



PGCPB No. 2022-70

File No. 4-21056

R E S O L U T I O N

WHEREAS, NCBP Property LLC is the owner of a 442.30-acre parcel of land known as Parcels A and B, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD); Agricultural-Residential (AR); and Industrial, Employment (IE); and

WHEREAS, on March 31, 2022, NCBP Property LLC filed an application for approval of a Preliminary Plan of Subdivision for 27 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21056 for National Capital Business Park was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 2, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(a) of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on June 2, 2022, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-004-2021-03, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21056 for 27 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Revise General Note 6 to provide corrected acreages for area outside primary management area, existing environmentally regulated features area.
 - b. Revise General Note 18 to add the sentence “(Of which 2.7618 million square feet was evaluated as mezzanine floor space of a High-Cube Fulfillment Center Warehouse - Sortable),” under Proposed Gross Floor Area.
 - c. Revise General Note 19 to provide the approval date of the applicable stormwater management concept plan.
 - d. Revise General Note 26 with the Type 1 tree conservation plan number associated with this PPS 4-21056.
 - e. Revise General Note 38 to remove reference to I-300 (Prince George’s County Boulevard).
 - f. Have the plans signed and sealed by a licensed land surveyor or a property line surveyor who prepared them.
 - g. Remove Sheet 2.
 - h. Remove the phrase “approved under SDP #32123-2021-0” from the label for the proposed 10-foot-wide shared-use path on Sheet 13.
 - i. Show a 10-foot-wide public utility easement along property frontage with Popes Creek Drive. The applicant may request a variation to this requirement at the time of final plat.
 - j. Show the master plan right-of-way alignment of I-300 and label as “I-300 (Master Plan Alignment).”
2. Total development within the subject property shall be limited to uses which generate no more than 1,401 AM peak-hour trips and 1,735 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
3. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision, prior to the approval of any building permits.
4. Development of this site shall be in conformance with the approved stormwater management concept plan (42013-2020-00) and any subsequent revisions.

5. Prior to approval of a final plat:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a business owner's association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
 - c. The final plat of subdivision shall contain a note reflecting denial of vehicular access along the frontage of Leeland Road, save and except for the public park proposed on the north side of Leeland Road and any temporary construction entrances needed for the project.

6. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business owner's association land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.

- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
7. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for each building.
 - b. Install and maintain a sprinkler system that complies with the applicable National Fire Protection Association standards for the installation of sprinkler systems.
 - c. Install and maintain automated external defibrillators (AEDs) at each building, in accordance with the Code of Maryland Regulations requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
 - d. Install and maintain bleeding control kits next to fire extinguisher installation at each building, and no more than 75 feet from any employee.

These requirements shall be noted on the specific design plan.

8. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision.
9. The applicant shall submit a phasing plan (with adequate justification) as part of the first specific design plan for a building, to show the phasing of the following transportation improvements to the development of the site. A determination shall be made at that time as to when said improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency.
- a. US 301 (Robert Crain Highway) at Leeland Road
 - (1) Provide three left turn lanes on the eastbound approach.
 - b. A signal warrant analysis and signalization of the intersection of Prince George's Boulevard and Queens Court-Site Access with the following lane configuration:
 - (1) A shared through and left and a shared through and right lane on the eastbound approach.
 - (2) A shared through and left and a shared through and right lane on the westbound approach.

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

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

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

In lieu of the fee payment listed in the preceding paragraph, prior to approval of a building permit for each phase of development, the applicant and the applicant's heirs, successors, and/or assignees shall provide improvements along US 301 (Robert Crain Highway), within the limits of US 301 that are covered by the Capital Improvement Program-funded improvements. The phasing of the of the US 301 improvements shall be submitted with each specific design plan application, prior to its acceptance, when this option is applied. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

11. The applicant shall provide an interconnected network of pedestrian and bicycle facilities consistent with the 2009 *Countywide Master Plan of Transportation* and the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* policies and goals. The exact design and details of these facilities shall be provided as part of the first specific design plan, prior to its acceptance.
12. The applicant's heirs, successors, and/or assignees shall construct a minimum 10-foot-wide master plan hiker/biker trail located along the Collington Branch Stream Valley and a minimum 10-foot-wide feeder trail to the employment uses.
13. Prior to the issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall (a) have full financial assurances, (b) a permit for construction through the operating agency's access permit process, and (c) an agreed upon timetable for construction with the appropriate operating agency of a minimum 10-foot-wide master plan shared-use path along the subject site frontage of Leeland Road, consistent with AASHTO standards, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence. The exact details shall be shown as part of the first specific design plan for a building, prior to its approval.
14. At the time of the first final plat, in accordance with Section 24-134(a)(4) of the prior Prince George's County Subdivision Regulations, approximately 113.21 +/- acres of parkland, as shown on the preliminary plan of subdivision, shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:

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

Should the easement requests be approved by DPR, a performance bond, maintenance and easement agreements may be required, prior to issuance of any grading permits.

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

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

- e. The public recreational facilities shall be constructed, in accordance with the standards outlined in the Prince George's County *Park and Recreation Facilities Guidelines*.
 - f. Prior to submission of any final plats of subdivision, the applicant shall enter into a public recreational facilities agreement (RFA) with the Maryland-National Capital Park and Planning Commission for construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Prince George's County Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the recording reference shall be noted on the final plat of subdivision prior to recordation. The RFA may be subsequently modified pursuant to specific design plan approvals, or revisions thereto, which determine the timing for construction of the 20-acre park and Collington Branch Stream Valley Trail.
 - g. Prior to the approval of the first building permit for a new building, the applicant shall submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond, a letter of credit, or other suitable financial guarantee, for construction of the public recreation facilities, including the Collington Branch Stream Valley Trail, in the amount to be determined by DPR.
17. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan shall be revised as follows:
- a. The specimen tree table shall be updated to note in the disposition box which trees were removed with the timber harvest approval, with the prior PPS 4-20032 and Specific Design Plan SDP-1603-01 approvals, and with the current PPS 4-21056. Specimen trees shown on the plan as to remain should not be shown as to be removed in the table.
 - b. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

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

- f. Have the plans signed and dated by the qualified professional who prepared them.
18. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-004-2021-03). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2021-03 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
19. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
- “This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
20. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
21. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
22. Prior to the issuance of the fine grading permit, the applicant shall post a rare, threatened, and endangered species monitoring bond with Prince George’s County Department of Permitting, Inspections and Enforcement in accordance with the Habitat Protection and Management Program as approved by Maryland Department of Natural Resources.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is a 442.30-acre property known as Tax Parcel 30 and is further described as Parcels A and B by deed in the Prince George's County Land Records in Liber 35350 at folio 319. Parcel A is a larger tract of land, approximately 440.21 acres in area, and Parcel B is a 2.09-acre tract of land separated from Parcel A by the right-of-way of a railway line. The subject property has never been the subject of a final plat of subdivision. The subject property is located in multiple zones; 426.52 acres are located in the Legacy Comprehensive Design (LCD) Zone, 15 acres in the Industrial, Employment Zone, and 0.78 acre in the Agricultural-Residential (AR) Zone. The property is subject to the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan). This application was reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required by Section 24-1703(a) of the Subdivision Regulations. The site is evaluated according to the prior Residential Suburban Development (R-S), Light Industrial (I-1), and Residential-Agricultural (R-A) Zones, pursuant to the prior Zoning Ordinance.

This preliminary plan of subdivision (PPS) application includes 27 parcels for development of up to 5.5 million square feet of industrial use. The proposed development is in accordance with the provisions of the Prince George's County Zoning Ordinance, as modified by Prince George's County Council Bill CB-22-2020. This legislation was adopted by the Prince George's County District Council on July 14, 2020, for the purpose of permitting certain employment and institutional uses permitted by-right in the Employment and Institutional Area (E-I-A) Zone, to be permitted in the R-S Zone under certain specified circumstances, as defined by Footnote 38 in Section 27-515 of the Zoning Ordinance. The council bill also provided procedures for the amendment of approved basic plans to guide the development of such uses.

This property is currently the subject of PPS 4-20032 for National Capital Business Park, which was approved by the Prince George's County Planning Board on September 9, 2021 and is valid until September 30, 2023. PPS 4-20032 was approved for 36 parcels for development of 3.5 million square feet of industrial use. The proposal to change the land use quantities, lot configurations, and prior conditions of PPS 4-20032 (PGCPB Resolution No. 2021-112) requires the approval of a new PPS and a new determination of adequacy. This PPS supersedes PPS 4-20032 for the subject property and includes 27 parcels for industrial use.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow removal of 13 specimen trees. This variance is approved to allow removal of 11 specimen trees. Two of the specimen trees requested for removal were previously approved by the Planning Board and removal implemented via the issuance of grading permits. Therefore, no action is required pursuant to the current variance request, which is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Maps 76, 77, and 85 in Grids F3, F4, A2, A3, A4, B1, B2, B3, B4, C3, and C4, and is within Planning Area 74A. The site is located on the north side of Leeland Road, approximately 3,000 feet west of its intersection with US 301 (Robert Crain Highway), in Upper Marlboro. The site is bounded to the north by undeveloped properties in the Reserved Open Space, Agricultural and Preservation (AG), and LCD Zones; to the west by a CSX railroad right-of-way, and undeveloped properties in the LCD, AR, and AG Zones, including the Collington Branch Stream Valley; to the south by vacant LCD-zoned property, Leeland Road and beyond by Beech Tree, a residential subdivision in the LCD Zone, and undeveloped property in the AR Zone; and to the east by the existing Collington Center, an employment center, in the LCD Zone, and two single-family dwellings in the Rural Residential Zone.

The site is currently undeveloped and predominantly wooded. The site is characterized by extensive environmental resources associated with the Collington Branch stream valley system. The proposed subdivision concentrates development in the northeast portion of the property, in order to avoid impacts to the more environmentally sensitive areas of the site.

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

	EXISTING	APPROVED
Zone	LCD/IE/AR	LCD/IE/AR (reviewed per R-S/ I-1/ R-A standards)
Use(s)	Vacant	Industrial
Acreage	442.30	442.30
Gross Floor Area	0	5.5 million
Parcels	2	27
Lots	0	0
Outlots	0	0
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

It is noted that though the deed of recordation for the subject property, Liber 35350 folio 319, provides the total acreage to be 441.98 acres, the certified boundary survey submitted by the applicant reflects the total tract area as 442.30 acres. Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 15, 2022.

5. **Previous Approvals**—The site was rezoned from the R-A to the E-I-A Zone with the 1991 *Adopted Sectional Map Amendment for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B*. The rezoning was contained in Zoning Map Amendment (Basic Plan) A-9829.

Basic Plan A-9968

In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new master plan and sectional map amendment for Bowie and Vicinity was underway. A-9968 was approved by the District Council as part of the 2006 *Approved Sectional Map Amendment for Bowie and Vicinity* by the adoption of Prince George's County Council Resolution CR-11-2006 on February 7, 2006, which rezoned the subject property from the E-I-A and R-A zones to the R-S Zone.

Basic Plan Amendment A-9968-01

A-9968-01 was approved by the District Council on May 13, 2019, to increase the number of dwelling units by 313 units, to increase the allowed percentage of single-family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of A-9968.

Council Bill CB-22-2020

On July 14, 2020, CB-22-2020 was enacted for the purpose of permitting certain employment and institutional uses permitted by-right in the E-I-A Zone to be permitted in the R-S Zone under certain specified circumstances and provided procedures for the amendment of approved basic plans to guide the development of such uses. These specified circumstances are provided in Footnote 38 of Section 27-515(b) of the Zoning Ordinance, which is the Table of Uses for Comprehensive Design Zones:

Footnote 38

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

- (a) **The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:**
 - (i) **was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;**
 - (ii) **contains at least 400 acres and adjoins a railroad right-of-way; and**
 - (iii) **is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.**
- (b) **Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.**

- (c) **Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.**
- (d) **Additional requirements for uses developed pursuant to this footnote shall include the following:**
 - (i) **Street connectivity shall be through an adjacent employment park; and**
 - (ii) **A public park of at least 20 acres shall be provided.**

Basic Plan Amendment A-9968-02

Subsequent to the enactment of CB-22-2020, A-9968-02 for National Capital Business Park was approved for the subject property by the District Council on April 12, 2021 (Zoning Ordinance No. 2-2021), to delete all residential uses and replace them with uses permitted in the E-I-A Zone for the I-1, R-A, and R-S Zones of the subject property. Approval of A-9968-C-02 was subject to 17 Conditions and 2 comprehensive design plan (CDP) considerations. Condition 1 of A-9968-02 established the types and quantities of land use permitted for the subject property, as follows:

1. Proposed Land Use Types and Quantities

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

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

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

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

Basic Plan Amendment A-9968-03

The property is subject to A-9968-03, for National Capital Business Park, approved by the District Council on May 16, 2022, which allows for the development of warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses up to 5.5 million square feet. This

application was approved subject to 18 conditions and 2 CDP considerations, along with the following types and quantities of land use permitted for the subject property:

1. Proposed Land Use Types and Quantities

Total area: 442.30 +/- acres

Total area (I-1 Zone): 15 +/- acres (not included in density calculation)

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

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

Land in the 100-year floodplain: 92.49 acres

Adjusted gross area

(426 less half of the floodplain): 380.27 acres

Proposed Use:

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

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

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

Comprehensive Design Plan CDP-0505

CDP-0505 for Willowbrook was approved by the District Council on April 9, 2007 (PGCPB Resolution No. 07-273) for residential development on an area of 427 acres consisting of 818 total dwelling units including 110 multifamily units, 153 single-family attached units, and 555 single-family detached units in the R-S Zone. Of these dwelling units, 216 were for a mixed retirement component.

Comprehensive Design Plan Amendment CDP-0505-01

On April 15, 2021, the Planning Board approved CDP-0505-01 (PGCPB Resolution No. 2021-50), amending the previously approved CDP with five conditions. The amendment removed previously approved residential uses and replaced them with 3.5 million square feet of employment and institutional uses, in accordance with A-9968-02. The remainder of the subject property, consisting of 15 acres in the I-1 Zone and 0.78 acre in the R-A Zone, was not included in this amendment.

Comprehensive Design Plan Amendment CDP-0505-02

On May 5, 2022, the Planning Board approved CDP-0505-02, amending the previously approved CDP to increase the gross floor area of the permitted employment and institutional uses from 3.5

to 5.5 million square feet, in accordance with pending A-9968-03. The remainder of the subject property, consisting of 15 acres in the I-1 Zone and 0.78 acre in the R-A Zone, was not included in this amendment. At the time of review of this PPS, the CDP was pending final action by the District Council.

This PPS was reviewed for conformance to the relevant conditions of A-9968-03 and CDP-0505-02, as further discussed.

Preliminary Plan of Subdivision 4-06066

An overall PPS 4-06066, titled Willowbrook, was approved on February 8, 2007 (PGCPB Resolution No. 07-43(A)) for 699 lots and 26 parcels for development of 539 single-family detached dwellings, 160 attached dwellings, and 132 multifamily dwellings. However, this PPS was superseded by PPS 4-20032.

Preliminary Plan of Subdivision 4-20032

PPS 4-20032, titled National Capital Business Park, was approved by the Planning Board on September 9, 2021 (PGCPB Resolution No. 2021-112) for 36 parcels for the development of 3.5 million square feet of employment/institutional uses on the subject property. Development proposed via A-9968-03 and CDP-0505-02 required a new PPS to establish a 2 million-square-foot increase to capacity over this PPS. PPS 4-21056 supersedes PPS 4-20032 for the subject property. The conditions of PPS 4-20032 remaining relevant to the subject property have been carried forward, or modified as needed.

Specific Design Plan SDP-1603

On March 30, 2017, Specific Design Plan SDP-1603 (PGCPB Resolution No. 17-144) was approved for Phase One of the residential development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, subject to 15 conditions. The SDP conditions are not applicable to the review of this PPS.

Specific Design Plan SDP-1603-01

On January 13, 2022, SDP-1603-01 (PGCPB Resolution No. 2022-10) was approved for infrastructure including street network, sidewalks, utilities, grading, stormwater management (SWM), retaining walls, and directional signage, in accordance with prior A-9968-02, CDP-0505-01, and PPS 4-20032. A new SDP application will be required to approve development, in accordance with A-9968-03, CDP-0505-02, and this PPS.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan was evaluated, as follows:

Plan 2035

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low- to

medium-density development (Map 1, Prince George's County Growth Policy Map, pages 18-20).

Master Plan

The master plan recommends industrial/employment land uses on the subject property. The property is included in the Collington Local Employment Area, where the goal is to attract light industrial and office land uses. Other relevant policies and strategies in the master plan include:

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

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

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

This PPS proposes industrial uses, fulfilling Policy EP11. The shared-use paths for Collington Branch Trail and along Leeland Road, and a feeder trail to these facilities, are provided on the PPS and meet the master plan policy for active transportation infrastructure. The PPS also provides parkland dedication along the entire stretch of the Collington Branch Stream Valley on the subject site, which connects from Leeland Road to the subject property's northern boundary. The parkland dedication and park development, and the transportation infrastructure to be provided are discussed further in the Parks and Recreation and Transportation findings, respectively.

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

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property to the LCD Zone effective April 1, 2022.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the land use recommendations of the master plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM concept plan (42013-2020-01) was submitted with this application and is currently in review with the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), which shows the use of submerged gravel wetlands, underground storage facilities, sand filters, micro-bioretenion facilities, a dry swale, and dry pond. The development will be subject to a site development fine grading permit and continuing reviews by DPIE and the Prince George’s County Soil Conservation District.

Development of the site in conformance with SWM concept approval and any subsequent revisions, ensuring that no on-site or downstream flooding occurs, satisfies the requirement of Section 24-130 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS application was reviewed and evaluated for conformance with the requirements of A-9968-03, CDP-0505-02, Plan 2035, the master plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities. This property is currently unimproved and fully wooded and within the Patuxent River watershed.

This PPS includes 27 parcels for the development of a total of 5.5 million square feet of industrial development. In accordance with Section 24-134(a) of the Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development. However, legislation was adopted by the District Council on July 14, 2020, for the purpose of allowing uses permitted in the prior E-I-A Zone on land in the prior R-S Zone, pursuant to Section 27-515(b). Footnote 38 of this provision contains conditions that apply to this property, including a requirement for the applicant to provide a public park of at least 20 acres. The applicant has been working with the Prince George’s County Department of Parks and Recreation (DPR) to design a suitable park to meet the recreational needs of Prince George’s County and provided a conceptual plan representative of these needs. The design of the park will be finalized with a mandatory referral, and the park will be developed by the applicant following established timeframes, as required with this approval.

A-9968-03 mandates that the applicant dedicate additional land in the Collington Branch Stream Valley and construct the master plan Collington Branch Stream Valley Trail. This PPS shows a total of 113.21 acres to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) inclusive of the 20-acre park, and includes a conceptual layout of the trail, which will be developed concurrently with the 20-acre park.

In addition, the applicant is proposing to construct a 10-foot-wide feeder trail extending from the southern terminus of Logistics Lane to the shared-use path on Leeland Road. This trail will be located on business owners association lands and is subject to conditions provided in this resolution.

Thus, the National Capital Business Park development provides a significant area of riparian forested parkland along the Collington Branch Stream Valley that will maintain an important greenway, trail and hydrologic connection of over a mile linear distance, filling in a gap between two existing bookended sections of Collington Branch Stream Valley Park (M-NCPPC). Public active open space to be provided is 20 acres, and passive open space to be provided is approximately 241 acres including 113+/- acres of parkland conveyance and 128 +/- acres in open space parcels to be owned by the business owners association. The provided open space also includes approximately 92.5 acres of floodplain.

Review of Previous Conditions of Approval

A-9968-03 was approved with 18 conditions and 2 considerations, of which the following conditions relate to the dedication of parkland to M-NCPPC:

- 4. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100+ acres of parkland to the Maryland-National Capital Park and Planning Commission, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on the Prince George's County Department of Parks and Recreation Exhibit A (Bates Stamped 62 of 63, Exhibit 28, A-9968-01).**

The PPS shows 113.21 acres to be dedicated to M-NCPPC, in conformance with this condition.

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

The land area designated for dedication purposes complies with DPR's standard requirements for the conveyance of land, including the dedication of 20 acres for active recreation (community park), as required by the relevant provisions of Section 27-515(b), Footnote 38.

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

The conceptual location of the master plan Collington Branch Stream Valley trail and the feeder trail from the employment uses have been evaluated. A final master plan trail location will be determined with a mandatory referral, in conjunction with development of the 20-acre community park. Since the areas to be dedicated to M-NCPPC shall be reviewed at the time of SDP for compliance to the WCO, an adequate area shall be shown to include the conceptual location of the master plan trail and associated clearing for construction and maintenance. The PPS delineates a 16-foot-wide clear space centered along the conceptual trail alignment, so that any proposed woodland conservation areas can be established to accommodate the trail. The final location and details of the feeder trail will be approved with the SDP for infrastructure. Conditions relating to these requirements are provided in this resolution.

7. **A revised Plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George’s County Department of Parks and Recreation staff at the time of Comprehensive Design Plan.**

A revised plan showing parkland dedication and the master plan trail was provided with the CDP and reviewed by DPR staff.

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

A list of recreational facilities including a dog park, pickleball courts, a cricket pitch, a playground, restrooms, trails, an exercise circuit, a picnic shelter, a baseball/softball field, and all associated infrastructure was provided and reviewed with SDP-1603-01 for infrastructure, based on guidance offered by DPR staff. The PPS shows a conceptual layout of the park as it was proposed with SDP-1603-01.

CDP-0505-02 was approved by the Planning Board on May 5, 2022. None of the conditions of approval of the CDP, related to parks and recreation, are relevant to this PPS.

Based on the preceding finding, the PPS conforms to the parks and recreation requirements of CB-22-2020, A-9968-03, and CDP-0505-02.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the MPOT, the area master plan, and the Subdivision Regulations to provide the appropriate transportation facilities.

Previous Conditions of Approval

There are multiple prior approvals on the subject property. These include CDP-0505, CDP-0505-01, PPS 4-06066, and PPS 4-20032. These applications do not have any bearing on the subject PPS and are replaced by subsequent applications.

The site is subject to A-9968-03 and CDP-0505-02, which are considered with this PPS.

A-9968-03

A-9968-C-03 includes the following conditions and considerations, which relate to pedestrian, bicycle, and vehicular transportation:

- 6. The Applicant, the Applicant's heirs, successors, and/or assigns shall construct a minimum 10-foot-wide Master Plan hiker/biker trail located along the Collington Branch Stream Valley and a minimum 10-foot-wide feeder trail to the employment uses. The alignment and design details of both trails may be modified by the Prince George's County Department of Parks and Recreation, to respond to environmental constraints, with written correspondence.**
- 15. The Applicant, the Applicant's heirs, successors, and/or assignees shall construct a minimum 10-foot-wide master plan shared-use path along the subject site frontage of Leeland Road, consistent with AASHTO standards, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.**
- 18. The applicant shall provide a network of pedestrian and bikeway facilities internal to the site unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence. The exact location and design of said facilities shall be evaluated with future applications.**

In accordance with Condition 6, the PPS shows a 10-foot-wide Collington Branch Trail as a shared-use path, and a 10-foot-wide feeder trail connecting Leeland Road and Logistics Lane. The shared-use path along the property's frontage of Leeland Road required by Condition 15 is also shown on the PPS. Typical sections of streets are provided, which depict dimensions and location of pedestrian and bicycle facilities proposed to serve the development, in accordance with Condition 18. The alignment and design details of these facilities will be evaluated at the time of SDP as a condition of approval.

CDP-0505-02

CDP-0505-02 includes the following conditions (Conditions 2, 4, and 7) which relate to requirements of pedestrian, bicycle, and vehicular transportation:

- 2. This comprehensive design plan has modified Condition 4 attached to CDP-0505-01 as follows:**
 - 4. Unless modified at time of preliminary plan of subdivision, prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement, a fee calculated as \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) /**

(Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the preliminary plan of subdivision to reflect the project cost in the adopted Prince George's County Public Works & Transportation Capital Improvement Program. In lieu of the fee payment listed in this condition, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301 that are covered by the Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

- 4. The following road improvements shall be included as part of a phasing plan at the time of the first specific design plan for a building, and a determination shall be made as to when said improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:**
 - a. US 301 (Robert Crain Highway) at Leeland Road**
 - (1) Provide three left turn lanes on the eastbound approach**
 - b. Prince George's Boulevard and Queens Court-Site Access, unless modified at time of preliminary plan:**
 - (1) Provide a shared through and left and a shared through and right lane on the eastbound approach.**
 - (2) Provide a shared through and left and a shared through and right lane on the westbound approach.**
 - (3) Provide a shared through and left on the northbound approach and a shared through and right lane on the southbound approach.**
- 7. Prior to issuance of each building permit for this development, the applicant and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), a fee per square foot to be determined at the time of preliminary plan of subdivision.**

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

The above referenced improvements were evaluated as part of the transportation impact study associated with this PPS and are further discussed in the transportation planning review section of this finding.

Master Plan Conformance

Master Plan Right-of-Way

The site is governed by the MPOT and master plan. The subject site is along the 100-foot master-planned right-of-way of Leeland Road (a major collector). Dedication of 4.48-acre right-of-way along Leeland Road is required to meet the right-of-way requirements and is adequately shown on this plan.

The MPOT includes the proposed 70-foot right-of-way of I-300 (Prince George's Boulevard Extended) from Leeland Road to existing Prince George's Boulevard, which is partially located on the subject property. In a letter to staff dated April 22, 2022, DPIE, in a response to the previously approved PPS application, waived the construction of I-300 given environmental constraints on the site. The applicant indicated that they believed that the approved master plan removed I-300 as a master plan right-of-way, but learned later that the right-of-way was not removed and will be part of the published version of the plan. DPIE reiterated that construction of the right-of-way is not feasible, will not be required to be constructed as part of the development of the site, and is not desirable to be improved by the County. DPIE's assessment that the proposed I-300 is unbuildable is supported and removal of the right-of-way (as part of the MPOT update) will be considered, as a result. The right-of-way for master plan I-300 roadway should still be shown and labeled on the PPS, in accordance with Section 24-123(a)(1) of the Subdivision Regulations, though it is not required to be shown as dedicated.

Master Plan Pedestrian and Bike Facilities

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

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

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

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

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

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

The MPOT includes a multi-use trail, Collington Branch Stream Valley Trail connecting MD 214 (Central Avenue) to Western Branch, which crosses the west section of the site.

The following policies are provided for pedestrian and bicyclist facilities in the master plan:

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

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

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

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

The PPS provides for typical street sections, which depict dimensions and location of pedestrian and bicycle facilities proposed to serve the development. The applicant shall provide an interconnected network of on-site pedestrian and bicycle facilities, in accordance with the MPOT and master plan policies, including sidewalks and shared roadway along Queen's Court and 10-foot-wide minimum shared-use paths along both directions of Leeland Road, and construct the MPOT Collington Branch Trail. The exact details of these facilities shall be provided and evaluated with the SDP submission.

Transportation Planning Review

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

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property was evaluated according to the following standards:

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

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

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

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

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

Trip Generation Summary: PPS 4-21056: National Capital Business Park								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Warehousing	2,087.42	ksf	688	167	835	167	668	835
High-Cube Fulfillment Center Warehouse – Sortable (ITE-155)	650.78	ksf	458	108	566	305	476	781
	User Provided Data		505	45	550	447	453	900
	Higher of ITE and User Provided Data		458	108	566	447	453	900
Approved Trip Cap (sum of bold numbers)			1126	275	1401	614	1121	1735

The traffic generated by this PPS impacts the following intersections in the transportation system:

- Southbound (SB) US 301 at Wawa Crossover (signalized in future)
- Northbound (NB) US 301 at Wawa Crossover (signalized in future)
- US 301 at Trade Zone Avenue (signalized)
- US 301 at Queens Court (signalized in future)
- US 301 at Median Crossover between Queens Court and Leeland Road (unsignalized)
- US 301 at Leeland Road (signalized)

- US 301 at Beechtree Parkway / Swanson Road (signalized)
- US 301 at Village Drive (signalized)
- US 301 at MD 725 (signalized)
- US 301 at Chrysler Drive (signalized)
- Prince George’s Boulevard at Trade Zone Avenue (unsignalized)
- Prince George’s Boulevard at Commerce Drive (unsignalized)
- Prince George’s Boulevard at Queens Court (unsignalized)

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (AM and PM)	
	SB US 301 at Wawa Crossover	990	1248	A
NB US 301 at Wawa Crossover	1275	1279	C	C
US 301 at Trade Zone Avenue	1288	1161	C	C
US 301 at Queens Court	0 sec*	0 sec*	--	--
US 301 at Median Crossover	<100 veh.	<100 veh.		--
US 301 at Leeland Road	924	866	A	A
US 301 at Beechtree Parkway / Swanson Road	1330	1321	D	D
US 301 at Village Drive	1086	1144	B	B
US 301 at MD 725	1204	1343	C	D
US 301 at Chrysler Drive	1045	1063	B	B
Prince George’s Boulevard at Trade Zone Avenue	15.0 sec*	15.1 sec*	--	--
Prince George’s Boulevard at Commerce Drive	9.5 sec*	9.8 sec*	--	--
Prince George’s Boulevard at Queens Court	9.5 sec*	12.5 sec*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

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

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (AM and PM)	
	SB US 301 at Wawa Crossover	1083	1253	B
NB US 301 at Wawa Crossover	1604	1913	F	F
US 301 at Trade Zone Avenue	1638	1842	F	F
US 301 at Queens Court	1208	1458	C	E
US 301 at Median Crossover	<100 veh.	<100 veh.	--	--
US 301 at Leeland Road	1491	1631	E	F
US 301 at Beechtree Pike / Swanson Road	1854	1936	F	F
US 301 at Village Drive	1571	1573	E	E
US 301 at MD 725	1642	1891	F	F
US 301 at Chrysler Drive	1435	1410	D	D
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*	--	--
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.6 sec*	--	--
Prince George's Boulevard at Queens Court	1044	1147	B	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

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

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

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

The transportation improvements conditioned by CDP-0505-02 (Conditions 2, 4, and 7) have been modified and carried forward as conditions of approval of this PPS. Based on the preceding findings, and with the required improvements, adequate multimodal transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of the Subdivision Regulations, and conforms to the MPOT and master plan policies and goals.

- Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewer and police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated April 29, 2022 (Thompson to Gupta), incorporated by reference herein.

This project is served by Pointer Ridge Volunteer Fire/EMS, Company 843, located at 16408 Pointer Ridge in Bowie, as the first due station. Per Section 24 122.01(d)(1)(A) of the Subdivision Regulations, a five-minute total response time is recognized as the national standard for fire/EMS response times. Per the National Fire Protection Association 1710, Chapter 4, 240 seconds (4 minutes) or less travel time is the national performance objective. Prince George's County Fire/EMS Department representative, James V. Reilly, stated in writing (via email) that, as of April 27, 2022, the subject project does not pass the four-minute travel test from the closest Prince George's County Fire/EMS station, Pointer Ridge Volunteer Fire/EMS, Company 843, in Bowie. Prior to construction, the applicant shall contact the Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators in accordance with Code of Maryland Regulations; and install and maintain hemorrhage kits next to fire extinguishers.

The master plan provides goals and policies related to public facilities (pages 166–177). The proposed development aligns with the master plan intention to provide public facilities designed to support existing development patterns. There are no police, fire and emergency medical service facilities, schools, or libraries proposed on the subject property.

11. **Use Conversion**—The total development included in this PPS is for 5.5 million square feet of industrial use. If residential development or a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
12. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights-of-way. The subject site fronts on public right-of-way Leeland Road to the west. Rights-of-way of public streets Popes Creek Drive and Prince George’s Boulevard truncate along the eastern property line. Termination of master-planned road I-300 right-of-way in a cul-de-sac is approved, and the required right-of-way will be dedicated within the boundaries of the subject property. To provide access and public street frontage to subdivided parcels, Queens Court shall be extended approximately 1,750 feet from its intersection with Prince George’s Boulevard, into the property. Another public road internal to the site, Logistics Lane, is also approved for the subdivision.

The required 10-foot-wide PUE is correctly shown and labeled parallel, contiguous, and adjacent to the rights-of-way lines of all public streets, except frontage of Popes Creek Drive. All required PUEs shall be shown on the PPS, which will be recorded with the final plat.

13. **Lot Layout**—The PPS depicts a configuration of parcels to enable development as proposed, to convey land to M-NCPPC for active and passive recreation, and to preserve environmentally sensitive land by dedication to a business owners association. Each parcel for development has frontage and direct access to a public street.

Open space Parcels A1 and A6, which are to be dedicated to M-NCPPC along with Parcels A2, A3, A4, and A5, do not have direct frontage on a public street, in accordance with Section 24-128(a) of the Subdivision Regulations. Similarly, open space Parcels B3, B4, and B5, which are to be dedicated to the business owners association, do not have direct frontage on a public street. However, these parcels are contiguous to other open space parcels with public street frontage and cannot be developed in isolation without further subdivision. In addition, the open space was divided into multiple parcels to ensure that they can be platted in their entirety. For these stated reasons, these open space parcels are found to conform to Section 24-128(a).

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

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

During a site visit to the subject property in November 2021, Historic Preservation Section staff identified a feature on the subject property along Collington Branch that appears to be an old mill race. The Phase I archeology report identified several pieces of mill stones on the east side of Collington Branch in the southern portion of the subject property. These mill stones were not recorded as an archeological site because there were no additional artifacts found in association with them. The possible mill race and mill stones are located on a portion of the property that will not be developed and will be preserved as open space.

The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This PPS will not impact any historic sites, historic resources, or known archeological sites.

15. **Environmental**—This PPS (4-21056) and Type 1 Tree Conservation Plan TCP1-004-2021-03 were received on March 31, 2022. Comments were provided in an SDRC meeting on April 15, 2022. Revised information was received on April 22, 2022, and April 28, 2022. The following applications have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
A-9968	N/A	District Council	Approved	5/22/2006	Final Decision
CDP-0505	TCP1-010-06	District Council	Approved	4/9/2007	Final Decision
NRI-098-05	N/A	Planning Director	Signed	12/31/2005	N/A
CR-11-2006	N/A	District Council	Approved	2/7/2006	SMA Bowie and Vicinity
NRI-098-05-01	N/A	Planning Director	Signed	12/19/2006	N/A
NRI-098-05-02	N/A	Planning Director	Signed	1/11/2007	N/A
4-06066	TCP1-010-06-01	Planning Board	Approved	2/8/2007	PGCPB No. 07-43
SDP-1603	TCP2-028-2016	Planning Board	Approved	3/30/2017	PGCPB No. 17-44
A-9968-01	NA	District Council	Approved	5/13/2019	ZO No. 5-2019

Development Review Case Number	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-098-05-03	N/A	Planning Director	Signed	2/9/2020	N/A
NRI-098-05-04	N/A	Planning Director	Signed	3/3/2021	N/A
A-9968-02	N/A	District Council	Approved	4/12/2021	ZO No. 2-2021
CDP-0505-01	TCP1-004-2021	Planning Board	Approved	4/29/2021	PGCPB No. 2021-50
4-20032	TCP1-004-2021-01	Planning Board	Pending	Pending	Pending
N/A	TCP2-026-2021	Planning Director	Approved	2/18/2022	N/A
SDP-1603-01	TCP2-026-2021-01	Planning Board	Approved	1/13/2022	PGCPB No. 2022-10
A-9968-03	N/A	District Council	Approved	5/16/2022	Pending
CDP-0505-02	TCP1-004-2021-02	Planning Board	Approved	5/5/2022	Pending
4-21056	TCP1-004-2021-03	Planning Board	Approved	6/2/2022	PGCPB No. 2022-70

Grandfathering

The project is subject to environmental regulations contained in Subtitle 25, and in Subtitles 25 and 27 of the County Code that came into effect on September 1, 2010, because the application is a new PPS.

Site Description

The subject PPS is for a 442.30-acre site and is located on the north side of Leeland Road, east of the railroad tracks, and west of US 301. There are streams, wetlands, 100-year floodplains, and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), a Sensitive Species Project Review Area (SSPRA), as delineated on the SSPRA GIS layer, is found to occur in the vicinity of this property.

Additional information received from DNR NHP staff indicated known records related to three rare, threatened, or endangered aquatic species in Collington Branch, and the possible presence of several rare, threatened, or endangered plants. Leeland Road, a designated scenic road, is adjacent to this development. This property is in the Collington Branch watershed in the Patuxent River basin and contains the mainstem of Collington Branch along the western side of the property. The site is located within the Established Community Areas of the Growth Policy Map and Environmental Strategy Area (ESA) 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site contains regulated areas and evaluation areas, as designated on the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

Prior Approvals

The site was subject to several prior approvals (A-9968, CDP-0505, PPS 4-06066, SDP-1603, A-9968-02), which proposed to develop a residential subdivision. This prior residential use will not be implemented with the development proposed with PPS 4-21056. Previous conditions of approval related to the residential use are not applicable because the use and site design have changed.

Basic Plan Amendment A-9968-02

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

Basic Plan Amendment A-9968-03

A-9968-03 was approved to increase the employment and institutional uses for a total gross floor area of 5.5 million square feet, and dedication for a public park. The conditions and considerations of approval for the zoning map amendment, which are environmental in nature for A-9968-03, are addressed below:

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

An approved natural resources inventory (NRI) plan, NRI-098-05-04, was submitted with this PPS and CDP-0505-02, as required by this condition.

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

A geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc., was included with this PPS and CDP-0505-02 as required by this condition and was reviewed for completeness. The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP1.

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

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

The timeline presented by the applicant for the construction of the current project anticipates issuance of the first building permit in the Spring of 2022. In accordance with the Habitat Protection and Management Program report, hydrologic monitoring for a minimum of one year prior to the issuance of the first grading permit was required to establish a baseline of data. This monitoring was performed by the applicant on April 20, 2021, and June 1-2, 2021. The report was submitted to DNR and the Environmental Planning Section on September 10, 2021.

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

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

An approved NRI plan, NRI-098-05-04, was submitted with this PPS.

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

The alternative or additional access points described in the finding above are not proposed or approved with this PPS.

Considerations

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

The development proposed with PPS 4-21056 has been determined in part by the environmental constraints of the site, including the regulated environmental features and the soils. Minimal impacts to the environmental features are approved. Impacts to the primary management area (PMA) were previously approved with PPS 4 20032 and SDP-1603-01. The PMA impacts previously approved with PPS 4-20032 were reviewed with PPS 4-21056 for approval because the approval of PPS 4-21056 supersedes the PPS 4-20032 approval. The PMA impacts approved with SDP-1603-01 are still valid.

CDP-0505-02

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

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

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

- (8) **Revise the specimen tree table headings to provide one column to list the specimen trees approved for removal with Preliminary Plan of Subdivision 4-20032, and a separate column to list the specimen trees approved for removal with Specific Design Plan SDP-1603-01.**
- (9) **In the standard TCP1 notes, remove Note 12.**
- (10) **Have the revised plan signed and dated by the qualified professional preparing the plan.**

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

Master Plan Conformance

The master plan includes environmentally related policies and their respective strategies in the Natural Environment Section (Section IX, Policies and Strategies).

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans and functional master plans. Specifically, Section 27-640(a) of the prior Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

Section 27-640—Relationship between Master, General, and Functional Plans.

- (a) **When Functional Master Plans (and amendments thereof) and General Plan amendments are approved after the adoption and approval of Area Master Plans, the Area Master Plans shall be amended only to the extent specified by the District Council in the resolution of approval. Any Area Master Plan or Functional Master Plan (or amendment) shall be an amendment of the General Plan unless otherwise stated by the District Council.**

The text in **bold** is the text from the master plan and the plain text provides comments on the plan conformance.

Green Infrastructure

Policy NE 1: Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or redevelopment.

Strategies:

- NE 1.1. **Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review processes.**

NE 1.2. Continue to complete Prince George’s County DoE’s Programmatic Practices, which includes stormwater-specific programs, tree planting, and landscape revitalization programs, public education programs, and mass transit and alternative transportation programs.

The PPS was found to be in conformance with the Green Infrastructure Plan because preservation of the regulated environmental areas is provided, to the maximum extent possible. Protection of green infrastructure elements and regulated environmental features of the site will be further evaluated with future development applications.

This project is subject to a Habitat Protection and Management Program, dated April 23, 2021, and revised May 7, 2021, as a method for monitoring the rare plant and fish species on and in the vicinity of the property. On May 27, 2021, DNR approved the final version of the habitat protection and monitoring plan. Annual monitoring reports are required to be filed with both M-NCPPC and DNR.

Policy NE 2: Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 41, Nontidal Wetlands of Special State Concern (NTWSSC)-2017).

Strategies:

NE 2.1. Continue to protect the NTWSSC and associated hydraulic drainage area located within the following areas:

- **The Belt Woods Special Conservation Area**
- **Near the Huntington Crest subdivision south of MD 197, within the Horsepen Branch Watershed.**
- **In the northern portion of Bowie-Mitchellville and Vicinity adjacent to the Patuxent Research Refuge and along the Patuxent River north of Lemon Bridge Road.**

The subject PPS is not in the vicinity of the Nontidal Wetlands of Special State Concern areas.

Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.

Strategies:

NE 3.1 Identify strategic opportunities to acquire flood-prone and flood-susceptible properties to protect life and property, preserve the subwatersheds, and buffer existing public and private development.

- NE 3.2** Evaluate Bowie-Mitchellville and Vicinity’s stormwater management facilities for additional volume capacity to support and encourage redevelopment.
- NE 3.3** Complete the Prince George’s County’s Department of the Environment’s current stormwater management studies within the master plan area (see the Department of the Environment’s Clean Water Map for a comprehensive map of current and future projects). Create a catalog of additional sites where stormwater mitigation or intervention is warranted for further evaluation and remediation.
- NE 3.4** Identify opportunities to retrofit portions of properties to enhance stormwater infiltration.

Development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable.

Forest Cover/Tree Canopy Coverage

Policy NE 4: Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.

Strategies:

- NE 4.1** Use funding from the Prince George’s County Woodland Conservation Fund to reverse the decrease in tree canopy coverage in Folly Branch, Horsepen Branch, and Upper Patuxent River watersheds through reforestation programs.
- NE 4.2** Plant street trees to the maximum extent permitted along all roads and trail rights-of-way (see Transportation and Mobility).
- NE 4.3** Increase City of Bowie’s funding for the Emerald Ash Borer Abatement Program.

Development of this site is subject to the current WCO requirements, including the tree canopy coverage (TCC) requirement. Additional information regarding woodland preservation, reforestation, and TCC will be evaluated with future development applications; however, the TCP1 submitted with the PPS shows approximately 37 percent of the gross tract remains in woodland (both in and outside of the floodplain). Street tree planting requirements will be

reviewed by the Prince George's County Department of Public Works and Transportation (DPW&T).

Impervious Surfaces

Policy 5: Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.

Strategies:

NE 5.1 Retrofit all surface parking lots using ESD and best stormwater management practices when redevelopment occurs. Plant trees wherever possible to increase tree canopy coverage to shade impervious surfaces, to reduce urban heat island effect, limit thermal heat impacts on receiving streams, and slow stormwater runoff.

NE 5.2 Retrofit streets pursuant to the 2017 DPW&T Urban Streets Design Standards as recommended in the Transportation and Mobility Element, which include increased tree canopy cover for active transportation comfort and modern stormwater management practices.

Development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable. The Soil Conservation District has required the applicant incorporate redundant sediment control methods with the development proposal. Development of this site is subject to the current WCO requirements, including the TCC requirement. Street tree planting requirements will be reviewed by DPW&T.

Climate Change

Policy 6: Support local actions that mitigate the impact of climate change.

Strategies

NE 6.1 Support implementation of the City of Bowie Climate Action Plan 2020-2025 and the Metropolitan Washington 2030 Climate and Energy Action Plan.

NE 6.2 Continue to support and promote the Prince George's Climate Action Commission as per Council Resolution CR-7-2020 to develop a Climate Action Plan for Prince George's County to prepare for

and build resilience to regional climate change impacts, and to set and achieve climate stabilization goals.

Development of this site is subject to the current WCO and TCC requirements. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change. Providing buffers along the streams, the preservation of wetlands, and SWM best management practices all contribute to building resilience to flooding and to retaining the overall health of the stream system.

Conformance with the Green Infrastructure Plan

The entire site is mapped within the Green Infrastructure Network, as delineated in accordance with the Green Infrastructure Plan. The regulated area is mapped along the streams and regulated environmental features, and the Evaluation Area is mapped on the remainder of the site due to the existing forest contiguous to the streams.

The plans, as approved, show preservation of the regulated areas, to the maximum extent possible. Therefore, the PPS is found to be in conformance with the Green Infrastructure Plan. More detailed information will be evaluated during subsequent applications.

Environmental Review

Natural Resources Inventory

An approved NRI plan (NRI-098-05-04) was submitted with this application. The PPS and TCP1 reflect the environmental conditions. No further information is needed regarding the NRI.

Woodland Conservation

This site is subject to the provisions of the WCO because the application is for a new PPS. This project is subject to the WCO and the Environmental Technical Manual (ETM). TCP1-004-2021-03 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The District Council amended the woodland conservation/afforestation threshold on land with R-S zoning, with uses allowed in the E-I-A Zone, to be developed in accordance with the threshold requirements of the E-I-A Zone. The woodland conservation threshold for this 442.30-acre property is based on 15 percent for the E-I-A (R-S) and I-1 portions of the site, and 50 percent for the R-A Zone, for a weighted woodland conservation threshold requirement of 15.08 percent, or 52.40 acres. There is an approved TCP1 and Type 2 tree conservation plan (TCP2) on the overall development related to the prior residential subdivision which were grandfathered under the 1991 WCO, but the prior tree conservation plan approvals are not applicable to the new development proposal. The National Capital Business Park project is subject to the WCO and ETM. TCP1-004-2021-03 was submitted with the PPS application.

The woodland conservation worksheet shows the clearing of 257.44 acres of woodland on the net tract area, and 1.09 acres in the floodplain, which results in a woodland conservation requirement of 117.85 acres. This requirement will be met with 82.29 acres of on-site woodland preservation, 17.35 acres of reforestation, and 18.21 acres of off-site woodland conservation credits.

Technical revisions to the revised TCP1 are required and included in the conditions of approval of this PPS.

Specimen Trees

Tree conservation plans are required to meet all of the requirements of Subtitle 25, Division 2 of the County Code, which include the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25, Division 2, provided all the required findings in Section 25-119(d) can be met. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances. An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance Application and a statement of justification (SOJ) in support of a variance, dated July 31, 2021, and August 2, 2021, were submitted.

A timber harvest permit was approved for the site utilizing the limits of disturbance that were approved on a TCP2 for the previous residential development, Willowbrook. Within the limits of the timber harvest area were 50 specimen trees. The 50 trees include specimen trees 1, 2, 3, 4, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 79, 84, 85, 218, 219, 225, 226, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 238, 243, 305, and 306. The specimen tree table shall be corrected to label the 50 specimen trees as removed with the timber harvest permit. No variance was required for the removal of these specimen trees because the TCP2 was approved under the 1993 WCO. The TCP2 is grandfathered from the variance requirements that were established in the current 2010 WCO.

A rough grading permit was recently approved for the site, utilizing the limits of disturbance of TCP2-026-2021. Within the limits of the area of the rough grading permit were 51 specimen trees. A variance was approved with the prior PPS 4-20032 and SDP-1603-01 for the removal of these specimen trees. The 51 trees include specimen trees 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77a, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 156, 157, 158, 307, 308, 309, 311, 312, 314, 317, 318, 319, 320, and 321. Corrections are required to the specimen tree table to reflect the 51 trees approved for removal with PPS 4-20032 and SDP-1603-01 and implemented with associated TCP2-026-2021.

The remainder of the trees within the development area that were approved with PPS 4-20032, and not cleared in accordance with the approved TCP2-026-2021, were requested for consideration with this PPS, as this approval supersedes the prior PPS approval.

The SOJ submitted for review with PPS 4-21056 requested the removal of 13 specimen trees. Specifically, the applicant seeks to remove trees 25, 26, 132, 133, 134, 135, 136, 137, 139, 240, 241, 320, and 321. As stated above, specimen trees 320 and 321 were approved for removal with SDP-1603-01. Nothing with this current PPS impacts that approval, and the removal of the two specimen trees (320 and 321) requires no further action with this PPS. The tree conservation plan and specimen tree removal exhibit show the locations of the trees proposed for removal. Technical corrections are required to show all the trees on the plan and in the table that are to be removed on this plan, as well as the TCP1, prior to certification. The specimen trees located within the proposed dedicated parkland will be analyzed with the application proposing the development of the park.

Eight of these trees are in fair condition and three specimen trees are in good condition. Two of the specimen trees requested for removal are tulip poplar trees, which have weak wood and overall poor construction tolerance. The other species of trees requested for removal are American beech (1), white oak (4), southern red oak (3), and black oak (1), which range from a poor to good construction tolerance. The specimen trees requested for removal are located within the most developable part of the site and are not located in the regulated environmental PMA areas.

The variance for the removal of the 11 specimen trees requested by the applicant is approved based on the findings below. These 11 specimen trees are considered to be new because this PPS approval supersedes the prior PPS 4-20032 approval, and two trees (320 and 321) were previously approved for removal with SDP-1603-01 and require no further action.

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

The property is 442.30 acres and contains approximately 186.15 acres of PMA comprising streams, wetlands, 100-year floodplains, and associated areas of steep slopes with highly erodible soils on the property that comprise the PMA. This represents approximately 42 percent of the overall site area. These existing conditions are peculiar to the property, when compared to nearby properties in the area, and cause the requirement to preserve specimen trees to impact the subject property disproportionately. Specimen trees have been identified in both the upland and lowland PMA areas of the site. The applicant is proposing to remove the specimen trees located outside of the PMA. The proposed uses include warehouse/ distribution, office, light industrial/ manufacturing and/or institutional uses, and a park. These are significant and reasonable uses for the site, which is located near other similar uses, and the proposed project cannot be accomplished elsewhere on the site without the requested variance. Development cannot occur on the portions of the site containing PMA, which limits the site area available for development. Requiring the applicant to retain the thirteen specimen trees on the site

would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. The proposed warehouse/distribution, office, light industrial/manufacturing and/or institutional uses, and a potential public park align with the uses permitted in the E-I-A (R-S), I-1, and R-A Zone, as well as the vision for such zones, as described in the master plan. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties similarly zoned in the area.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

If other regulated environmental features and fully wooded properties were encountered with specimen trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application. This is not a special privilege that would be denied other applicants.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition. As stated previously, specimen trees 320 and 321 were approved for removal with SDP-1603-01. Nothing with this current PPS changes that approval, and no further action is required for removal of these two specimen trees.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request, for the removal of 11 trees, will not adversely affect water quality standards, nor cause measurable degradation in water quality. The project is subject to SWM regulations as implemented locally by DPIE. The project is subject to environmental site design, to the maximum extent practicable. The unapproved SWM concept plan shows the use of submerged gravel wetlands, underground storage facilities, sand filters, micro-bioretenion facilities, a dry swale, and dry pond on the site.

Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the states standards. State standards are set to ensure that no degradation occurs.

Regulated Environmental Features

There is PMA comprised of regulated environmental features which include streams and associated buffers, 100-year floodplain, steep slopes, and wetlands with their associated buffers. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. This PPS approves impacts to the PMA. A revised letter of justification with exhibits was submitted by the applicant on March 31, 2022, and April 28, 2022, for review with the PPS.

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

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

reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

A letter of justification was received on March 31, 2022. Comments were provided in a SDRC meeting on April 15, 2022, requesting more detail justifying the proposed impacts. A revised letter of justification was received on April 28, 2022, for the proposed impacts. This PPS approves impacts to the PMA. The nine approved impacts are for a roadway crossing, stormdrain outfalls, and utility connections. The approved on-site impacts total approximately 1.69 acres. An additional 0.24 acre of impacts are proposed to the PMA located off-site.

The approved PMA impacts for stormdrain outfalls, road crossings, and utilities are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of PMA.

Impacts C, and F Area 1 – Road Crossings

These impacts total approximately 0.96 acre and are for the installation of two separate road crossings. Because of a zoning restriction, the project cannot use Leeland Road as its vehicular access, and is limited to providing connections from Queens Court and Prince George's Boulevard. Impact C is where Queens Court will access the site, with an additional 0.24 acre of this impact being located off-site. The road impact portion of Impact F Area 1 is located on-site. With the applicant's collaboration with both DPIE and the Soil Conservation District, these impacts are necessary to provide access to the site and are approved in specific locations for minimal disturbance. Much of the site cannot be accessed without crossing the PMA. The applicant located the crossings at the points where the PMA is the narrowest and designed the road to result in the smallest impact.

Impacts B, D, and E Area 3 – Sewer Connections

These impacts total 0.55 acre and are proposed sewer connections. These impacts were designed to limit disturbances to the PMA as much as possible.

Impacts A, E Areas 1 and 2, and F Area 2 – Stormdrain outfalls and structures

These impacts total 0.18 acre. The stormdrain outfalls meet best management practices for discharging water back into the stream, while limiting erosion at the discharge points.

Scenic and Historic Roads

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

The 2010 *Prince George's County Landscape Manual* (Landscape Manual) addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of the review of the SDP. Adjacent to a historic road, the Landscape Manual requires a Section 4.6-2 landscape buffer (Buffering Development from Special Roadways) based on the Developing Tier (now ESA 2). In ESA 2, the required buffer width along a historic road is a minimum of 20 feet, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment which provides a significant visual enhancement to the appearance of a historic road. The Special Roadway buffer must be located outside of the right-of-way and PUEs, and preferably by the retention of existing good quality woodlands, when possible.

Soils

According to the Prince George's County Soil Survey, the principal soils on the site are in the Adelpia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth, Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington and Marr soils are in hydrologic class B, and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy land soils are in hydrologic class A and pose few difficulties to development. Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP1 shows the approximate location of the unmitigated 1.5 safety factor line, in accordance with a Geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc. The plans show the unmitigated 1.5 safety factor line in black, while the legend shows the line as magenta. The plan and the legend shall be coordinated.

Erosion and Sediment Control

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

The County requires the approval of an Erosion and Sediment Control Plan. The tree conservation plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures.

16. **Urban Design**—Conformance with the Zoning Ordinance (Subtitle 27) was evaluated, as follows:

The PPS approves subdivision of deed Parcels A and B into 27 smaller parcels to support the construction of up to 5.5 million square feet of employment and institutional uses. These are permitted on the property, in accordance with Section 27-511(a)(7) of the Zoning Ordinance and Section 27-515(b), Footnote 38, which notes that most uses allowed in the E-I-A Zone can be permitted in the R-S Zone, subject to specific criteria. Conformance with these criteria and other guidelines for building massing, materials, architecture, landscaping, and other design elements will be reviewed with a future SDP application.

In addition, conformance with the following Zoning Ordinance regulations is required for the proposed development and will be reviewed at the time of SDP including, but not limited to, the following:

- Section 27-426 requirements for the R-A Zone as applicable;
- Section 27-469 requirement for I-1 Zone as applicable;
- Section 27-499 requirements for E-I-A zone as applicable;
- Part 11 Off Street Parking and Loading; and
- Part 12 Signs, respectively.

Conformance with Previous Approvals

The property is the subject of multiple prior approvals, including CDP-0505-01 and A-9968-02 to allow up to 3.5 million square feet of employment and institutional uses that are generally permitted in the E-I-A Zone subject to specific requirements outlined in Section 27-511(a) of the Zoning Ordinance. Amendment CDP-0505-02 was approved by the Planning Board on May 5, 2022 to increase the total gross floor area from the previously approved 3.5 million square feet to 5.5 million square feet. This PPS is in conformance with CDP-0505-02.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the Landscape Manual. Specifically, development in the R-S Zone is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of SDP review. For development in other zones, conformance with the Landscape Manual requirements will be evaluated at time of permit review.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that require grading and building permits and propose more than 5,000 square feet or greater of gross floor area or disturbance. Properties in the LCD Zone are subject to the thresholds for the prior zoning of the

properties, before their designation as a legacy zone, as specified by CB-27-2010. The subject property's prior zoning was R-S, I-1, and R-A. The prior R-A Zone is exempt from TCC while the R-S Zone requires a minimum of 15 percent of TCC, and I-1 Zone requires a minimum of 10 percent of TCC. Compliance with this requirement will be evaluated at the time of SDP review. For development in other zones, conformance with TCC requirements will be evaluated at time of permit review.

17. **Other Referrals**—The PPS application was referred to the City of Bowie on April 4, 2022, since the subject property is located within one mile of its geographical boundary. At the time of the Planning Board hearing, no referral or correspondence was received from the City of Bowie.
18. **Planning Board Hearing**—The Planning Board held a public hearing on this application on June 2, 2022. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. During the hearing, the Planning Board received eight opposition exhibits (OE) and two applicant exhibits (AE):
 - OE1-Letter from G. Macy Nelson (1 page)
 - OE2-CB-22-2020 Planning Board Analysis (2 pages)
 - OE3-Ruth Grover's Resumé (2 pages)
 - OE4-Lawrence Green Resumé (3 pages)
 - OE5-CB-22-2020 OOL Memo (1 page)
 - OE6-CB-22-2020 Planning Board signed Votes Letter (3 pages)
 - OE7-Images (24 pages)
 - OE8-CB-022-2020 Report (2 pages)
 - AE1-1_4-21056_Revised Conditions (3 pages)
 - AE2-1_4-21056_Statement of Justification (27 pages)

At the hearing, citizens and an organization were represented by counsel and opposed the application. The Planning Board heard testimony from the opposing counsel and their experts. While the opponents raised important issues, much of the testimony and argument was not germane to considerations for approval of this PPS.

The opposition contended that CB-22-2020, the Council bill that amended the prior Zoning Ordinance, was an "illegal special law." The criteria for approving a PPS were not affected by that bill, and no court has ever held that CB-22-2020 is an illegal special law. The opposition

cited *Maryland Reclamation Associates, Inc. v. Harford County*, 468 Md. 339 (2020) in support of their assertion that the Board can consider the constitutionality of CR-22-2020; however, that case addressed “whether a landowner may withhold a claim alleging an unconstitutional taking from the application of a zoning regulation from the administrative agency’s consideration and present the claim to a jury in a separate action invoking the court’s original jurisdiction.” The case did not involve an approval of a PPS.

The opponent’s counsel also asserted that this PPS conflicts with Plan 2035, the County’s General Plan, but they did not cite any law that requires denial of a PPS for conflicting with the General Plan. Furthermore, the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* amended Plan 2035 when it was adopted earlier this year. The PPS is in conformance with the 2022 Bowie-Mitchellville and Vicinity Master Plan.

The opponent’s counsel also asserted that the PPS did not meet the adequacy of public facilities requirements set forth in Section 24-122.01 for fire and rescue services, and adequacy of roads set forth in Section 24-124. Their concern regarding failing travel time for fire/EMS services has been adequately addressed by ensuring that any development on the subject site has required mitigation in place including, but not limited to, having a pre-incident emergency plan approved by the Prince George’s County Fire/EMS Department. The opposition raised an issue with traffic impacts that were not relevant for approval of the PPS, utilizing a daily trip count on Leeland Road, a road to which no access is proposed with this PPS. The Transportation Review Guidelines for approval of a PPS require analysis based on peak hour trips generated by the proposed development. In addition, the opposition insisted that the criteria for developing along a scenic road and for approving a variance under Subtitle 25 for removal of specimen trees was not adequately met. The published technical staff report, the applicant’s SOJ, along with staff and the applicant’s testimony demonstrate that there is substantial evidence in the record to find that the application meets the relevant criteria.

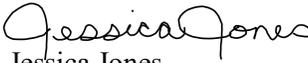
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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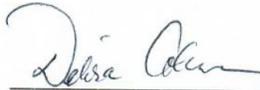
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, June 2, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of June 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 6/8/22