

PGCPB No. 2024-090

File No. 4-23008

## R E S O L U T I O N

WHEREAS, Prologis-Exchange 9405 Livingston Road LLC is the owner of a 17.80-acre tract of land known as Lots 6, 8, and 9, Outlot B, Parcel 106, and Part of Lot 5, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE) and Agriculture and Preservation (AG); and

WHEREAS, on March 18, 2024, Prologis, L.P. filed an application for approval of a Preliminary Plan of Subdivision for one parcel and one outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23008 for Capital Beltway II, 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 at a public hearing on September 5, 2024; and

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

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2024, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County 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 Subdivision Regulations, 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, at the September 5, 2024 public hearing, 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 TCP1-007-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-23008 for one parcel and one outlot, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:

- a. Indicate that Outlot 1 is to be retained in ownership with Parcel 1 of this development, or is to be conveyed to the owner of the abutting property to the west (currently owned by the Maryland-National Capital Park and Planning Commission).
  - b. Revise General Note 4 on Sheet 1, to remove reference to Section 24-111 of the prior Prince George's County Subdivision Regulations.
  - c. On Sheet 2, remove the 10-foot-wide perimeter landscape strip, landscape buffer line, and building restriction lines.
  - d. On Sheet 3, label the setback dimensions for the existing structures to remain in the southeast corner of the property.
  - e. Show and label the location of existing and proposed stormdrains.
  - f. Show areas of steep slopes (15–25 percent) and severe slopes (over 25 percent) located on the property.
2. Prior to approval, the final plat of subdivision shall include:
  - a. Dedication of a 10-foot-wide public utility easement along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
  - b. Dedication of the right-of-way for the portion of Taylor Acres Avenue within the property's boundary, as delineated on the approved preliminary plan of subdivision.
  - c. A note that Outparcel A shall be retained by the property owner of Parcel 1, until or unless conveyed to the owner of an abutting property.
3. Prior to approval of the final plat of subdivision, a vacation petition shall be approved to vacate a portion of Taylor Acres Avenue, as delineated on the approved preliminary plan of subdivision.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan 03278-2023-SDC, and any subsequent revisions.
5. In conformance with the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* and the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall show these improvements on a permit site plan:
  - a. A minimum 5-foot-wide, Americans with Disabilities Act-accessible sidewalk along the north and east side of the building.
  - b. A minimum 5-foot-wide, Americans with Disabilities Act-accessible sidewalk, along the Taylor Acres Avenue cul-de-sac.

- c. Continental-style crosswalks and associated Americans with Disabilities Act curb ramps at all vehicular access points and to the building entrances.
  - d. Three bicycle racks (inverted U-style or a similar model that provides two points of contact for a parked bicycle) at each bicycle parking area, located no more than 50 feet from the building entrance.
  - e. Truck turning plans with design vehicle classification displaying heavy vehicle movement throughout the site.
6. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Add a note under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance to the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 2 specimen trees (Section 25-122(b)(1)(G), (ST-243, and ST-245).”
  - b. Add an updated TCP1 approval block to all sheets.
  - c. Add the project name to the woodland conservation worksheet.
  - d. Remove the forest stand boundary symbol from the plan view and legend.
  - e. Add one half acre of afforestation to the proposed reforestation area on the western side of the property. This additional half acre of afforestation shall be planted with 3.5-inch caliper, native shade trees.
  - f. Revise the planting schedule to add the half acre of afforestation.
  - g. Have the revised plan signed and dated by the qualified professional preparing the plan.
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 approved impact, 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.”
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-007-2024). 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 (TCP1-007-2024 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 (M-NCPPC), Prince George’s County Planning Department.”

9. 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.”

10. 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.
11. At the time of building permit, the applicant’s heirs, successors, and/or assignees shall provide the following, and shall show these improvements on a permit site plan:
  - a. A solar roof for the proposed building.
  - b. Six electric vehicle (EV) charging stations on-site.
  - c. Provision for the addition of electric vehicle (EV) charging stations in the future.

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 applicable legal requirements of prior Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property includes a 17.80-acre tract of land consisting of two parcels, three lots, and one outlier. Specifically, the property includes Lots 6, 8, and 9, and Outlot B, as depicted on a plat of subdivision entitled “Taylor Acres”, which is recorded in the Prince George’s County Land Records as Plat Book BB 15 Plat No. 11, dated October 1947. The property also includes a parcel known in the Maryland State Department of Assessments and Taxation as Parcel 106, and a parcel known as Part of Lot 5, both described by deed recorded in the Prince George’s County Land Records in Book 46192 page 297, dated September 23, 2021.

Lot 5, as originally depicted on Plat Book BB 15 Plat No. 11, was divided by deed in 1977, resulting in the current approximately 0.53-acre Part of Lot 5.

The property is split-zoned; approximately 10.4 acres of the property is within the Industrial, Employment (IE) Zone, and the remaining 7.4 acres of the property is within the Agriculture and Preservation (AG) Zone. Under the prior Prince George's County Zoning Ordinance, the property was within the prior Light Industrial (I-1) and Open Space (O-S) Zones. This preliminary plan of subdivision (PPS) was submitted for review under the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations in effect prior to April 1, 2022 ("prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1903(a) of the Subdivision Regulations. The site is subject to the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan).

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Sections 24-1903 and 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on March 24, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-014.

The subject property is to be subdivided into one parcel (Parcel 1) consisting of all property area within the prior I-1 Zone, and one outlet (Outlet A) consisting of the property area located within the prior O-S Zone. The PPS evaluates development of a proposed 140,896-square-foot warehouse on Parcel 1. Parcel 1 is to have frontage on and direct access to Taylor Acres Avenue, which is situated to the east of the subject property. Outlet A, as shown on the PPS, does not have frontage on a public street, and therefore, does not meet the minimum requirements of the prior Zoning Ordinance for a buildable lot. Outlet A is evaluated for woodland preservation. Currently, Taylor Acres Avenue exists as a 50-foot-wide right-of-way, terminating at the boundary of the subject property. The PPS allows vacating a portion of the existing right-of-way, and dedicating additional right-of-way in order to provide an appropriate terminus of Taylor Acres Avenue in a cul-de-sac. The applicant is required to file a vacation petition to vacate the existing dedicated public right-of-way. Thereafter, a final plat is required to complete the new lotting pattern. The subject property does not have frontage on any other public right-of-way.

The applicant filed a request for a variance to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), for the removal of two specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 113 in Grids F3 and F4, Tax Map 114 in Grids A3 and A4, and is within Planning Area 80. The property is located at the terminus of Taylor Acres Avenue, approximately 0.25 miles north of the intersection of Oxon Hill Road and Livingston Road.

The subject property is bounded to the northwest, west, and southwest by the Henson Creek Stream Valley Park, in the Reserved Open Space (ROS) Zone (formerly the prior version of the ROS Zone). The property is bounded to the northeast by industrial uses in the Commercial, Service (CS) Zone (formerly zoned Commercial Miscellaneous). The property is bounded to the east and southeast by commercial uses in the CS and Commercial, General and Office Zones (formerly zoned Commercial Miscellaneous and Commercial Shopping Center (C-S-C)). To the south, the property is bound by commercial uses in the IE Zone (formerly zoned I-1).

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

	EXISTING	EVALUATED
Zone	IE/AG	I-1/O-S
Use(s)	Industrial, Commercial	Industrial, Commercial
Acreage	17.80	17.80
Lots	3	0
Outlots	1	1
Parcels	2	1
Dwelling Units	0	0
Gross Floor Area	30,067 sq. ft.*	140,896 sq. ft.*
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Subtitle 24 Variation	No	No

**Note:** \*Several structures totaling 30,067 square feet currently exist on the subject property. Existing structures (totaling 28,887 square feet) are to be razed, except for a 1,180-square-foot canopy structure, which will remain as an accessory structure to an existing commercial use on adjoining Lots 2, 3, and 4. This accessory structure, which is located on the subject site, is associated with a vehicle sales and repair facility located on adjoining Lots 2, 3, and 4. The existing accessory structure is not evaluated as part of the subject PPS. New development on the subject property, evaluated with this PPS, includes 140,896 square feet of industrial uses.

The subject PPS was accepted for review on March 18, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on March 29, 2024, where comments were provided to the applicant. Revised plans were received on July 23, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—There are no prior development approvals for the subject property. The entire property is currently in use as a vehicle salvage yard, which will be removed.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

### **Plan 2035**

Plan 2035 places the subject site in the Established Communities Growth Policy Area. Plan 2035 classifies Established Communities as existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established Communities are most appropriate for “context-sensitive infill and low- to medium-density development” (page 20). 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).

### **Master Plan**

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS and final plat shall conform to the area master plan, including maps and text, unless the Prince George’s County Planning Board finds that events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George’s County District Council has not imposed the recommended zoning.

The master plan predates Plan 2035 and located the property to be developed in the Developing Tier. Plan 2035 removed and renamed the tier categories and placed the property in the Established Communities Growth Policy Area. As discussed above, established communities are generally existing residential neighborhoods and commercial areas outside of the Regional Transit Districts and Local Centers and are most appropriate for context-sensitive infill and low-to medium-density development. The master plan recommended mixed use and Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland uses on the subject property (see Land Use, Transportation, and Public Facilities Map). The master plan locates the subject property in the Henson Creek Transit Village. The Henson Creek Transit Village was envisioned as a pedestrian-oriented village setting focused on a two to three block section. The vision was “a long-range redevelopment scenario that may result from implementation of recommended land use concepts for the Henson Creek Transit Village area. It is likely that variations will occur as redevelopment takes place that also conform to the planning principles and concepts recommended for revitalization of the area (page 28).”

The District Council, however, placed the property to be developed in the I-1 Zone. The I-1 Zone permits a variety of labor-intensive light industrial uses, including the proposed distribution warehouse. The purpose of the prior I-1 Zone is as follows (Section 27-469(a)(1) of the prior Zoning Ordinance):

- (A) To attract a variety of labor-intensive light industrial uses.**
- (B) To apply site development standards which will result in an attractive, conventional light industrial environment.**
- (C) To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and**

**(D) To provide for a land use mix which is designed to sustain a light industrial character.**

The District Council's decision to zone the property I-1, and now IE under the current Zoning Ordinance, either reflects that events have occurred to render the relevant recommendations within the master plan no longer appropriate or is evidence that District Council has not imposed the recommended zoning. In either case, conformance to the master plan land use patterns is not required. The proposed distribution warehouse will, however, contribute to the overall existing mix of uses within the area surrounding the subject property, including the surrounding commercial uses that front Livingston Road, as well as the industrial uses located south of the property. No development is proposed in the portion of the property which is designated in the master plan for M-NCPPC parkland land use.

Notwithstanding the I-1 zoning and the designation of the subject property in the Established Communities Growth Policy Area, the following provisions of the master plan are found applicable to the development of the subject property, and the PPS conforms to the following master plan policies and strategies:

**Policy 6: Reinforce the economic viability of planned activity centers in the Developing Tier.**

**Henson Creek Transit Village**

As discussed above, the master plan locates the subject property in the Henson Creek Transit Village mixed-use activity center. While the Henson Creek Transit Village is envisioned as a "pedestrian-oriented village setting focused on a two- to three-block section of Livingston Road between Palmer Road and Old Fort Road," certain Guidelines shall apply and be achieved by the proposed development as follows (page 26):

**Guidelines**

- **Implement a future street grid pattern that supports low-scale, pedestrian-friendly redevelopment with a village character (page 26).**

No new streets are included with this PPS, except termination of existing Taylor Acres Avenue into a cul-de-sac to bring it up to current Prince George's County Code standards.

The subject property is in subarea Area A of the Henson Creek Transit Village. The master plan recommends the following land use and urban design features for Area A:

- **New buildings should be predominantly one- to two-story structures compatible with the surrounding neighborhood uses and should front onto Livingston Road (page 26).**



The PPS does not show or approve structures, but the applicant has verified that the building will be a one-story structure. Since the proposed development does not require a detailed site plan, the final design and building elevations will be evaluated prior to the issuance of a building permit. Further, the proposed development is compatible with the underlying I-1 zoning and surrounding commercial uses. More specifically, the warehouse is located south of a storage facility, north of a mixed-use development, and west of an auto center that fronts on Livingston Road. The subject property is not visible from and does not front on Livingston Road, but is set back several hundred feet from Livingston Road, at the terminus of Taylor Acres Avenue. Specifically, it is separated from Livingston Road and screened by the existing commercial uses on Livingston Road.

- **Wide, tree-lined sidewalks should define the street and contribute to a “main street” character (page 26).**

This strategy applies to properties along Livingston Road and, since the subject property does not have frontage on Livingston Road, conformance to this strategy is not required. Streetscape elements, including location and description of all trees and other landscaping materials, will be evaluated prior to the issuance of a building permit. It is noted that the PPS shows sidewalks on-site.

- **Parking areas should be located to the rear of buildings (page 26).**

Parking location and design is not approved with the PPS. The proposed parking and building orientation will be evaluated prior to the issuance of a building permit. The applicant has verified that a portion of the parking area will be located along the building’s frontage. Further, the applicant has verified that the loading area will be located at the rear of the building, facing the existing industrial uses to the south. Since the building will not be visible from Livingston Road, the applicant is justified in placing the parking area at the front of the building, which is the best design to serve the needs of the proposed development.

- **A pedestrian pathway and linear green space system should connect the Henson Creek Transit Village to the Henson Creek trail system (page 26).**

The PPS achieves providing a linear green space system as the applicant will be working with the Prince George’s County Department of Parks and Recreation (DPR) to locate and plant native vegetation in the M-NCPPC parkland area of the subject property. Although not required with this PPS, the developer has agreed to voluntarily donate Outlot A of the property to M-NCPPC, subject to DPR’s approval. While the PPS does not show a pedestrian pathway to the Henson Creek trail system, DPR may address trail and park design with future improvements, once Outlot A has been conveyed to M-NCPPC.

- **New development should be designed with an architectural character that reflects the village center's role as a gateway to the Rural Tier and the Broad Creek Historic District (page 26).**

The building design is not shown on or approved with the PPS and will be evaluated prior to the issuance of a building permit. The applicant has verified that the proposed building will have an attractive, modern design, but visibility will be limited from Livingston Road due to the distance of the building from the road, the commercial uses that front Livingston Road, and the proposed building's orientation and height. Due to the limited visibility from Livingston Road, the proposed development will not adversely affect the Henson Creek Transit Village's role as a gateway to the Rural Tier and the Broad Creek Historic District. Proposed building elevations and final design will be evaluated prior to issuance of a building permit.

#### **Community Character: Urban Design**

##### **Policy 1: Promote pedestrian- and transit-oriented design principles in moderate- to high-density centers, corridors, and mixed-use activity centers (page 96).**

The subject property only has frontage along Taylor Acres Avenue, which is a minor roadway, and does not have any recommended bicycle or pedestrian improvements identified in the master plan. The property does not front Livingston Road; therefore, the applicant does not have control over the design of Livingston Road. The applicant included a site plan exhibit showing a 5-foot-wide sidewalk along the north and east side of the building, as well as a sidewalk surrounding the proposed cul-de-sac at the terminus of Taylor Acres Avenue. Sidewalks are not shown along the south side of the building, and are conditioned to be provided, as discussed further in the Transportation finding. Crosswalks and Americans with Disabilities Act (ADA)-compliant curb ramps are also required to facilitate pedestrian movement throughout the site. The site plan exhibit also identifies two locations for bicycle parking along the north side of the building.

#### ***Strategies***

- **Develop compact centers with interconnected street grid patterns that promote efficient automobile and foot traffic circulation (page 96).**

The PPS achieves this as the applicant will be extending Taylor Acres Avenue into the site and providing a cul-de-sac, which will allow for efficient vehicular access and circulation. The PPS shows that the cul-de-sac will be improved with sidewalks, enhancing pedestrian amenities in the area.

- **Utilize high-quality materials and encourage human scale architectural detailing, pedestrian amenities such as benches, pedestrian-scaled street light fixtures, trash receptacles, bus shelters, and bicycle racks, interesting signage, and attractive landscaping (page 96).**

The building design, landscaping, and streetscape elements are not shown on or approved with the PPS and will be evaluated prior to the issuance of a building permit. The applicant has noted that the proposed building will be constructed of high-quality materials and will be designed for Leadership in Energy and Environmental Design (LEED) certification. The site plan exhibit shows that there will be bicycle racks located on the subject property. Streetlights and street trees will be located at the terminus of Taylor Acres Avenue, which provides access to the property. Proposed building elevations and final design will be evaluated prior to issuance of a building permit. Thus, the PPS demonstrates conformance with this strategy.

- **Provide attractive landscaping, street trees, and planting strips between the street and sidewalk to enhance the development and streetscape and to increase pedestrian safety by providing a buffer from traffic (page 96).**

Landscaping and streetscape elements are not shown on or approved with the PPS and will be evaluated prior to the issuance of a building permit. The proposed development will not front Livingston Road. The applicant has also verified that the development will be largely screened by the existing commercial uses currently on Livingston Road. As stated under Strategy 3, Taylor Acres Avenue, which provides access to the development, will be improved with sidewalks, streetlights, and street trees. Thus, the PPS demonstrates conformance with this strategy.

- **Locate parking areas to the sides and rear of buildings (never in the front, between the street and the building), and provide innovative circulation and landscaping design for parking areas to reduce conflicts between cars and pedestrians and reduce the amount of impervious surfaces. Consolidate curb cuts whenever possible (page 96).**

Parking location and landscaping design are not approved by PPS and will be evaluated prior to the issuance of a building permit. The applicant has verified that the surface parking area and future building will not be visible from Livingston Road. The proposed parking will be located at the front of the building, which will face north and will not be oriented towards Livingston Road. The loading area is at the rear of the building and not visible from the street. The applicant justifies the parking area placement because it will better serve the proposed development's needs. The site is located off Taylor Acres Avenue, a dead-end street, with no turnaround. Thus, to provide access to Livingston Road and the property, the PPS includes construction of a cul-de-sac, which will allow for adequate site access and vehicle circulation. The cul-de-sac and other public road improvements will be further evaluated and approved by the operating agencies. Final site design will be evaluated prior to issuance of a building permit.

### **Zoning**

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the I-1 Zone to the IE Zone, and O-S Zone to AG Zone, effective April 1, 2022.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. SWM concept plans are approved through the submission and approval of a site development concept plan. An approved Site Development Concept Plan (03278-2023-SDC) was submitted with this PPS. According to the approved SWM concept plan, two submerged gravel wetlands and one micro-bioretenention facility will provide water quality treatment and 100-year stormwater retention and attenuation on-site before discharging into the on-site stream system.

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

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

### **Subdivision Regulations Conformance**

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. This PPS is exempt from Section 24-134 because it is for a nonresidential development.

### **Master Plan Conformance**

The master plan identifies several recommendations for development of parks and recreation (pages 82–83). The 7.4-acre, O-S-zoned portion of the subject property abuts the Henson Creek Stream Valley Park. This area is depicted in the master plan as a Stream Valley Park Connection (page 83, Map 31). The PPS shows this area as an outlot, with no proposed development, and which could be made available for any future planned connections to the Henson Creek Stream Valley Park. The proposed development is in alignment with the master plan's goals and has no impact on the master plan park and open space recommendations.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, the prior Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation facilities. The 2021 *Henson Creek Village Area Study* was also reviewed for this PPS.

### **Master Plan Right-of-Way**

The subject property has frontage on Taylor Acres Avenue along the eastern bounds of the site. Neither the MPOT nor the master plan contain any right-of-way recommendations for this portion of Taylor Acres Avenue. The PPS is found to conform to the requirements of the MPOT and master plan.

### **Master Plan Pedestrian and Bike Facilities**

The master plan does not recommend any planned bicycle or pedestrian facilities along Taylor Acres Avenue. M-NCPPC owns parkland in the area with existing facilities, and future facilities could be constructed to connect to them.

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

**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.**

In addition, the site is subject to the master plan, which contains a Bicycle, Pedestrian, Trails Element section (pages 75–77) that provides numerous policies and strategies related to improving bicycle and pedestrian access and movement throughout the bounds of the master plan. However, the subject property only has frontage along Taylor Acres Avenue, which is a minor roadway and does not have any recommended bicycle or pedestrian improvements identified in the master plan. No additional pedestrian or bicycle facilities are required.

The applicant included a site plan exhibit showing a 5-foot-wide sidewalk along the north and east side of the building, as well as a sidewalk along the proposed cul-de-sac. Sidewalks are not shown along the south side of the building, which is the location facing the truck court. Crosswalks and ADA-compliant curb ramps shall be shown at all locations where sidewalk facilities are interrupted by a driveway, to facilitate pedestrian movement throughout the site. This plan exhibit also identifies two locations for bicycle parking along the north side of the building. Short-term bicycle parking shall be provided near the building entrances, in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines. Short-term bicycle racks (inverted U-style or a similar model that provides two points of contact for a parked bicycle) shall be located no more than 50 feet from building entrances. These improvements shall be shown on a site plan and will be reviewed at the time of permitting.

### **Site Access and On-site Circulation**

The site plan includes one access point along Taylor Acres Avenue. Currently, Taylor Acres Avenue exists as a 50-foot-wide right-of-way, terminating at the boundary of the subject property. The PPS shows vacating a portion of the existing right-of-way and dedicating additional right-of-way to provide an appropriate terminus of Taylor Acres Avenue in a cul-de-sac. The terminus will be designed in accordance with Prince George's County Department of Public Works and Transportation Standard 100.05 for Urban Commercial and Industrial Road with 70-foot-wide right-of-way, and Standard 200.12 for Urban Cul-de-sac. The right-of-way dedication and design of the public roadway is approved. Based upon the aforementioned site plan exhibit, from the cul-de-sac, passenger vehicles entering the site will be directed to the north side of the building and all truck vehicles will be directed to the south side of the building. This on-site design feature, intended to separate passenger vehicles from heavy vehicles, is supported. In addition, the site plan exhibit depicts an access driveway located further north of Taylor Acres Avenue, which is intended to function exclusively as an emergency access point to and from the site.

A truck turning plan with design vehicle classification shall be provided at the time of permit review, to demonstrate the movement of the larger vehicles within the site. The internal vehicle circulation is confined only to the site, thereby, ensuring that no cut-through traffic will take place. Vehicular access and circulation for the proposed development is, therefore, found to be sufficient.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the subdivision, meet the findings required of prior Subtitles 24 and 27, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Sections 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The master plan includes goals and policies for the provision of public facilities (pages 79 and 80). However, these are not specific to the subject site. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

This PPS is subject to an approved Certificate of Adequacy, ADQ-2023-014. The certificate of adequacy process ensures that infrastructure necessary to support a proposed development is built at the same time as, or prior to, the proposed development. Pursuant to applicable tests and standards, the Planning Director determined that public facilities will be adequate to serve the proposed development, as conditioned in the approved ADQ.

The subject property is located in Planning Area 80, which is known as the South Potomac Sector. The 2024–2029 *Fiscal Year Approved Capital Improvement Program* budget does not identify any new construction projects proposed for construction for this planning area.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

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 PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted 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 Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 feet wide along both sides of all public rights-of-way. The subject property has frontage on Taylor Acres Avenue. The PPS provides additional right-of-way for this road, to terminate it in a cul-de-sac per County road standards. The PPS correctly shows the required PUE along the public right-of-way.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 99-102). However, these are not specific to the subject site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not required. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
13. **Environmental**—The PPS and Type 1 Tree Conservation Plan TCP1-007-2024 were accepted for review on March 18, 2024. Comments were provided in an SDRC meeting on March 29, 2024. Additional information was received on June 10, June 14, and July 23, 2024, which formed the basis for review. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
NRI-072-2018 (EL)	N/A	Staff	Approved	5/1/2018	N/A
N/A	S-063-2018	Staff	Approved	5/1/2018	N/A
NRI-072-2018-01	N/A	Staff	Approved	8/28/2023	N/A
NRI-072-2018-02	N/A	Staff	Approved	6/14/2024	N/A
4-23008	TCP1-007-2024	Planning Board	Approved	9/5/2024	2024-090

### **Grandfathering**

The project is subject to the environmental regulations contained in prior Subtitle 24 and the WCO because the development is subject to a new PPS that was accepted for review prior to July 1, 2024.

### **Plan 2035**

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

### **Site Description**

The 17.80-acre property is located west of the intersection of Livingston Road and Taylor Acres Avenue in Fort Washington. The property was formerly a vehicle salvage yard for over 50 years. Currently, the used car parts inventory has been removed and the buildings for storage and offices remain. From a review of available information, and as shown on the approved natural resources inventory (NRI), regulated environmental features (REF) are located on-site such as primary management area (PMA), which includes three streams (an unnamed stream along the northern boundary, Henson Creek along the western boundary, and Hunters Mill Branch along the southern property line), associated stream buffers, 100-year floodplain, and steep slopes. The site does not contain any Wetlands of Special State Concern, as mapped by the Maryland Department of Natural Resources (DNR). The County's Department of the Environment watershed map shows the site is within two watersheds, the Henson Creek and Hunters Mill Branch watershed of the Potomac River basin. The site features developed lands that slope and drain to the three on-site stream systems. DNR does not identify the site as being within a stronghold watershed area or within a Tier II catchment area. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, no rare, threatened, and endangered species are known on-site or on adjacent properties.

### **Environmental Conformance with Applicable Plans**

#### **Master Plan**

The master plan contains environmental related policies and strategies that are applicable to the subject PPS. The specific language from the master plan is shown in **bold**, and the plain text provides comments on plan conformance.

**Policy 1: Protect, preserve, and enhance the identified green infrastructure network within the Henson Creek planning area (page 61).**

#### ***Strategies:***

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

The central portion of the site area is comprised of mapped evaluation areas, and the remaining portion of the property along the northern, southern, and western



(Henson Creek) property lines mapped as regulated areas of the 2017 Countywide Green Infrastructure Plan of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The property has been partially cleaned up from its prior use as part of this development process. The subject property has no previous environmental (tree conservation plan) approvals associated with the salvage yard development. This PPS includes floodplain areas from the surrounding stream systems and the on-site woodland area is limited due to previous clearing to the streams' edges from the previous use. Additional impacts to the on-site stream buffers, 100-year floodplain, and woodlands are included with this PPS. These impacts are for floodplain compensatory storage, site access, site restoration work, a proposed building, and three SWM facilities and outfalls.

As part of this development, the applicant will replant on-site the open stream buffers and 100-year floodplain areas that were cleared for the previous use. The entire woodland conservation requirement for this development proposal is located on-site within or adjacent to the floodplain areas. All woodland conservation, both preservation and proposed afforestation/reforestation, shall be placed in a woodland and wildlife habitat conservation easement.

**Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded (page 64).**

***Strategies:***

- **Identify opportunities for restoration within the primary corridors (Broad Creek/Henson Creek and Piscataway Creek/Tinkers Creek) and target mitigation efforts in these areas.**

The proposed development is in the primary environmental corridor of Henson Creek as identified in the master plan (see Map 25: Primary and Secondary Environmental Corridors, page 63). The prior use of the property resulted in environmental contamination, which requires remediation. The applicant is participating in the Maryland Department of the Environment's (MDE) Voluntary Cleanup Program and will be removing known environmental contaminants and removing impervious surface areas, particularly in the western portion of the property approaching Henson Creek, as well as reforesting the area. Thus, the PPS achieves the intent of this strategy.

- **Restore stream and wetland buffers to the fullest extent possible during the land development process.**

The approved NRI shows REF and PMA within the subject property. The PPS preserves the woodlands within the on-site REF and PMA, to reforest both the floodplain and stream buffer, and meets the entirety of the 3.01 acres of woodland conservation requirement on-site. The included woodland conservation

is adjacent to the stream buffer, and this additional buffering through preservation and reforestation further protects the stream, conforming to this policy. The proposed development includes a building and parking layout designed to minimize the effect of development on existing streams, stream buffers, and existing 100-year floodplain. In addition, afforestation areas will be planted with native trees to enhance the stream buffer and floodplain.

The SWM concept design is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), to address surface water runoff issues in accordance with Subtitle 32, Water Resources Protection and Grading Code. This requires that environmental site design (ESD) be implemented to the maximum extent practicable. An approved SWM concept plan (Application No. 03278-2023-SDC and Approval No. P42640-2024-SDC) and associated plan were submitted with the PPS. The SWM concept plan proposes to use two submerged gravel wetlands, one micro-bioretenion facility, floodplain compensatory storage, and 100-year quantity control of the on-site floodplain.

**Policy 3: Reduce Overall energy consumption and implement more environmentally sensitive building techniques (page 64).**

As a PPS does not approve any structures, the subject PPS does not show any environmentally sensitive building techniques. Use of environmentally sensitive building techniques is encouraged.

**Policy 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas (page 64).**

The subject property is an existing industrial area at the end of Taylor Acres Avenue adjacent to industrial properties to the east, woodlands and industrial properties to the south, woodlands to the west, and woodlands and industrial properties to the north. The proposed use is for an industrial building with associated infrastructure with this PPS. The adjacent uses are not rural in nature, but the site contains environmentally sensitive areas that are three streams along the northern, western, and southern property lines. The western portion of the site not approved for development will be reforested to meet all of the project's woodland requirement on-site. The proposed lighting details will be addressed at the time of permit review.

**Policy 5: Reduce noise impacts to meet State of Maryland noise standards (page 64).**

The site is adjacent to industrial and wooded properties. This PPS evaluates industrial development. The standard regulatory requirement listed in the above policy will be addressed at the time of permitting.

### **2017 Green Infrastructure Plan**

The Countywide Green Infrastructure Plan was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the Green Infrastructure Plan, this site contains regulated and evaluation areas.

The following policies and strategies are applicable to the subject PPS. The text in **bold** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

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

### *Strategies*

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
  - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
  - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
  - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

The subject property does contain designated evaluation and regulated areas as defined in the Green Infrastructure Plan. The subject property contains Henson Creek and its tributary Hunters Mill Branch with associated buffers. These water features are not identified as a stronghold watershed or a Tier II catchment area by DNR. The REF of the site were heavily impacted during the more than 50 years as a vehicle salvage yard. REF such as the three on-site stream systems and their associated floodplain have been impacted. This PPS mitigates the prior disturbance through meeting the entire woodland conservation requirement on-site by preserving the existing woodlands and supplementing those areas by reforesting open floodplain areas. To further protect the existing REF, the SWM

facilities will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District.

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

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The subject site is not located within a sensitive species project review area or special conservation area.

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

***Strategies***

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

The subject site does not contain network gap areas.

**2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

The previous vehicle salvage yard operation comprised most of the property with clearing of woodlands within and along the REF. The remaining woodland areas are along the banks of three on-site stream systems, creating a network gap within the green infrastructure network. To address the network gap, the area adjacent to the streams will be reforested, which results in the ability to meet the entire woodland conservation requirement on-site. This planting area will expand the small existing riparian areas adjacent to on-site stream systems.

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

***Strategies***

**3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. **Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

This PPS is for the development of a single parcel and does not involve new roads, bridges, or trails. No fragmentation of REF by transportation systems is included with this PPS.

- b. **Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No new trails are included with this PPS.

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

***Strategies***

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

On-site woodland preservation and reforestation areas shall be placed in a woodland conservation easement. This planting area is located within the existing unforested stream buffer and 100-year floodplain areas. The property does not contain special conservation areas.

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

The subject site has extensive on-site floodplain areas from stream sections located along the northern, southern, and western portions of the property. The former property's use of a vehicle salvage yard operation did not have any on-site SWM structures for over 50 years to manage stormwater.

The approved SWM concept plan shows use of two submerged gravel wetlands and one micro-bioretenion facility to meet the current requirements of ESD to the maximum extent practicable. These SWM facilities also act as floodplain compensatory storage facilities for the adjacent Hunters Mill Branch. The proposed parking lot located between Hunters Mill Branch and the proposed building has an underground 100-year floodplain quantity control structure. Also, due to the extensive on-site floodplain, the current open area between the proposed building and Henson Creek will be used as both reforestation

and floodplain storage. DPIE would require all these flood structures to control the existing flooding conditions, regardless of how the site is developed.

### *Strategies*

**5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

The subject property has a significant amount of 100-year floodplain from the adjacent stream systems along the northern, southern, and western property lines. To gain access and to develop the site, development has to occur within the REF on-site. Flood control is provided along the southern stream (Hunters Mill Branch). The SWM features and outfalls, buildings, and parking will be placed within the REF. The three stormwater facilities will also be used as floodplain compensatory storage and the some of the parking area for floodplain quantity control. The previous on-site development (salvage yard) impacted the same REF areas but was constructed over 50 years ago with no oversight regulations.

**5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The reforestation in the open areas of the site will expand the riparian buffers of the adjacent stream systems.

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

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

**7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

**7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

**7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

As part of this development, there will be a large, on-site, and bare soil area east of Henson Creek and north of Hunters Mill Branch. The open bare soil area is due to the clean-up measures of the former salvage yard. This area has not been vegetated for over

50 years. This undeveloped area is to be reforested to meet the project's entire woodland conservation requirement on-site. The landscaping materials and specifications and tree canopy requirement details will be addressed at the time of permit review.

### ***Forest Canopy Strategies***

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

The PPS includes minor clearing during the clean-up of the former vehicle salvage yard and development of the property. This minor clearing is located within wooded strips along the existing industrial properties, on the northern and southern property line. No new forest edges will be created.

- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**

The subject property has been used as a vehicle salvage yard for over 50 years, with most of the site unforested. There are riparian woodland sections on-site adjacent to the stream sections. The riparian area adjacent to Henson Creek will be expanded with reforestation plantings to meet the woodland conservation requirement. These existing woodland areas and reforestation plantings shall be placed in a protective easement. Currently, the subject site is not identified as having forest interior dwelling species habitat or sensitive species project review areas.

### ***Tree Canopy Strategies***

- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The proposed development is for one industrial building with parking, loading, and SWM. The property has extensive on-site floodplain, and the development has been situated close to Taylor Acres Avenue and within the previous development area that contained buildings. The development area has been confined to the I-1-zoned area of the property and the O-S-zoned area will be restored and replanted. SWM facilities are located within the REF area on-site. These facilities will serve dual uses for SWM and floodplain compensatory storage. As part of this development, 3.04 acres of reforestation is included on-site abutting Henson Creek and the Hunters Mill Branch. This area will be

reforested to expand to an on-site riparian area with native trees and shrub species and meets the entire woodland conservation requirement on-site.

## **Environmental Review**

### **Existing Conditions/Natural Resources Inventory**

The approved NRI-072-2018-02 was submitted with the PPS. The site contains REF and PMA impact areas associated with the three on-site stream systems, floodplain, non-tidal wetland, and associated stream and wetland buffers. The NRI indicates that the site contains one forest stand and identifies four on-site specimen trees. The TCP1 and the PPS show all required information correctly in conformance with the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and was accepted prior to July 1, 2024. In accordance with the WCO regulations, a tree conservation plan is required with future development applications.

The subject site is located within the O-S and I-1 Zones. The O-S Zone contains 7.40 acres with 2.52 acres within the floodplain for a net tract area of 4.89 acres. The I-1 Zone contains 10.40 acres with 2.97 acres within the floodplain for a net tract area of 7.43 acres.

The woodland conservation threshold for the subject site is 28.89 percent of the net tract area, or 3.56 acres. The TCP1 shows clearing of 0.79 acre of woodland and 0.13 acre of wooded floodplain, resulting in a total woodland conservation requirement of 3.01 acres, which is met with 0.12 acre of on-site preservation and 3.04 acres of on-site reforestation.

Technical revisions are required to the TCP1, prior to signature approval of the PPS, in conformance with the conditions included in this resolution.

### **Specimen Trees**

Tree conservation plans are required to meet all the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees. Section 25-122(b)(1)(G) of the Prince George's 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. 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." 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 Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances). The Code, however, is not inflexible.

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 to Section 25-122(b)(1)(G) is required.



The authorizing legislation of the Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the Prince George's County's WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) of the County Code clarifies that variances granted under Subtitle 25 are not considered zoning variances.

Applicants can request a variance to the provisions of Division 2 of the WCO provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a letter of justification (LOJ) stating the reasons for the variance request and how the request meets each of the required findings.

#### **Review of Subtitle 25 Variance Request**

A Subtitle 25 variance application and an LOJ in support of the variance was received for review with this PPS and was dated July 15, 2024. The subject property contains four on-site and three off-site specimen trees with good (ST-241 and ST-242), fair (ST-243), and poor (ST-240, ST-244, ST-245, and ST-246) condition ratings. The variance requested removal of two on-site specimen trees, specifically ST-243 and ST-245. The variance also requested critical root zone impacts to two on-site specimen trees: ST-240 and ST-246. Although the impacts are not at a percentage that results in the need for a variance request, because of the poor condition rating of the trees, at the time of Type 2 tree conservation plan (TCP2) review, the applicant shall analyze the impacts to these two trees in the effort to reduce impacts to the critical root zone.

Section 25-119(d)(1) of the County Code contains six required findings to be made before a variance can be granted. The submitted LOJ addressed the required findings for the two specimen trees proposed to be removed. Details specific to individual specimen trees are also provided in the following chart.

**Schedule Summary for Specimen Trees**

ST Number	Common Name	Diameter at Breast Height -DBH (In inches)	Condition	Root Zone Impact	Retain/Remove
ST-240	Cottonwood	42	Poor	29%	Retain
OST-241	Cottonwood	31	Good	0	Retain
OST-242	Cottonwood	32	Good	1%	Retain
ST-243	American sycamore	32	Fair	60%	Remove
OST-244	American sycamore	40	Poor	31%	Retain
ST-245	American sycamore	30	Poor	69%	Remove
ST-246	Red maple	31	Poor	4%	Retain

**Note:** OST= Off-site Specimen Tree

A variance to Section 25-122(b)(1)(G) was requested for the removal of the two on-site specimen trees. The previous salvage yard activity impacted the on-site soils with automotive fluids causing contamination. The applicant has been working with MDE and is under a volunteer cleanup program, to remediate and remove the on-site contaminated soil. On-site cleanup of debris, grading, and soil removal is required as part of the volunteer cleanup program requirements. To develop the proposed industrial warehouse facility and flood control measures these specimen tree impacts are required.

This variance was requested to the WCO, which requires that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case,” under Section 25-122 of the County Code. The Subtitle 25 variance application form requires a statement of justification (SOJ) of how the findings are being met.

The text below in **bold**, labeled A–F, are the six criteria for variance listed in Section 25-119(d)(1). The plain text provides responses to the criteria:

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

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain the two specimen trees identified as ST-243 and ST-245. The subject site was partially cleaned up but contains auto and construction debris scattered throughout. The subject trees have grown in one of the debris areas and will need to be removed as part of the property cleanup efforts. These trees are within an area that has contaminated soil that requires them to be removed. Saving these two trees with the required cleanup effort makes removing all impacts to them impractical.

Requiring the applicant to retain the two specimen trees on the site would prevent the applicant from meeting the MDE’s requirement for the soil removal and remediation, 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.

The site contains four specimen trees, and the applicant proposed to remove two of these trees. The two trees were requested for removal due to their location, and to remove contaminated soil and existing debris piles from the previous vehicle salvage yard operations.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. Specifically, to develop the site, the applicant must remove debris piles and conduct a cleanup of the contaminated soil. As noted above, these trees must be removed to complete these activities. This is not a special privilege that would be denied to other applicants. If other similar industrial developments contained specimen trees within contaminated soil areas and debris piles that required cleanup, it would be given the same considerations during the review of the required variance application.

**(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 removal of specimen trees ST-243 and ST-245 is the result of the removal of contaminated soil and concrete rubble. These trees were requested for removal to achieve optimal development for the industrial development with associated infrastructure.

**(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, existing land, or building uses on-site, or on neighboring properties that have any impact on the location or size of the two specimen trees. Specimen trees ST-243 and ST-245 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.**

Removal of two specimen trees will not adversely affect water quality. In addition, the proposed Capital Beltway II development will not adversely affect water quality. The project will be subject to the requirements of the Prince George's County's Soil Conservation District, and the approval of a SWM concept plan by DPIE. The PPS meets the total woodland conservation requirement with on-site preservation and reforestation plantings.

The required findings of Section 25-119(d) have been adequately addressed for the removal of two specimen trees identified as ST-243 and ST-245. The variance for removal of two specimen trees for proposed development on the subject property is, therefore, approved. Tree plantings that exceed the minimum tree conservation planting size requirements are required, given the specimen trees to be removed, to ensure the replacement of a more advance tree canopy on-site, which also furthers the environmental policies of the master plan.

**Regulated Environmental Features/Primary Management Area**

Section 24-130(a) of the prior Subdivision Regulations requires that PPS applications include: "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible."

This site does contain REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-130.

The REF includes streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes which comprise the PMA. Prior to submission of the subject PPS, the applicant met with DPIE and Maryland-National Capital Park and Planning Commission (M-NCPPC) staff due to the extensive 100-year floodplain within the subject property. The previous vehicle salvage yard operations were constructed before current development, environmental, and SWM regulations. This site was entirely developed (buildings and vehicle storage) with woodlands located within the stream systems along the northern, southern, and western boundary limits. A large portion of the eastern PPS subject area at the Taylor Acres Avenue entrance location is within the floodplain associated with Hunters Mill Branch. The three surrounding stream systems have floodplain limits within the subject area. As part of a DPIE review of the existing and proposed conditions of the site, it was determined that in order to develop the site floodplain impacts were required.

The applicant's consultants have performed a hydrologic and hydrology study and a safe access study of the Hunter Mill Branch stream system. These studies were conducted to determine if the proposed development would increase the floodplain elevation. It was determined by the consultant that there was no increase in elevation to the floodplain. Since the proposed development will fill in the floodplain, floodplain compensatory storage and quantity control is required. Since no impacts are proposed within the Henson Creek floodplain, no study was required by DPIE, and the new floodplain guidelines and previous study area will govern this area. The existing floodplain and former open area used for car storage will be restored to natural soil by removing the existing gravel area and any contaminated soil encountered through this redevelopment process. This area will handle some compensatory flood storage and will be replanted. DPIE approved a floodplain waiver to impact the floodplain for disturbances for the entrance road, proposed warehouse building, parking areas, SWM structures, and grading for 100-year floodplain control. A floodplain waiver approval letter dated February 6, 2024, was submitted with this PPS.

Section 24-130(b)(5) of the prior 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 REF 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, 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 REF. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at the point of least impact. The types of impacts that should 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.

In this PPS, impacts to the PMA are for floodplain compensatory storage, site access, site restoration work, proposed building, and three SWM facilities and outfalls. An SOJ was submitted with the PPS dated June 7, 2024, and was updated on July 15, 2024, for impacts to the PMA.

PMA Impact Area	PMA (sq. ft.) (Acres)	Stream Buffer (sq. ft.)	100-year Floodplain (sq. ft.)	Steep Slopes (sq. ft.)	Stream Bed, Wetland, and Wetland Buffer (sq. ft.)
Site Demolition and Restoration	40,645 sq. ft. (0.93 acres)	40,645 sq. ft.	6,046 sq. ft.	3,796 sq. ft.	0 sq. ft.
Building and Parking	45,201 sq. ft. (1.04 acres)	16,337 sq. ft.	35,780 sq. ft.	4,053 sq. ft.	0 sq. ft.
Site Access	8,690 sq. ft. (0.20 acres)	0 sq. ft.	8,690 sq. ft.	0 sq. ft.	0 sq. ft.
SWM Facility and Outfall 1	17,351 sq. ft. (0.40 acres)	12,582 sq. ft.	17,351 sq. ft.	2,727 sq. ft.	0 sq. ft.
SWM Facility and Outfall 2	23,712 sq. ft. (0.54 acres)	23,712 sq. ft.	4,616 sq. ft.	9,958 sq. ft.	0 sq. ft.
SWM Facility and Outfall 3	18,874 sq. ft. (0.43 acres)	6,995 sq. ft.	18,873 sq. ft.	1,046 sq. ft.	0 sq. ft.
Total	154,473 sq. ft. (3.55 acres)	100,280 sq. ft. (2.3 acres)	91,356 sq. ft. (2.1 acres)	21,580 sq. ft. (0.5 acres)	0 sq. ft.

The SOJ included a request to impact 3.55 acres (154,473 square feet) of on-site PMA for floodplain compensatory storage, site access, site restoration work, proposed building, three SWM facilities and three SWM outfalls. Approximately 7.01 acres of the 17.80-acre subject site are covered by PMA, including 5.48 acres of floodplain. This is attributable to the presence of streams on the subject site's northern and southern boundaries, as well as Henson Creek to the west. The request was to impact 2.10 acres of the existing 5.48 acres of floodplain. All of the 3.55 acres of impact area has been previously impacted with impervious surface from the previous use. The impacts were requested to redevelop the former vehicle salvage yard into a large industrial building with parking, SWM, and flood controls.

The subject property was previously a vehicle salvage yard for over 50 years, with most of the site, including significant portions of the PMA, impacted for this facility. Only small riparian strips along the three stream systems along the northern, southern, and western boundary lines remain undisturbed from this prior use.

All of the requested PMA impact areas were previously impacted or were impervious areas as part of the previous use. The applicant also proposed to restore 3.04 acres of the site that were previously improved to a natural state through reforestation. As discussed below, to support a finding that the REF have been restored to the maximum extent possible, an additional 0.5 acre of reforestation is required. Based on the revised SOJ, the applicant requested a total of six impact areas as described below:

**Site Demolition and Restoration Impact**—PMA impacts totaling 0.93 acre were requested for site demolition and removal of existing structures and improvements for the proposed development. Some of this impact area will be used for floodplain compensatory storage. This impact is located throughout the subject site, to clean up from the previous use. The impact area will disturb PMA, stream buffer, steep slopes, and 100-year floodplain.

**Building and Parking Impact**—PMA impacts totaling 1.04 acres were requested for construction of one proposed building and parking improvement. The impact area is located within the front Taylor Acres Avenue entrance point of the site. This impact area will also have a 100-year floodplain quantity control facility under the proposed parking lot. The impact area will disturb PMA, stream buffer, steep slopes, and 100-year floodplain.

**Site Access Impact**—PMA impacts totaling 0.20 acre were requested for construction of an entrance access road into the site. The impact area is located within the front Taylor Acres Avenue entrance point of the site. This impact area will be used for floodplain compensatory storage. The impact area will disturb PMA, stream buffer, and 100-year floodplain.

**SWM Facility and Outfall Impact 1**—PMA impacts totaling 0.40 acre were requested for construction of a SWM facility and outfall structure. The impact area is located adjacent to the southern property line and Hunters Mill Branch. This impact area will be used for floodplain compensatory storage. The impact area will disturb PMA, stream buffer, steep slopes, and 100-year floodplain.

**SWM Facility and Outfall Impact 2**—PMA impacts totaling 0.54 acre were requested for construction of a SWM facility and outfall structure. The impact area is located adjacent to the southern property line and Hunters Mill Branch. This impact area will be used for floodplain compensatory storage. The impact area will disturb PMA, stream buffer, steep slopes, and 100-year floodplain.

**SWM Facility and Outfall Impact 3**—PMA impacts totaling 0.43 acre were requested for construction of a SWM facility and outfall structure. The impact area is located

adjacent to the southern property line and Hunters Mill Branch. This impact area will be used for floodplain compensatory storage. The impact area will disturb PMA, stream buffer, steep slopes, and 100-year floodplain.

### **Analysis of Impacts**

The requested PMA impacts (site access, site restoration work, proposed building, parking, SWM facilities, three SWM outfall structures, and floodplain storage grading) are required to redevelop the property. As noted, the project area has an extensive floodplain and was previously a vehicle salvage yard for over 50 years, with most of the site impacted for this facility. Only small riparian strips along the three stream systems along the northern, southern, and western boundary lines remain undisturbed from this prior use. All of the PMA impact areas were previously impacted or were impervious areas as part of the previous use. No stream impacts are included, other than for construction of three SWM outfall structures.

As part of a DPIE review of the existing and proposed conditions of the site, it was determined that in order to develop the site, floodplain impacts were required. The only available access point to the subject property (Taylor Acres Avenue) is within the 100-year floodplain. Therefore, impacts to the floodplain are required to provide access and for the development of the property. The filling of the floodplain requires floodplain compensatory storage and 100-year floodplain quantity control. DPIE approved a floodplain waiver to impact the floodplain for disturbances for the entrance road, proposed warehouse building, parking areas, SWM structures, and grading for 100-year floodplain control. The proposed stormwater facilities and parking lot will be used for floodplain compensatory storage and 100-year floodplain quantity control. Per DPIE, these facilities must be located at the proposed locations in the PMA, stream buffer, steep slopes, and 100-year floodplain to provide effective flood control on the subject site, and to prevent flooding on adjacent properties.

Due to the extensive limits of the on-site stream buffers and 100-year floodplain in the eastern property area, at the Taylor Acres Avenue entrance location and the stream systems along the northern, southern, and western property limits, any redevelopment of the site would need to request similar PMA impacts. The on-site floodplain limits are beyond the on-site stream buffer and steep slopes. Since access to the subject site is only available from Taylor Acres Avenue, it is not possible to redevelop the subject site without impacting PMA, stream buffer, steep slopes, and 100-year floodplain at that location.

As previously noted, this area is already impacted by the previous vehicle salvage yard use. Furthermore, consolidating the proposed improvements towards the Taylor Acres Avenue access allows for a larger contiguous area of reforestation in the western portion of the subject property, along Henson Creek. Accordingly, location of the site access, warehouse building, and parking within the PMA, stream buffer, steep slopes, and 100-year floodplain is supported.

Reforestation is included within a former open vehicle storage area in the western portion of the site, which will increase the riparian buffers to the three on-site stream systems. This reforestation planting will restore the REF impacted from the previous use. The six PMA impact areas are approved, conditional upon providing an additional half acre of afforestation, abutting the proposed afforestation on the western side of the property. This additional afforestation area will

also be required to be placed within the woodland conservation easement as part of the TCP2 certification process. This additional 0.5 acre of afforestation shall be planted with 3.5-inch caliper, native shade trees. This will ensure a better survival rate, achievement of a fuller tree canopy sooner, and mitigate the removal of the two specimen trees, ST-243 and ST-245.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the REF on the subject property have been preserved and/or restored to the fullest extent possible. Six approved PMA impact areas are necessary for site access, site restoration work, proposed building, and three SWM outfall structures, which are reasonable for the orderly and efficient redevelopment of the subject property.

#### **Soils/Unsafe Soils**

Section 24-131 of the prior Subdivision Regulations states “The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes.”

According to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), soils present include Beltsville-Urban land complex, Croom gravelly sandy loam, Croom- Urban land complex, Grosstown-Urban land complex, Sassafras-Croom, Urban land- Beltsville complex, and Woodstown sandy loam. Marlboro and Christiana clays are not found to occur on this property.

The prior use was the operation of a vehicle salvage yard for over 50 years, which resulted in contaminated soil from auto fluids draining from the vehicles. A soil investigation was completed as part of the applicant’s due diligence in the property. Soil and water samples were collected throughout the property area and contaminated soil was encountered in various areas of the western portion of the property draining toward on-site Henson Creek. MDE was contacted, and the site was put in the Voluntary Cleanup Program. This soil remediation program is required prior to any on-site development.

Portions of this required cleanup work have been completed to MDE’s standards and an Environmental Covenant was placed on the property (Liber 48764/folio 160). There are further soil cleanup measures (soil removal and monitoring), required by MDE, which will happen with the development of the site.

14. **Urban Design**—The subject PPS evaluates 140,896 square feet of industrial development on one development parcel (Parcel 1), with no development on Outlot A. Per Section 27-473(b)(2)(F) of the prior Zoning Ordinance, a detailed site plan will not be required for the proposed development.

The regulations and requirements of the prior Zoning Ordinance (applicable to this development within the I-1 and O-S Zones), applicable sections of the 2010 *Prince George’s County Landscape Manual*, and requirements of the Tree Canopy Coverage Ordinance of the County Code will be evaluated at the time of permit review.



15. **Citizen Feedback**—The Prince George’s County Planning Board and the Prince George’s County Planning Department received written correspondence from two community associations and one community member regarding this project.

The first community organization, known as Fort Washington Forward (FWF), sent a letter dated April 29, 2024, subsequent to the Subdivision and Development Review Committee (SDRC) meeting held on March 29, 2024. In the letter, FWF raised concerns regarding the proposed development on the subject property, and that it was not in conformance with the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan) and the 2021 *Henson Creek Village Area Study*. FWF stated that the proposed industrial development will be detrimental to the neighborhood and recommended that the site be developed in accordance with the guidelines of the master plan and the *Henson Creek Village Area Study*. FWF was critical of comments provided to the applicant during the SDRC meeting, especially related to land use and transportation.

In a public social media post shared by a citizen with the Planning Board, FWF reiterated their concerns regarding the project, and in addition, claimed that the applicant had not considered future interchange work along MD 210. The social media post also stated that truck movement on Livingston Road anticipated from the proposed industrial use would negatively impact the neighborhood.

Correspondence via email was also received from Tantallon North Area Civic Association (“Association”), which expressed concern that the proposed development would significantly impact the surrounding communities and exacerbate health disparities countywide. The Association referred to a study which identified health and economic impacts for communities living near highways and provided links to two websites focused on negative impacts of distribution warehouses. The Association also recommended that the development should be buffered from residential communities.

In response, it is noted that the SDRC Meeting is a coordination and interagency meeting that occurs early in the development review process with the applicant and M-NCPPC staff to communicate requirements and/or major issues with an application. At that time, no major issues were identified with the subject PPS, in terms of land-use conformance with the master plan. The master plan identifies numerous guidelines and strategies for the subject property and surrounding area and places the property in the Henson Creek Transit Village. This resolution identifies applicable guidelines and strategies, but the Prince George’s County District Council has also zoned the subject property I-1 under the prior Zoning Ordinance, which permits distribution warehouse uses as of right.

Therefore, the PPS was found to comply with the requirements of Section 24-121(a)(5), as described above, but was still evaluated for conformance with applicable master plan guidelines and strategies, as evaluated throughout this resolution. Also, the recommendations in the *Henson Creek Village Area Study* provide potential redevelopment concepts, strategies, and recommendations. These recommendations are not binding on this PPS and are offered as recommendations to help advance the intent and purpose of the plan. With respect to traffic, the

approved certificate of adequacy evaluated the impact of this development on transportation facilities and imposes limits on peak-hour vehicle trips and requires the construction of certain improvements.

The Planning Department also received inquiries from a representative of the South County Environmental Justice Coalition (SCEJC), who wanted to know the purpose of a Planning Board hearing, and the notice requirements for such a hearing. SCEJC also asked when information regarding the project will be available on M-NCPPC's website. The Planning Department's response to these inquiries stated that the purpose of the Planning Board hearing is to hold a public hearing on the subject PPS, and for the final decision on the application to be made by the Planning Board. Regarding the notice requirement, sign postings at the subject site and mailings are required 30 days before the Planning Board hearing; sign postings at the subject site are carried out by the applicant and notices of the public hearing are mailed to all persons of record, by M-NCPPC staff. Regarding the availability of information on the PPS, current information regarding the project is available on the Development Activity Monitoring System (DAMS) dashboard, and the Planning Board hearing's final agenda and the technical staff report are posted on the Commission's web page at least six days prior to the hearing. The representative from SCEJC also inquired on how to sign up for the Planning Board hearing, and the protocols for such hearings. Information was provided on how to participate during the hearing, web links to the many different ways to participate, and important timelines for speaker registration and submitting documents to incorporate into the record for the case.

The Planning Board and the Planning Department also received several letters in opposition from citizens and community groups before the Planning Board hearing.

16. **Planning Board Hearing**—At the September 5, 2024 Planning Board hearing, staff presented the PPS to the Planning Board. In their presentation, the applicant's representative discussed the site, its history, and prior use as a vehicle salvage yard. They also responded to a community group's claim that the subject site was not posted with the notice for the Planning Board hearing, as required by the County Code. They clarified that the sign posting was completed as required, inspected as required, and was monitored daily. Evidence supporting the applicant's claim is contained in the record. The applicant's representative then introduced the applicant, who was described as being a responsive developer committed to sustainability, builds their projects to Leadership in Energy and Environmental Design (LEED) certification standards, and has experience in developing difficult sites such as the subject property. Further expanding on the site history, the applicant's representative informed the Board about the soil and water contamination on-site caused by prior use, the absence of SWM, the environmental studies performed by the applicant, and the voluntary cleanup program undertaken. The applicant stated that MDE has determined that no further remediation is required on the site, if the site is used for restricted industrial purposes. The applicant cited the environmental benefits that will come about from the proposed development, such as removing impervious areas from Outlot A, donation of this land by the applicant to M-NCPPC after reforestation, a net reduction in impervious area, and management of stormwater for flood control and water quality. The applicant also had an expert in land planning testify during the hearing. The expert explained to the Board how the project conformed to the 2006 *Approved Henson Creek-South Potomac Master Plan* (master plan) and

clarified that the project site was outside the boundary of Area A of the Henson Creek Transit Village, and not inside, as identified by the Planning Department in their analysis.

The Board questioned the applicant whether there were any plans for the proposed building to have a solar or a green roof, since the proposed development still included large impervious areas. The Board also asked the applicant to share all site documentation, including the environmental studies, with DPR, who will eventually maintain Outlot A after its donation to M-NCPPC. The applicant responded that the building will be structurally designed to support a solar roof; however, at this time, since end tenants are not known, the design is not proposed to include a solar roof, but will be white in color to reduce solar load. The applicant also added that the project will be designed such that charging stations for electric vehicles (EV) can be installed, if needed. In response to the Board's question regarding the two specimen trees requested for removal, the applicant responded that these trees have grown around the debris and contaminated soils located on-site and need to be removed to complete site remediation. The applicant further confirmed that the replacement planting will be of a larger caliper, as recommended by staff.

Several citizens and representatives of community groups had registered to speak at the Planning Board hearing. In their testimony, they talked about their concerns regarding the project's conformance to the master plan, pedestrian safety, noise and air pollution, and an increase in truck traffic on Livingston Road. The citizens were also concerned about the environmental pollution of Henson Creek, flooding, and equity for underserved communities.

After hearing the concerns from the citizens, the Board had several questions for the applicant regarding truck movement to and from the site, community benefits, conformity of the master plan, and applicable environmental regulations. The applicant and their representatives, in their response, provided a detailed narrative of the traffic analysis performed for the proposed development. They also enumerated the environmental approvals and permits required for development and explained the state and County stormwater management criteria being met for the site. The applicant reiterated their intention to design the project to meet LEED standards. In response to a question regarding emergency access, the applicant stated that improvements will be made to the terminus of Taylor Acres Avenue to provide access to emergency vehicles.

The citizens were given further opportunity to ask questions of the applicant and their representatives regarding the material presented during the hearing. During their rebuttal, the applicant's representative discussed the history of the master plan and zoning of the subject site. They talked about community engagement initiated by the applicant and community benefits being planned to include air quality monitors, the provision of community space, and participation in community causes and events. The applicant stated that they will plan truck routes from the facility which avoids residential neighborhoods. The applicant proffered to design the proposed building with a solar roof, to provide six EV charging stations on-site, and to design the site to enable the addition of more EV charging stations, in the future. The Board, after deliberation and during their approval, accepted the two proffered conditions from the applicant. The Board encouraged the applicant to continue working with the community, and referenced the environmental and economic benefits from the project and improvement of the existing traffic situation.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo recused at its regular meeting held on Thursday, September 5, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of September 2024.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:MG:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: September 19, 2024