,400 square feet (0.03 acre).

Analysis of Impacts

The requested impact is for removal of a small isolated wetland located in the northeast corner of the property, which is disconnected from other environmental features. The wetland is contained and functions as a localized low spot within a clearing in an existing forest area. The existing site conditions direct run-off towards this low area, which has no outfall.

The isolated wetland is proposed to be graded and filled. DPIE has approved a Site Development Concept (32693-2019) for development of submerged gravel wetlands located to the southwest of the industrial warehouse building. The submerged gravel wetlands will function similarly to the existing pocket wetland, but will also provide SWM treatment to meet environmental site design requirements for on-site improvements.

Based on the SOJ, the Planning Board agrees that hydrology of the isolated wetlands is not sustainable with the proposed redevelopment of the site. The Planning Board also agrees that the redirection of run-off from the small wetland area to a submerged gravel wetland, located south of the proposed industrial buildings, is a beneficial solution for the safe and necessary treatment of on-site stormwater.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the impact exhibit, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The impact proposed is

necessary for conveyance of SWM and is reasonable for the orderly and efficient development of the subject property.

Scenic and Historic Roads

Westphalia Road is designated an historic road in MPOT and has the functional classification of collector. The MPOT includes a section on Special Roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways.

Any improvements within the right-of-way of an historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads.

The Landscape Manual addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of review of the DSP. Adjacent to an historic road, the Landscape Manual requires a Section 4.6 (Buffering Development from Special Roadways) landscape buffer, based on the development tier (now Environmental Strategy Area (ESA) 2). In ESA 2, the required buffer along an historic road is a minimum of 20 feet wide to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment, which provides a significant visual enhancement to the appearance of an historic road.

The special roadway buffer must be located outside of the right-of-way and public utility easements, and preferably by the retention of existing good quality woodlands, when possible.

17. **Urban Design**—The development of 362,880 square feet of industrial development will be subject to DSP approval.

Conformance with the Requirements of the Prince George's County Zoning Ordinance

The industrial use is permitted in the M-X-T/M-I-O zones and requires the approval of a CSP and DSP. Conformance with the following Zoning Ordinance regulations is required for the proposed development at time of the required DSP review, including, but not limited to the following:

- Section 27-543(a) of the Zoning Ordinance, regarding the uses allowed in the M-X-T Zone;
- Section 27-544 of the Zoning Ordinance, regarding regulations in the M-X-T Zone;
- Section 27-547(b) of the Zoning Ordinance, regarding the Table of Uses for the M-X-T Zone;
- Section 27-548 regarding regulations in the M-X-T Zone; and
- Parts 11 and 12 of the Zoning Ordinance regarding parking and signage, respectively.

Various industrial uses are permitted in the M-X-T Zone, per Section 27-547. Some types of industrial development are subject to Footnote 10, which applies to the subject property.

Conformance with the 2010 Prince George's County Landscape Manual

In accordance with Section 27-528(a)(1) of the Zoning Ordinance, the development 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; 4.6, Buffering Development from Streets (Historic Roadway); Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, are applicable to this development. Conformance with the requirements of the Landscape Manual will be evaluated at time of DSP.

The 40-foot buffer of preserved trees along the east side of the property is intended to meet the requirements of the Landscape Manual and will be further evaluated at DSP. A buffer will also be required along Westphalia Road, per section 4.6 of the Landscape Manual. At the time of DSP, these buffers will be evaluated for their effectiveness mitigating the visual impact of the industrial building on the road and abutting property.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. Compliance with TCC requirements will be further evaluated 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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PGCPB No. 2020-65
File No. 4-19036
Page 31

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 23, 2020 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of May 2020.

Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner /s/
M-NCPPC Legal Department

Date: April 27, 2020