



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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PGCPB No. 2023-102

File No. 4-22056

R E S O L U T I O N

WHEREAS, Capital Westphalia Real Estate, LLC is the owner of a 45.4-acre parcel of land known as Parcel 1, TC MidAtlantic, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Residential, Multifamily-20 (RMF-20) and Military Installation Overlay (MIO); and

WHEREAS, on June 26, 2023, Capital Westphalia Real Estate, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22056 for Capital Westphalia Real Estate, Parcel 1, 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 September 21, 2023; 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 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; 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 September 21, 2023, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-011-12-04, and further APPROVED Preliminary Plan of Subdivision 4-22056 for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Correct the property owner's name.
 - b. Label the proposed parcel as Parcel 1.

- c. Update the project name on the title block to state, "Capital Westphalia Real Estate."
 - d. Label the width for the 40-foot-wide landscape buffer on the east side of the property.
 - e. Label the existing public trail on the east side of the property, including its width.
 - f. Label the 12-foot-wide trail easement, with its recording reference.
 - g. Revise the label of the existing 10-foot-wide public utility easements adjacent to the right-of-way line of Westphalia Road, Deer Stream Drive, and MC- 634, to denote them as proposed to remain.
 - h. Revise General Note 26 to provide the correct Type 1 tree conservation plan number.
 - i. Label the existing 8-foot-wide side path along Westphalia Road.
 - j. Show public right-of-way dedication along Westphalia Road, to include the entire extents of the existing 8-foot-wide side path, and label the square footage of dedication. Revise General Note 10 to provide the area in road dedication.
 - k. Revise the 10-foot-wide public utility easement along Westphalia Road, to be offset from the proposed right-of-way line.
 - l. Label all existing site features which are to remain (such as the trail, building, fencing, loading area, and parking).
 - m. Show a shared-use path to connect the newly built, on-site, public trail to an Americans with Disabilities Act (ADA) compliant 5-foot-wide sidewalk, along the property's frontage of Deer Stream Drive; and an ADA-compliant sidewalk, connecting this sidewalk to the existing sidewalk, along the north side of Deer Stream Drive.
- 2. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 32693-2019-00 and any subsequent revisions.
 - 3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Dedicate right-of-way along Westphalia Road, in accordance with the approved PPS.
 - b. Grant 10-foot-wide public utility easements along the abutting rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - 4. Prior to signature approval of the PPS, the Type 1 tree conservation plan (TCP1) shall be revised to meet all the requirements of Subtitle 25 of the Prince George's County Code, including the following:

- a. Revise the TCP1 number to TCP1-011-12, with the -04 revision referenced consistently on the plan, where appropriate.
- b. Revise the TCP approval block to remove the PPS abbreviation for the prior PPS.
- c. Woodland preservation area WPA-1 appears to overlap with the 10-foot-wide C & P Telephone Company easement. Remove woodland preservation from the public utility easements.
- d. Within the woodland conservation worksheet, correct Line 10 to reflect that this site is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance and is within a priority funding area.
- e. Verify the total area of the woodland preservation area located along the north of the site (WPA-1). The approved Type 2 Tree Conservation Plan, TCP2-002-2015-01, shows a total easement area of 2.52 acres along the northern portion of the property.
- f. TCP1-011-12-04 shows woodland preservation area WPA-1 as 2.85 acres. As a Woodland and Wildlife Habitat Conservation easement is recorded over a portion of this area, separate the prior woodland preservation area and identify any additional woodland preservation areas with a new WPA number.
- g. Set back any retaining walls 10 feet from the primary management area (PMA), to allow for construction and maintenance of the walls, without disturbance to the PMA.
- h. Set back woodland conservation areas 10 feet from any retaining wall, to allow for construction and maintenance, without disturbance to the primary management area.
- i. Revise the woodland conservation worksheet to a phased worksheet, to account for the prior development.
- j. Add a legend to all relevant sheets of the TCP1.
- k. Change the name of the project to “Capital Westphalia Real Estate” in the title block of the TCP1 and in the worksheet.
- l. Provide a key sheet on the plan, identifying the location of individual plan sheets.
- m. Revise the TCP1, as applicable, to be consistent with any other revisions to the PPS.
- n. Revise all notes, worksheets, and tables to correctly reflect revisions to the TCP1 and to be consistent with the PPS.

- o. Add the contours for the 60–74 dBA and 75+ dBA noise boundaries, in accordance with the Air Installation Compatible Use Zone Study.
 - p. Make any technical revisions required for consistency with the Woodland and Wildlife Habitat Conservation Ordinance and the 2018 Environmental Technical Manual.
- 5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-011-12-04). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-12-04), 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.”
- 6. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement, pursuant to Section 25-122(d)(1)(B), with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
- 7. At the time of final plat of subdivision, 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 Maryland-National Capital Park and Planning Commission Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
- 8. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

9. Prior to acceptance of a detailed site plan (DSP), the applicant shall provide an exhibit which delineates the existing woodland and wildlife habitat conservation easements. If this development proposal changes the recorded woodland and wildlife habitat conservation easements, revisions to the easements shall be recorded, prior to certification of the Type 2 tree conservation plan.
10. At the time of detailed site plan, the applicant shall provide a noise study demonstrating the extent of noise generated by the movement of heavy vehicles on the property, and details of buffering that may be determined necessary to mitigate the additional noise impacts to the adjacent residential community, that would exceed the residential noise standards.
11. In accordance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities. The applicant shall show the following facilities on the DSP, prior to its acceptance:
 - a. A minimum 8-foot-wide concrete or asphalt side path, along the subject site frontage of Westphalia Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - b. A minimum 8-foot-wide concrete or asphalt side path, along one side of master plan road MC-634, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - c. Standard Americans with Disabilities Act (ADA) accessible sidewalks along the property's frontage of Deer Stream Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - d. A minimum of three inverted U-shaped bicycle racks, placed at a location convenient to the entrance of the proposed building.
 - e. A continental-style crosswalk (crossing Westphalia Road) that connects the sidewalk on the north side of Westphalia Road and the trail along the eastern side of the subject site, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement with written correspondence.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**—The subject site consists of one 45.4-acre parcel known as Parcel 1, TC MidAtlantic, which is recorded in the Prince George’s County Land Records in Plat Book ME 256 Plat 7. The property is located in the Residential, Multifamily-20 (RMF-20) and Military Installation Overlay (MIO) Zones, and was previously zoned Mixed Use-Transportation Oriented (M-X-T) and M-I-O. This preliminary plan of subdivision (PPS) was reviewed in accordance with the prior Prince George’s County Zoning Ordinance and prior Prince George’s County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to Certificate of Adequacy ADQ-2022-060. The site is also subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan), Subtitles 24 and 27 of the prior Prince George’s County Code, and other applicable plans, as outlined herein.

This PPS includes one parcel for 525,160 square feet of nonresidential development, of which 362,880 square feet is existing on the property, and a 162,240-square-foot addition. The property is currently improved with 38,400 square feet of office space and 324,480 square feet of warehouse space. This property was the subject of PPS 4-19036 (PGCPB Resolution No. 2020-65), which was approved by the Prince George’s County Planning Board on April 23, 2020. PPS 4-19036 approved three parcels, with capacity to facilitate up to 362,880 square feet of industrial development. The applicant filed the current PPS to increase the development capacity from that approved under PPS 4-19036.

3. **Setting**—The site is located on Tax Map 90 in Grids C1 and D1, in Planning Area 78. The subject property is located on the south side of Westphalia Road, approximately 0.5 mile east of its intersection with MD 4 (Pennsylvania Avenue). To the north of the subject site is Westphalia Road, with multifamily dwellings beyond in the RMF-20, as well as the Westphalia community center and Westphalia neighborhood park in the Residential, Rural Zone. To the east of the site is the Parkside development (also known as Smith Home Farm) in the Legacy Comprehensive Design Zone. To the south of the site are the unimproved rights-of-way (ROWs) of Deer Stream Drive and major collector MC-634 (Presidential Parkway Extended), with vacant wooded parcels in the RMF-20 Zone beyond. To the west of the site are various industrial uses in the Industrial, Employment Zone. The site and surrounding properties are within the MIO Zone for height and noise.

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

	EXISTING	EVALUATED
Zone	RMF-20	M-X-T
Use(s)	Industrial	Industrial
Acreage	45.4	45.4
Dwelling Units	0	0
Gross Floor Area	362,880 sq. ft.	525,160 sq. ft.
Parcels	1	1
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	No

The subject PPS, 4-22056, was accepted for review on June 26, 2023. Pursuant to Section 24-119(d)(2) of the prior Prince George’s County Subdivision Regulations, this PPS was heard at the Subdivision and Development Review Committee (SDRC) meeting on July 7, 2023. Plans and documents accepted on June 26, 2023, and revised transportation studies and correspondence provided on July 20, 2023 and August 10, 2023, were used for the analysis contained herein.

5. **Previous Approvals**—The subject property was previously developed with an industrial building (subsequently razed to construct the existing building), pursuant to Detailed Site Plans DSP-83045 and DSP-83045-01. Detailed Site Plan DSP-14021 was approved for the site in July 2015. This DSP proposed 301 multifamily dwelling units on existing Parcel 1, in accordance with PPS 4-11012 (discussed below), and was subsequently superseded by Detailed Site Plan DSP-18020. The existing building on-site, which will remain, was developed pursuant to DSP-18020, approved by the Prince George’s County Planning Board in May 2020.

On October 24, 2013, the Planning Board approved Conceptual Site Plan CSP-11003 (PGCPB Resolution No. 13-122) for Cambridge at Westphalia, which is applicable to this PPS. CSP-11003 was approved for a larger 68.91-acre tract of land, which includes the subject property. The CSP approved up to 165,200 square feet of industrial development and up to 68,221 square feet of commercial development, as well as up to 325 multifamily dwelling units. An amendment to CSP-11003 was approved, concurrent with DSP-18020, to increase the quantity of permitted industrial use to 324,480 square feet and remove residential and commercial uses. Because the current PPS includes more industrial development, than approved under the CSP, the CSP must be further revised. An amendment to the CSP is required alongside the DSP, for the expansion.

CSP-11003 was approved, subject to 14 conditions (PGCPB Resolution No. 13-122(A)), and the following conditions in **bold** are related to the review of this PPS:

- 4. Prior to acceptance of a preliminary plan of subdivision, the following information shall be provided:**
- a. A statement of justification describing how the application meets each of the goals, policies, and strategies of the Environmental Infrastructure Section of the 2007 *Approved Westphalia Approved Master Plan and Sectional Map Amendment*.**
 - b. A detailed statement of justification for the proposed removal of any specimen trees. The statement of justification shall be based on a detailed site design, including grading and stormwater management, and shall show how each of the required findings have been met by the application.**
 - c. A stream corridor assessment using the Maryland Department of Natural Resources protocol shall be prepared for any on-site stream restoration efforts.**
 - d. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the Westphalia Sector Plan.**
 - e. An inventory of scenic and historic features along the site's frontage on Westphalia Road.**
 - f. An approved stormwater concept plan with a focus on stormwater facilities designed as amenities using LID techniques. The concept plan shall show the same site layout as the preliminary plan and its associated TCP1.**
 - g. A copy of the Erosion and Sediment Control Concept Plan.**

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

- 5. At the time of the preliminary plan of subdivision the applicant shall:**
- a. Demonstrate that rights-of- way for Westphalia Road, MC-634, are consistent with the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.**

PPS 4-22056 delineates the ROWs for Westphalia Road and MC-634, consistent with the sector plan. The dedication of MC-634 was completed, pursuant to PPS 4-19036, and recorded in Plat Book ME 256 Plat 7.

7. **Prior to the issuance of any building permits within the subject property the evidence of the following certifications shall be provided:**
- a. **The interior noise level of new residential construction shall be certified to be 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.**
 - b. **A registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces established in CB-3-2012.**

Condition 7a is no longer applicable, since no residential development is proposed. Condition 7b must be addressed, prior to approval of building permits.

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

The development evaluated with this PPS will generate trips within the trip limit of the CSP. Evaluation of the traffic study and findings of adequacy of transportation facilities are made in ADQ-2022-060.

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

- (a) **Pedestrian connectivity to recreation facilities and amenities on the subject site and adjacent sites.**
- (b) **Additional consideration shall be paid to providing safe pedestrian route across Westphalia Road.**
- (c) **Pedestrian connectivity from the existing industrial building to Westphalia Road.**
- (d) **Connections to transit facilities including but not limited to bus stops.**

Condition 9a is no longer applicable, as the project no longer includes recreational facilities. Prior approvals for the property provided substantial pedestrian connectivity within the subject site, which have since been constructed; there is a sidewalk between

the parking lot and Westphalia Road, a crosswalk providing a safe pedestrian route across Westphalia Road, and a trail connecting Westphalia Road and the residential community to the east. An 8-foot-wide side path was also approved and constructed along the property's frontage with Westphalia Road. As constructed, a portion of this side path is located on the property. Additional public ROW will need to be dedicated to cover the extents of this existing side path, and the existing public utility easement will need to be revised to be 10 feet offset from the new ROW line.

Lastly, the nearest transit stop to the subject site is a bus stop at the intersection of Westphalia Road and MD 4. The master-planned side path along Westphalia Road, once complete, will connect the bus stop to the subject site. Presently, this facility is not continuous along Westphalia Road.

Three PPS applications followed the CSP. The Planning Board approved PPS 4-11012 on June 5, 2014 (PGCPB Resolution No. 14-52), which subdivided the property into two parcels, Parcel 1 for 301 multifamily units and Parcel 2 for 142,500 square feet of existing industrial development. Subsequently, the Planning Board approved PPS 4-18005 on November 15, 2018 (PGCPB Resolution No. 18-117), for redevelopment of Parcel 2 with 349,860 square feet of industrial development. This application approved further subdivision of Parcel 2 into one parcel and two outparcels, which were not platted. On April 23, 2020, the Planning Board approved PPS 4-19036, to create three parcels (Parcels 1 through 3) for 362,880 square feet of industrial development. Parcel 1, the subject property, was platted pursuant to 4-19036, and recorded in Plat Book ME 256 Plat 7 on January 28, 2021.

PPS 4-22056 supersedes PPS 4-19036 for Parcel 1. A new final plat of subdivision will be required, in accordance with 4-22056, before any permits can be approved for further development of the subject site. PPS 4-19036 was approved, subject to 17 conditions (PGCPB Resolution No. 2020-65); those conditions of approval, which remain relevant, are discussed further in the related findings of this resolution.

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

Plan 2035

The subject site is located within the Established Communities Growth Policy Area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

Sector Plan

According to Plan 2035, all planning documents which were duly adopted and approved, prior to the date of adoption of Plan 2035, remain in full force and effect (except for the designation of tiers, corridors, and centers), until those plans are revised or superseded. Pursuant to

Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area sector plan, unless events have occurred to render the relevant recommendations no longer appropriate or the Prince George's County District Council has not imposed the recommended zoning. The sector plan recommends development of a commercially oriented neighborhood center and low-density residential, mixed with industrial uses, on the subject property (page 19).

The proposed use is consistent with the recommended land use. In addition, the sector plan also makes the following recommendations that affect the subject property (page 32):

Policy 6—Industrial Areas

Strategies:

- Locate new industrial development primarily near the Capital Beltway and MD 4 where the Andrews Air Force Base flight paths result in noise ratings of 70 dBA or higher (see Map 4).
- Require interior acoustical buffering for all buildings in high noise impact areas related to flight operations at Andrews Air Force Base.
- Separate industrial areas from residential areas by use of buffering designed and placed to minimize sight, sound, and dust.
- Provide screening for outdoor storage areas and truck parking or loading areas for industrial properties bordering roads.
- Redevelop existing industrial uses located within residential communities with redesigned or new uses that are highly compatible with a residential living environment:
- Enclose, buffer, or otherwise modify business activities to reduce noise, traffic, or unattractive views.

This PPS includes an expansion of a light industrial warehouse that was previously approved. The expansion maintains the existing building setback and the landscape buffer from the existing residential dwellings that were established by prior approvals. However, based upon the existing lotting configuration, the property abuts residential development to the east; therefore, the industrial building expansion may increase undesirable impacts to the existing residential community such as noise and unattractive views. The final site layout will be provided with the DSP. At that time, the applicant shall address conformance with the sector plan strategies, regarding separating industrial areas from residential uses, and mitigate any deleterious impacts on neighboring properties.

Aviation/MIOZ

This application is located within the Imaginary Surface D (Inner Horizontal Surface) of the MIO Zone. Pursuant to Section 27-548.54 of the prior Zoning Ordinance, at the time of building permit, a licensed engineer (or qualified professional of competent expertise) shall certify that structures do not exceed the height established by the Impact Map for Height, utilizing the formulae and methodology set forth in Section 27-548.54(e). A portion of the site is within a noise area of 60–74 dBA Ldn (High Noise Intensity Zone), and a portion of the site is within a noise area that exceeds 74 dBA Ldn. Pursuant to Section 27-548.55(c)(1) of the prior Zoning Ordinance, at the time of building permit, if a nonresidential use is required by Subtitle 4 (Prince George's County Building Code) to provide noise level reduction within the interior of a building, such noise reduction must be certified by an acoustical engineer or qualified professional of competent expertise. Conformance with these requirements will be further evaluated at the time of DSP, when buildings are proposed.

Zoning

The sector plan reclassified the subject property from the prior Light Industrial (I-1) Zone to the prior M-X-T Zone. On November 29, 2021, the District Council approved Council Resolution CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the M-X-T Zone to the RMF-20/MIO Zones.

Pursuant to Section 24-121(a)(5), the PPS conforms to the sector plan's recommended industrial land use for the subject property.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. SWM Concept Plan 32693-2019-00 was submitted with this PPS. The SWM concept plan and letter were approved on October 25, 2022, and are valid until October 25, 2025.

The approved SWM concept plan shows the use of two submerged gravel wetlands located to the south of the warehouse structure. The Type 1 tree conservation plan (TCP1-011-12-04) and PPS 4-22056, however, show one large SWM facility in the same location. A revision to the SWM concept plan is not required. However, prior to issuance of the first building permit, the applicant shall submit a Type 2 tree conservation plan (TCP2) which reflects the final design, consistent with an approved SWM plan.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, will satisfy the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the sector plan, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the prior Subdivision Regulations to provide the appropriate transportation facilities.

Conformance with Applicable Plans

Right-of-Way

The subject site is adjacent to Westphalia Road (C-626), which is included in the MPOT and sector plan with an ultimate ROW width of 80 feet along the property's northern boundary. MC-634 is classified as a major collector roadway with an ultimate ROW width of 100 feet, and is located along the southwest portion of the site. PPS 4-22056 shows the extent of the master plan facilities within the limits of the existing ROW along the property's frontage and, as such, the subject PPS is consistent with the recommendations of the MPOT and sector plan. However, as discussed in Finding 5 of this resolution, additional ROW dedication is required to cover the entire extent of the public side path along the property's frontage of Westphalia Road.

The extension of Deer Stream Drive, to connect with the future MC-634, was approved with PPS 4-19036 and was subsequently dedicated, as shown on Plat Book 256 Plat 8. Prior dedication for a 60-foot-wide ROW for Deer Stream Drive is correctly shown on PPS 4-22056.

Pedestrian and Bike Facilities

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling. The MPOT includes the following policies that relate to the subject development (pages 9-10):

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

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

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

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

Both the MPOT (page 36) and sector plan recommend side paths along Westphalia Road and MC-634.

Westphalia Road (C-626) Shared-Use Side Path – A shared-use side path should be provided as part of the planned improvements to Westphalia Road if practical and feasible. On-road bicycle facilities may also be appropriate.

MC-634 Side Path – The Westphalia Sector Plan recommends extending the existing side path along Presidential Parkway and along the entire length of MC-634 and A-66. This facility will provide access to the town center, Little Washington, and several park facilities. On-road bicycle facilities may also be appropriate.

The property falls within the Developing Tier. Policy 1 of the MPOT requires standard sidewalks along both sides of all new roads. A minimum 8-foot-wide concrete side path was required along the frontage of Westphalia Road by PPS 4-19036. A continental-style crosswalk (crossing Westphalia Road), that connects the sidewalk on the north side of Westphalia Road, was also approved. The extension of Deer Stream Drive, which connects to MC-634, provides an additional opportunity for pedestrian- and bicycle-friendly roadways to be planned with new road construction. A standard sidewalk along the property's frontage of Deer Stream Drive, and a side path along the property's frontage of MC-634 is required to be provided, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement (DPiE). The 2012 AASHTO *Guide for the Development of Bicycle Facilities* describes a shared-use side path as an 8- to 14-foot-wide concrete or asphalt pathway, that runs parallel to the roadway.

Designated and conveniently placed space for bicycle parking is an important component of a bicycle-friendly roadway network. Installation of outdoor inverted U-shaped bicycle racks are required for visitors, at a location convenient to building entrances. These pedestrian and bikeway facilities were required by prior PPS 4-19036 and, since PPS 4-22056 supersedes 4-19036 for the subject property, the relevant conditions of approval are carried forward with this PPS to ensure that these facilities remain in place.

A bicycle/pedestrian trail network is displayed, per Map 11 (page 45) of the sector plan. The hiker/biker/equestrian trail displayed is no longer feasible in its planned location. However, the applicant proposed a trail along the east side of the subject property with PPS 4-19036, to increase pedestrian and bicycle connections to Westphalia Road and to the Westphalia community center across the street from the subject site. An 8-foot-wide public trail was constructed, running north-south along the eastern property line, providing separation between the subject property and the Parkside townhouse community. This trail is shown on PPS 4-22056 and maintains the full landscape buffer from the residential community to the east. The trail is located within a designated public use easement and has since been constructed, and is maintained by the applicant. The 12-foot-wide trail easement has been recorded within the Prince George's County Land Records in Book 44194 page 211 and is referenced on the final plat for existing Parcel 1, recorded in Plat Book ME 256 page 7.

Within the sector plan, the subject property falls in the Industrial Areas category, per Map 4: Land Use (page 19). The sector plan recommends the following strategy for Industrial Areas (page 32):

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

Upon the completion of MC-634, which will feature a side path and sidewalk, access to the site by pedestrian and bicycle modes will be greatly improved. The side path along the property's frontage of Westphalia Road also supports pedestrian, bicycle, and transit modes of transportation to the proposed industrial development. In addition, TheBus Route 20, which originates at the Addison Road Metro Station, has a stop at the MD 4 and Westphalia Road intersection to serve the project's vicinity. The details of pedestrian and bicycle facilities will be further evaluated, at the time of DSP.

Site Access and Circulation

PPS 4-22056 indicates that the site will be served by a full-access driveway to Westphalia Road. The PPS shows the location of the access, which was evaluated as part of the traffic impact analysis and approved in the companion ADQ-2022-060. Access to Deer Stream Drive and MC-634 is not proposed at this time, as these roadways are not yet constructed.

Previous PPS Conditions

PGCPB Resolution No. 2020-65 for PPS 4-19036 contains the following conditions related to transportation review.

3. **Total development within the subject property shall be limited to uses which generate no more than 207 AM peak-hour trips and 201 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

A traffic study was submitted to evaluate the development proposed with this PPS. The approval of ADQ-2022-060, associated with this PPS, establishes a new trip cap for the subject property.

4. **At the time of final plat, the applicant shall dedicate 100 feet of right-of-way for the master planned MC-634, as required by the Prince George's County Department of Permitting, Inspections and Enforcement.**

Final plats, in accordance with PPS 4-19036, were recorded in County Land Records in Plat Book ME 256 Plats 7 and 8. Plat 8 dedicated the required ROW for MC-634, which is shown correctly on PPS 4-22056.

5. **At the time of final plat, the applicant shall dedicate 60 feet of right-of-way for the extension of Deer Stream Drive, in accordance with the approved preliminary plan of subdivision.**

Final plats, in accordance with PPS 4-19036, were recorded in County Land Records in Plat Book ME 256 Plats 7 and 8. Plat 8 dedicated the required ROW for Deer Stream Drive, which is shown correctly on PPS 4-22056.

6. **Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4 (Pennsylvania Avenue)/ Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a fee of \$1.92 (in 2010 dollars) per square foot, pursuant to the Memorandum of Understanding (MOU) required by CR-66-2010. The MOU shall be recorded in Prince George's County Land Records. These unit costs will be adjusted based on an inflation cost index factor, to be determined by the Prince George's County Department of Public Works and Transportation at the time of issuance of each permit.**
7. **Prior to approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer, its heirs, successors, and/or assignees shall execute a Memorandum of Understanding (MOU) with the County that sets forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among Prince George's County Land Records and the Liber/folio noted on final plat of subdivision.**

Conditions 6 and 7 continue to be applicable to the proposed development. The approved ADQ-2022-060, associated with this PPS, establishes the transportation improvements required for adequacy.

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

Westphalia Road/Site Access intersection: Conduct a traffic signal warrant study and install signal if deemed to be warranted and approved by the Prince George's County Department of Permitting, Inspections and Enforcement.

A traffic study was submitted to evaluate the development proposed with this PPS. The approved ADQ-2022-060, associated with this PPS, establishes the transportation improvements required for adequacy.

10. **The applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities, and shall provide an exhibit depicting these improvements at the time of detailed site plan:**

- a. **A minimum 8-foot-wide concrete or asphalt sidepath, along the subject site frontage of Westphalia Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**
- b. **A minimum 8-foot-wide concrete or asphalt sidepath, along one side of master plan road MC-634, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**
- c. **A standard sidewalk along one side of master plan road MC-634, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**
- d. **Standard sidewalks along both sides of Deer Stream Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.**
- e. **A minimum of three inverted-u shaped bicycle racks placed at a location convenient to the entrance of the proposed building.**
- f. **A continental style crosswalk crossing Westphalia Road that connects the sidewalk on the north side of Westphalia Road and the trail along the eastern side of the subject site, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**

Several of the facilities listed in Condition 10 were shown on approved DSP-18020, and have been constructed. As discussed previously, conditions which are applicable to the subject property have been carried forward, to ensure that these facilities remain in place.

- 11. Prior to approval of detailed site plan, provide an exhibit that illustrates the location, limits, and details of the trail and easement, which runs adjacent to the eastern edge of the subject property.**

The location, limits, and details of the trail and easement were approved with DSP-18020. The 8-foot-wide trail has been constructed, and the 12-foot-wide public use easement was recorded in County Land Records, in Book 44694 page 211. PPS 4-22056 shall be revised to label the trail and its width, and the public use easement, with its recording reference.

The trail, as constructed along the eastern property boundary of the subject site, does not connect to the existing public sidewalk along Deer Stream Drive. Construction of the sidewalk along the subject property's frontage on Deer Stream, extension of the on-site trail to connect to the sidewalk along Deer Stream Drive, and construction of a portion of

sidewalk along Deer Stream Drive to be constructed off-site, is required by ADQ-2022-060. This will ensure completion of this multimodal amenity, even if DPIE does not require construction of the sidewalk and roadway along the property's entire frontage of Deer Stream Drive, with the development of this site.

12. Prior to approval of a final plat:

- b. The applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant, for trail access across Parcel 1 from Deer Stream Drive to Westphalia Road, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision and detailed site plan.**

The 12-foot-wide public use easement was recorded in County Land Records in Book 44694 page 211 and is shown on the final plat for Parcel 1. The easement will remain, to cover the existing trail, and will be shown on the new final plat for the approved parcel.

Based on the preceding findings, the transportation facilities are in conformance with the MPOT, the sector plan, and the Subdivision Regulations.

- 10. Public Facilities**—This PPS was reviewed for conformance with the sector plan, in accordance with Section 24-121(a)(5). The sector plan provides goals and policies related to public facilities (pages 48–50). However, these are not specific to the subject site, or applicable to the proposed development. The sector plan identifies the goal to provide needed public facilities and infrastructure, to create a quality community and support the planned land use program, consistent with County standards. The proposed development will not have a detrimental impact upon the public facility goals and policies. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed or designated on the subject property by the sector plan. This PPS is further supported by approved ADQ-2022-060, which ensures adequate public facilities to support the proposed development.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities. This plan does not identify any existing or proposed facility that would be impacted by this PPS.

The subject project is located in Planning Area 78 – Westphalia and Vicinity. The 2023–2028 Fiscal Year Approved Capital Improvement Program (CIP) budget identifies two new construction projects proposed for this area: “Police and Fire Training/Administrative Headquarters,” to be located at Presidential Parkway (CIP 3.50.0006 and CIP 3.51.0008), and

“Forestville Fire and EMS Station Westphalia,” to be located at Presidential Parkway near MD 5, Upper Marlboro (CIP 4.51.0027).

Water and Sewer

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community Systems. Category 3 comprises all developed land (plotted or built) on public water and sewer and undeveloped land with a valid PPS approved for public water and sewer.

In addition, the property is within Sustainable Growth Tier 1 of the 2012 Sustainable Growth and Agricultural Preservation Act. Tier 1 includes properties served by public sewerage systems.

11. **Public Utility Easement**—Section 24-122(a) of the prior 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 easement (PUEs) is 10 feet wide along both sides of all public ROWs. The subject site fronts on the public ROW of Westphalia Road to the north, unbuilt MC-634 to the southwest, and unbuilt Deer Stream Drive to the southeast. The required 10-foot-wide PUEs were previously approved with PPS 4-19036 and dedicated by final plat, recorded in Plat Book ME 256 Plat 7. The PUEs are correctly shown and labeled parallel, contiguous, and adjacent to MC-634 and Deer Stream Drive. These PUEs will remain and will be shown on the new final plat for the proposed parcel. However, along Westphalia Road, the existing PUE will need to be revised to be 10 feet wide from the approved ROW line.

12. **Historic**—The sector plan includes goals and policies related to historic preservation (pages 66-68). However, these are not specific to the subject site, or applicable to the approved development. A Phase I archeology survey was conducted on the subject property in January 2013. Based on the results of the Phase I survey, no cultural material was identified and no archeological sites were delineated. Due to the lack of cultural material or identified archeological sites, no further work was recommended on the subject property. The subject property does not contain, and is not adjacent to, any designated County historic sites or resources.
13. **Environmental**—This PPS application was accepted on June 26, 2023. Comments were provided to the applicant at the SDRC meeting on July 7, 2023. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
DSP-83045	N/A	Staff	Approved	8/24/1983	N/A
DSP-83045-01	N/A	Planning Director	Approved	6/11/2004	N/A
NRI-016-11	N/A	Staff	Approved	11/04/2011	N/A
CSP-11003	TCP1-011-12	Planning Board	Approved	10/24/2013	13-122
4-11012	TCP1-011-12-01	Planning Board	Approved	6/5/2014	14-52
DSP-14021	TCP2-002-15	Planning Board	Approved	7/30/2015	15-79
NRI-016-11-01	N/A	Staff	Re-validated	1/14/2020	N/A
4-18005	TCP1-011-12-02	Planning Board	Approved	11/15/2018	18-117
4-19036	TCP1-011-12-03	Planning Board	Approved	4/23/2020	2020-65
DSP-18020	TCP2-002-2015-01	Planning Board	Approved	5/7/2020	2020-74
4-22056	TCP1-011-12-04	Planning Board	Approved	9/21/2023	2023-102

Type 1 Tree Conservation Plan TCP1-011-12-03, which was approved along with PPS 4-19036, included Parcel 1 (the area of the subject PPS 4-22056), Parcels 2 and 3 to the south, as well as the adjoining public ROW for MC-634 and Deer Stream Drive. TCP1-011-12-04 was filed to reflect the revisions, due to additional development proposed on Parcel 1. No disturbance is proposed on Parcels 2 and 3 or the public ROW.

Grandfathering

This PPS is subject to the current environmental regulations contained in Subtitle 25 and in prior Subtitles 24 and 27 of the County Code because the application is for a new PPS.

Plan 2035

The site is located within the Established Communities area of the Growth Policy Map and in Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Conformance with Applicable Plans

Green Infrastructure Plan

According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated and evaluation areas within the designated network of the plan. While the green infrastructure elements mapped on the subject site will be impacted, the site was previously developed with an industrial use, and the design of the site meets the zoning requirements and intent of the growth pattern established in Plan 2035.

Sector Plan

The sector plan includes goals, policies, and strategies applicable to the current project regarding natural resources preservation, protection, and restoration. The following guidelines have been determined to be applicable to the current project. The text in **bold** is from the sector plan and the plain text provides comments on plan conformance:

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

Strategies:

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

According to the Green Infrastructure Plan, the site contains regulated and evaluation areas associated with the stream system and wetlands on, and adjacent to, the site. The applicant has demonstrated that the regulated areas, included in the primary management area (PMA), are preserved and/or restored, to the fullest extent possible.

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

No impacts are proposed to the regulated environmental features (REF) with this PPS, contributing to fulfilling this strategy.

- 3. Preserve or restore the regulated areas within the sector plan, both within and outside the designated green infrastructure network and those designated through the development review process.**

The environmentally sensitive areas are proposed to be protected within woodland conservation areas and shall be placed into protective easements, prior to certification of the TCP2.

- 4. Consider legislated revisions that, subject to appropriate legislative authority, allow a variation process to address thresholds below current requirements for designated General Plan centers in order to encourage an urban character of development.**

This site is being redeveloped, with an expansion of the existing industrial use. Legislative changes are established by the Prince George's County Council and are not project specific.

5. **Evaluate current policies and ordinances to consider providing the option of woodland conservation credit for stream restoration, for the removal of invasive plant species, and to consider credit for the planting of a community tree grove or arboretum.**

The woodland conservation areas surrounding the stream on the southern portion of the property were placed in an easement, as required by prior applications. This development proposal does not propose any modifications to the existing easements.

6. **Allow street trees within the designated town center to count towards woodland conservation requirements where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space that is not limited by existing or proposed overhead utility lines.**

No street tree credit is proposed with this application and is not applicable to the current development proposal.

7. **Enhance regulated areas by concentrating required woodland conservation adjacent to regulated areas and in an interconnected manner.**

All REF are being preserved in woodland conservation areas. These features extend to adjacent areas, and the expectation is that these features will be placed into a protective easement when adjacent areas are developed.

8. **Evaluate current policies and ordinances to consider allowing plantings on slopes of rubblefills and Class III fills to count toward woodland conservation requirements.**

This site is not a rubblefill or Class III fill.

9. **Place sensitive environmental areas within conservation easements to ensure preservation in perpetuity.**

All sensitive environmental areas were placed within conservation easements, under DSP-18020.

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

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

- 11. Limit overall impacts to the sensitive environmental areas to those necessary for infrastructure improvements such as road crossings and utility installations.**

No impacts to the PMA are proposed with this PPS.

- 12. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of impacts to sensitive environmental areas.**

No impacts to the PMA are proposed with this PPS.

- 13. Develop flexible design techniques to maximize preservation of environmentally-sensitive areas.**

No impacts to environmentally sensitive areas are proposed with this PPS.

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

Strategies:

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

The site does not contain agricultural uses.

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

While a stream corridor assessment was required with PPS 4-11012, this PPS is proposing a building and parking expansion into an area which was previously approved as “Retained – Not Credited” and a cleared area; thus, the stream is not geologically part of this PPS.

When development is proposed on Parcels 2 and 3, a revised or new stream corridor assessment may be required, if determined by the operating agency.

3. Follow the environmental guidelines for bridge and road construction as contained in the transportation section of this sector plan.

PPS 4-22056 includes expansion of development on existing Parcel 1. This area consists of a warehouse building, parking, loading docks, and associated SWM facilities. With this PPS, only building expansion and additional parking is proposed. The remainder of the site is not currently proposed for development. An evaluation of undeveloped Parcels 2 and 3 will be required, as part of a development application for those parcels. No construction of bridges or roads through REF is proposed with this PPS.

4. Construct shared public/private stormwater facilities as site amenities using native plants and natural landscaping.

SWM is discussed in detail in Finding 7 of this resolution. The SWM facilities on this site will be in close proximity to the public trail, but are not proposed as site amenities or accessible to the public.

5. Use low-impact development (LID) techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, green streets, cisterns, rain barrels, grass swales, and stream restoration, to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground stormwater facilities under parking structures and parking lots.

Low-impact development techniques should be considered in site design. SWM is discussed in detail in Finding 7 of this resolution.

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

Strategies:

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

The use of green building techniques and energy conservation techniques is encouraged for this subject parcel. Development on the remaining parcels of the site (Parcels 2 and 3) will require an evaluation, as part of a future development application for these parcels.

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

The use of alternative energy sources is encouraged.

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

Strategies:

1. **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
2. **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
3. **Evaluate development proposals using Phase I noise studies and noise models.**
4. **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
5. **Provide for the use of appropriate attenuation measures when noise issues are identified.**

Strategies 1 and 2 are specific to noise associated with Joint Base Andrews. The subject property is located within the MIO Zone, noise intensity area. Based on the most recent air installation compatible use zone study released to the public in 2014 by Joint Base Andrews, aircraft-generated noise in the vicinity is significant. The noise contours associated with Joint Base Andrews have not been appropriately shown on TCP1-011-12-04. The northern portion of the site, adjacent to Westphalia Road, is mapped within the 60–74 dBA Ldn noise intensity zone. The remainder of the site is mapped in the 75+ dBA Ldn noise intensity zone. This PPS proposes commercial/ industrial development on the northern portion of the site, located within the areas mapped as 60–74 dBA Ldn noise intensity zone. Residential uses are not proposed with this PPS. The required noise contours shall be shown on the TCP1.

Strategies 3–5 apply to traffic-generated noise. The site fronts on Westphalia Road, which is a designated master plan collector road along the site frontage, and as a master plan arterial road west of the subject site. The arterial portion of Westphalia Road intersects with MD 4. A designated master-planned major collector road, MC-634, runs through the site. No roadway, designated in the master plan as arterial or higher, is located close enough to the property to warrant concerns regarding traffic-generated noise.

Previous PPS Conditions

PGCPB Resolution No. 2020-65 for PPS 4-19036 contains the following conditions that are related to environmental review. PPS 4-19036 included the area of the subject PPS (Parcel 1), as well as the adjoining public ROW, and Parcels 2 and 3 to the south.

- 14. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-011-12-03. The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-12-03), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”

- 15. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:**

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

- 16. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for the approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:**

“Conservation easements described on this plat are areas where the installation of structures and road, and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director, or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

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

Conditions 14 through 17 continue to be applicable to the proposed development and are carried forward.

Previous DSP-18020 Conditions

PGCPB Resolution No. 2020-74 for DSP-18020 and Type 2 Tree Conservation Plan TCP2-002-2015-01 contains the following condition, that is environmental in nature:

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

Condition 3 is associated with permits for the site and will be carried forward with this PPS.

Environmental Review

Natural Resources Inventory (NRI) Plan/Existing Features

Natural Resources Inventory NRI-016-11-01 was approved on January 14, 2020, and a copy was provided with this PPS. TCP1-011-12-04 and the PPS show the existing conditions of the property. While the NRI does not show the current site conditions regarding the building and parking area, the site has a previously approved TCP2, which has been implemented and supersedes the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP1-011-12-04 was submitted with the PPS. The submitted TCP1 shows a similar layout to the previously approved TCP2-002-2015-01.

TCP1-011-12-04 comprises existing Parcels 1, 2, and 3, and ROW for MC-634 and Deer Stream Drive. Parcel 1 is the subject of this PPS. The gross tract area included in the TCP1 is 68.94 acres, with 4.25 acres of 100-year floodplain, for a net tract area of 64.69 acres. The total site contains 45.03 acres of woodland in the net tract area, with 3.63 acres of woodland in the floodplain. The woodland conservation threshold for the M-X-T Zone is 9.70 acres (15 percent). The woodland conservation worksheet proposes the removal of 16.56 acres of woodland in the net tract area, resulting in a woodland conservation requirement of 13.91 acres.

The woodland conservation requirement is proposed to be met with 13.17 acres of woodland preservation and 0.78 acre of reforestation on-site, for a total of 13.95 acres. It should be noted that the prior TCP2-002-2015-01 showed 15.85 acres of woodland clearing. This results in a difference of 0.71 acre of additional clearing proposed with current TCP1-011-12-04. The TCP1 shall be revised to provide a phased worksheet, separating the development previously approved with PPS 4-19036 from the development evaluated with PPS 4-22056. Prior DSP-18020 and associated TCP2-002-2015-01 placed the on-site REF into recorded woodland and wildlife habitat conservation easements. Based on TCP1-011-12-04 submitted with this PPS, these easement areas may be impacted or modified by proposed development. Thus, prior to acceptance of a DSP, the applicant shall provide an exhibit with the DSP, which delineates the existing woodland and wildlife habitat conservation easements. If this development proposal changes the recorded woodland and wildlife habitat conservation easements, revisions to the easements shall be recorded, prior to certification of the TCP2 for the current development proposal.

TCP1-011-12-04 shows 16.44 acres of “woodland retained not credited” attributed to the southern portion of the site, which may be proposed for clearing under a future application. A portion of this woodland is located within the ROW for master-planned roadway MC-634.

Section 25-122(b)(1)(N)(v) of the County Code requires that “land dedicated or to be dedicated shall not be counted toward meeting the requirements”, and that “land areas dedicated or to be dedicated for future road construction shall be counted as cleared if the associated development is required to construct the road.” The dedication of MC-634 was approved with prior PPS 4-19036, but is not required to be constructed at this time. Prior to approval of a grading permit for construction of MC-634, an approved TCP2 or revision to an existing TCP2 will be required and shall show the ROW as cleared. The TCP1 shall be revised to indicate the area within MC-634 as “Retained – Assumed Cleared.”

While PPS 4-22056 and TCP1-011-12-04 meet the woodland conservation requirement on-site, there was concern about the removal of existing trees along the eastern boundary of the property, adjacent to the residential portion of the Parkside development. The 2010 *Prince George's County Landscape Manual* (Landscape Manual) requires the provision of a 40-foot-wide landscaped bufferyard between the incompatible uses and, the approval of PPS 4-19036 required the retention of existing trees to provide a robust vegetative buffer. TCP1-011-12-04 shows this buffer area, and the area along the eastern property edge, as “Retained – Not Credited.” Tree work was done in this area to remove White Pine, which is highly susceptible to windthrow and can easily become hazardous. In addition, grading near this buffer area may place trees within the buffer under stress. Individual tree species have a general tolerance towards construction stresses, which is addressed in the 2018 *Environmental Technical Manual*. Individual trees may have additional conditions such as insect damage, wind damage, or rot, which is compounded by stress from construction. To avoid potentially hazardous situations, some trees in this area may need to be removed. The requirement of a buffer between two incompatible uses is established by the Landscape Manual and the applicant should strive to retain existing trees for the required buffer. Additional requirements regarding the buffer shall be evaluated with the DSP, based on the Landscape Manual.

Corrections and technical revisions are required to TCP1-011-12-04, prior to signature approval.

Specimen Trees

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

The area of TCP1-011-12-04 contains 41 specimen trees, with 28 specimen trees on-site and 13 specimen trees off-site. The removal of three specimen trees, identified as ST-27, ST-28, and ST-33, was approved with PPS 4-11012, for installation of a sewer connection. With PPS 4-19036, these trees were no longer requested for removal. In addition, a variance was requested with 4-19036 to remove four specimen trees for a sewer connection. This variance request was subsequently withdrawn, after realignment of the sewer connection enabled the retention of these specimen trees. Based on the level of design information currently available and the limits of disturbance (LOD) shown on TCP1-011-12-04, no additional specimen trees are required for removal with this PPS.

Regulated Environmental Features/Primary Management Area

Impacts to REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, 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 REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code.

The site contains REF. No impacts to PMA or REF are evaluated with this PPS; however, PMA impacts were previously approved with CSP-11003 and prior PPS approvals, and implemented with an approved TCP2, at the time of permit for the existing building.

PMA impacts, totaling 40,558 square feet (0.93 acre), were previously approved with CSP-11003 and PPS 4-18005 to allow a 37,790-square-foot (0.87 acre) impact to an isolated wetland and associated buffer for development; an 1,652-square-foot (0.04 acre) impact to wetland and associated buffer for installation of a stormwater outfall; and an 1,116-square-foot (0.03 acre) impact to a stream buffer for a stormwater outfall. Impacts totaling 1,400 square feet (0.03 acre), for the removal of an isolated wetland and wetland buffer, were approved with PPS 4-19036. This

wetland has since been filled and graded for development of the parking area. No additional impacts to REF were requested with this PPS.

Based on the level of design information currently available and the LOD shown on the TCP1, REF on the subject property have been preserved and/or restored, to the fullest extent possible.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Beltsville-Urban land complex, Croom gravelly sandy loam, Croom-Urban land complex, Marr-Dodon complex, Potomac-Issue complex, Sassafras-Urban land complex, and Udorthents reclaimed clay and gravel pits. Marlboro and Christiana clays are not mapped on this property.

Erosion and Sediment Control

Prince George's County requires approval of an erosion and sediment control plan, which is reviewed for conformance with State of Maryland standards and specifications for soil erosion and sediment control.

14. **Urban Design**—Industrial use is permitted in the M-X-T/M-I-O Zones and requires approval of a CSP and DSP.

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

Conformance with the following prior Zoning Ordinance regulations is required for the proposed development, at time of DSP review including, but not limited to, the following:

- Section 27-543(a) regarding the uses allowed in the Mixed Use-Transportation Oriented (M-X-T) Zone;
- Section 27-544 regarding regulations in the M-X-T Zone;
- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone;
- Section 27-548 regarding regulations in the M-X-T Zone;
- Part 10C Military Installation Overlay Zone; and
- Parts 11 and 12 of the Zoning Ordinance regarding parking and signage, respectively.

Various industrial uses are permitted in the M-X-T Zone, per Section 27-547. Some types of industrial uses are subject to Footnote 10 of Section 27-547(b), Table of Uses, which is applicable to the subject property.

The proposed development on the subject property has caused some concerns, which are listed below. These concerns are based on the proposed industrial use, the proposed expansion location, heavy vehicle circulation, proximity to existing residential dwellings, and the proposed hours of operation.

- **Noise:** Based upon the lotting configuration, the property abuts residential lots to the east; therefore, the industrial building expansion may increase undesirable impacts to the existing residential community, including noise. There is concern regarding noise generated by the movement of heavy vehicles, in close proximity to rear yards of existing residential dwellings. The applicant shall detail any necessary noise mitigation measures, at the time of DSP.
- **Lighting:** The proximity of the building expansion, driveway, and loading dock to the rear yards of abutting residences has the potential to generate another nuisance, in the form of light pollution. This is of particular concern, since the operations at the subject site are expected to continue into weekends and nighttime. A photometric plan and lighting details are required to be provided and will be reviewed, at the time of DSP. The type of lighting fixtures will be reviewed, at the time of DSP, with preference for full cut-off fixtures. An evaluation of the hours of site illumination will also occur during the review of the DSP.
- **Connectivity:** During a site visit, it was noted that the trail along the eastern property boundary of the subject site does not connect to the existing public sidewalk along Deer Stream Drive. Construction of the sidewalk along Deer Stream Drive, along the subject property's frontage, its extension to connect to the existing off-site sidewalk along Deer Stream Drive, and extension of the trail to connect to the sidewalk along Deer Stream Drive is required by ADQ-2022-060. These improvements will ensure connectivity and enhance the existing facilities for the community.

Previous PPS Conditions

PGCPB Resolution No. 2020-65 for PPS 4-19036 contains the following conditions that are related to urban design review:

1. **Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:**
 - a. **Reflect an undisturbed area for the future 40-foot-wide buffer on the east side of the property and new proposed trail and utility alignments, in accordance with the applicant's exhibit submitted March 27, 2020 (sheet DSP-11 from the pending detailed site plan).**

The entire width of the buffer, between the trail and eastern property line, is shown as undisturbed, except two areas which accommodated grading for construction of the trail. This disturbance was reflected on prior approved TCP1-011-12-04 and TCP2-002-2015-01, and did not propose clearing of

existing vegetation within the buffer. A site visit conducted by staff revealed several areas of dead, dying, and/or sparse vegetation within the buffer. The width, density, and material of the required landscape buffer will be evaluated, at the time of DSP. Additional screening measures will also be considered, which may include the extension of current fencing, to provide adequate buffering for the existing residential uses to the east of the proposed warehouse expansion location. Extension of the existing trail to the sidewalk within the adjacent residential neighborhood to the east will also be evaluated, at the time of DSP. The trail and utility alignments are shown on PPS 4-22056; however, the trail is not labeled.

Conformance with the 2010 Prince George's County Landscape Manual

This development will be subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements. Conformance with these requirements will be evaluated, at the time of site plan 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 tree canopy coverage (TCC) on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Conformance with the TCC requirement will be evaluated, at the time of site plan review.

15. **Health Department**—The Planning Board concurs with the recommendations of the Prince George's County Health Department noted in its memorandum dated July 12, 2023 (Adepoju to Gupta), incorporated herein by reference. The Health Department's memorandum noted that there may be abandoned underground well and/or septic structures on the subject property, which may not have been backfilled in an acceptable manner. The applicant was advised to contact the Division of Environmental Engineering/Policy Program for guidance on how to correctly backfill abandoned well and septic structures. The memorandum also noted that, during the construction phases of the project, no dust or noise should be allowed to impact adjacent properties. The aforementioned are requirements of the Building Code and will be required to be addressed, at the time of permitting and construction of the project.
16. **Westphalia Sector Development Review Council (WSDRC)**—Plan information was referred to the WSDRC for review and comment on July 10, 2023. No comments were received from the WSDRC.
17. **Community Feedback**—The Prince George's County Planning Department received written and telephonic correspondence from residents of the adjoining Parkside development, located to the east of the subject property. Citizens also provided oral testimony at the September 21, 2023 Planning Board hearing.

A site visit was conducted on July 20, 2023, with residents from the abutting residential community. The residents listed several concerns regarding the proposed expansion of the existing industrial warehouse. These included the proposed location of the expansion and its close proximity to the existing homes; anticipated noise and lighting nuisance associated with the use; inadequacy of the existing landscape buffering; and security related to the existing public trail. These same concerns were presented at the Planning Board hearing. There was a discussion of the citizens' concerns during the field visit and at the public hearing on how these issues could be addressed. The concerns raised by citizens are not germane to the review and consideration of a PPS application. The actual location and design of the proposed building, lighting, and landscaping are not determined with the PPS; these details will be reviewed and approved with the DSP. The applicant's representatives committed to evaluating and proposing supplemental landscaping at the time of DSP, to address landscaping buffering to the neighboring residential dwelling to the east of the site. Conditions are included with this PPS, requiring the applicant to submit a noise study at the time of the DSP, to evaluate deleterious impacts of the proposed addition. Additional concerns expressed by citizens included dust control, noise, and ground disturbance or earth-shaking during construction. The construction standards and structural requirements are under the review, inspection, and enforcement authority of DPIE.


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.

* * * * *

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, September 21, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of September 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel