

PGCPB No. 2024-111

File No. 4-23043

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

WHEREAS, Burton Lane Upper Marlboro MD, LLC and Shadow Real Estate, LLC are the owners of a 6.72-acre tract of land known as Parcels 25 and 214, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE), with the Military Installation Overlay (MIO) Zone being superimposed on the site; and

WHEREAS, on June 26, 2024, Jerome L. Taylor Trucking, Inc. filed an application for approval of a Preliminary Plan of Subdivision for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23043 for J.L.T. Recycling and Trucking 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 October 24, 2024; and

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

WHEREAS, pursuant to Prince George's County Council Resolution CR-025-2024 and Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2026, 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 October 24, 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 TCP1-021-2024 and APPROVED Preliminary Plan of Subdivision 4-23043 for two parcels, subject to the following conditions:

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

- a. Show and label a 10-foot-wide public utility easement along the MD 337 (Suitland Parkway) right-of-way.
  - b. Correct General Note 7 and/or the right-of-way dedication area for consistency as to the computation of the area being dedicated.
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Within the Environmental Planning Section approval block, place the case number (Preliminary Plan of Subdivision 4-23043) along the -00 line.
  - b. Remove the non-standard General Note 12 which has been added to the TCP1.
  - c. Remove the proposed reforestation area which borders Suitland Parkway to the south and remove the proposed preservation area from 10-foot public utility easement fronting Suitland Parkway from the TCP1. The applicant shall revise the woodland conservation worksheet to reflect the use of off-site credits to meet the woodland conservation requirements and provide additional on-site woodland conservation with the Type 2 tree conservation plan, where possible.
  - d. Remove the second north arrow from the TCP1.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 37177-2023, and any subsequent revisions.
4. Prior to approval, the final plat of subdivision shall include:
  - a. The granting of a 10-foot-wide public utility easement along the abutting public rights-of-way, in accordance with the approved preliminary plan of subdivision, unless a variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations is granted at the time of final plat.
  - b. Right-of-way dedication along Burton Lane, in accordance with the approved preliminary plan of subdivision.
5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-021-2024). 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 (TCP1-021-2024 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, Prince George's County Planning Department."

6. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section of the Prince George's County Planning Department 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."

7. 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 and Wildlife Habitat 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."

8. Prior to issuance of a building permit, in conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*, the permit plan shall show the details, location, and extent of the following facilities:
  - a. A minimum 5-foot-wide sidewalk along the property frontage of Burton Lane, unless modified by the operating agencies with written correspondence.
  - b. A minimum 5-foot-wide pedestrian path from the roadway frontage to the building, and associated crosswalks and Americans with Disabilities Act-compliant curb ramps.
  - c. A bicycle rack (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 each building's entrance.
9. With the Type 2 tree conservation plan, a detailed planting schedule shall be provided for the reforestation proposed within the primary management area, and near the on-site wetland.
10. The revised stormwater management concept plan shall be approved prior to acceptance of a detailed site plan or standalone Type 2 tree conservation plan.

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 Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on the south side of Burton Lane, north of MD 337 (Suitland Parkway), approximately 700 feet west of Old Marlboro Pike and is within Tax Map 90, Grids A3 and B3. The property totals 6.72 acres and consists of two parcels identified in Maryland State Department of Assessments and Taxation records as Parcels 25 and 214, recorded by deeds in the Prince George's County Land Records in Book 36406, page 536 and Book 49139, page 168. The property is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan).

The property is in the Industrial, Employment (IE) Zone, with the Military Installation Overlay (MIO) Zone being superimposed on the site. However, this preliminary plan of subdivision (PPS) has been reviewed under the applicable provisions of the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 (the "prior Zoning Ordinance" and the "prior Subdivision Regulations"), pursuant to Section 24-1900 *et seq.* of the current Subdivision Regulations. Under the prior Zoning Ordinance, the entire site was in the Light Industrial (I-1) and Military Installation Overlay (M-I-O) Zones, which were effective prior to April 1, 2022.

The property is currently improved with industrial uses which include a contractor's office with outdoor storage and an auto towing station. All the existing structures will be razed with the development evaluated in this PPS. The development includes an approximate 55,000-square-foot facility for the collection of recyclable materials, with 7,500 square feet of accessory office space on one parcel, and an approximate 10,000-square-foot facility for the maintenance, dispatch, and storage of trash removal service vehicles on a second parcel.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on February 9, 2024. 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), this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-074.

3. **Setting**—The site is located within Planning Area 78. MD 337 (Suitland Parkway) abuts the subject property to the south. The site is surrounded by properties in the IE Zone (previously the I-1 Zone), which are developed with existing commercial and industrial uses. The subject property and its surroundings are also located in the MIO Zone for height, noise, and safety.

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

	EXISTING	EVALUATED
Zones	IE/MIO	I-1/M-I-O
Use(s)	Industrial	Industrial
Acreage	6.72	6.72
Parcels	2	2
Outlots	0	0
Dwelling Units	0	0
Gross Floor Area	6,965 sq. ft.	72,500 sq. ft.
Variance	No	No
Variation	No	No

The subject PPS (4-23043) was accepted for review on June 26, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee, which held a meeting on July 19, 2024, at which comments were provided to the applicant. Revised plans were received on August 23, 2024, and September 13, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—There are no prior development approvals applicable to the subject property. A final plat of subdivision will be required pursuant to this PPS, prior to the approval of permits.
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**

The subject property is located in the Established Communities Growth Policy Area of Plan 2035. The vision for Established Communities is that they are most appropriate for context-sensitive infill and low- to medium-density development (page 20; also refer to Map 1. Prince George's County Growth Policy Map, page 18).

#### **Master Plan**

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the Prince George's County District Council has not imposed the recommended zoning. The master plan recommends industrial land use on the subject property. This development conforms with the recommended land use and is permitted in the prior I-1 Zone.

In addition, the PPS shall conform to other relevant master plan strategies that are applicable to the subject property. These strategies are discussed further below and throughout this resolution.

#### **Chapter 4: Development Pattern and land use**

##### ***Strategies (page 58)***

- **Appropriately expand and enhance employment areas by expanding industrial land use designation around JBA.**

The subject property is located in the Penn-Belt South Industrial Center, north of Joint Base Andrews. The evaluated use is consistent with the future Industrial land use and meets the Air Installation Compatibility Use Zone Study guidelines.

#### **Chapter 8: Economic Development**

##### ***Strategies (page 147)***

- **Capitalize on employment growth at Joint Base Andrews....to promote compatible infill development that will attract an improved mix of private employment.**
- **Support redevelopment and revitalization of existing employment areas rather than greenfield development.**

This PPS is consistent with the master plan's goal to preserve existing and future opportunities for economic development through strategic planning. The master plan recommends clustering industrial and employment uses around existing development and transportation networks. The subject property is compatible with the surrounding uses and is located in an existing employment area (the Penn-Belt South Industrial Center). Further, the property is well situated to utilize the existing transportation network, which includes Suitland Parkway and I-95/495 (the Capital Beltway).

#### **Sectional Map Amendment/Zoning**

Pursuant to the adoption of the 2013 *Approved Subregion 6 Sectional Map Amendment*, the subject property was retained in the prior I-1 Zone. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Map Amendment, which reclassified the subject property from the prior I-1 and M-I-O Zones to the IE and MIO Zones, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior zoning.

#### **Aviation/Military Installation Overlay Zone**

The 2016 *Approved Military Installation Overlay Zoning Map Amendment* classified the subject property in the M-I-O Zone (as an overlay to the site's I-1 zoning) for height, noise, and safety. This site is located within Height Surface B of the M-I-O Zone. Development on the subject site must comply with the maximum height requirements of Section 27-548.54 of the prior Zoning Ordinance, which will be evaluated further with the review of future applications for the proposed buildings. The subject property is located entirely within the Noise Contour and Clear Zone.

Buildings and uses will need to comply with any County noise requirements and regulations limiting specific materials used on-site, in accordance with Sections 27-548.55 and 27-548.56 of the prior Zoning Ordinance.

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 the municipality having approval authority. An approved SWM Concept Plan (37177-2023-SDC/P55107-2024-SDC) was submitted with this PPS.

According to this plan, SWM for the site consists of three micro-bioretenion facilities, one bio-retention facility, one submerged gravel wetland, a rainwater harvesting area, and a bioswale to provide stormwater retention and attenuation on-site before discharging into Henson Creek. As a result of a meeting with the applicant, a modified site layout was submitted on September 13, 2024, which showed that the stormwater requirements will be met by an underground system and a set of bioswales. The revision to the SWM concept plan is in review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and shall be approved prior to acceptance of any required associated detailed site plan (DSP) and/or issuance of permits, if no DSP is required.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, if approved by DPIE, 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**—In accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), master plan, and prior Subdivision Regulations to provide the appropriate transportation facilities.

#### **MPOT and Master Plan Conformance**

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

The subject property has frontage on Burton Lane, along the northern bounds of the site. Neither the MPOT nor the master plan contain right-of-way recommendations for Burton Lane. The 2012 *Transportation Review Guidelines, Part I* contain the following right-of-way recommendation for commercial and industrial development:

- **Commercial and Industrial Roadways: A minimum right-of-way of 35 feet from centerline is generally required adjacent to commercial or industrial zoning in accordance with the regulations for commercial and industrial zones (page 88).**

The PPS shows an ultimate right-of-way of 70 feet, which is consistent with the recommendations for commercial and industrial roadways contained within the *Transportation Review Guidelines*.

To meet the right-of-way requirement, 0.52 acre (22,640 square feet) of right-of-way dedication is shown along the portion of Burton Lane that fronts the property. It is noted that General Note 7 on the PPS shows 0.47 acre of road dedication. A condition of approval is included to ensure consistency of the acreage shown on the PPS with that shown in General Note 7.

The right-of-way dedication shown on the PPS conforms to the requirements of the *Transportation Review Guidelines* and will be adequate to serve the additional traffic generated by the project.

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

The MPOT does not recommend any planned bicycle or pedestrian facilities along the property frontage.

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.**

The master plan identifies policies and strategies to improve bicycle and pedestrian facilities within the plan limits. Policy 8 is copied below (pages 105–107):

**Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.**

A truck turning exhibit submitted with the PPS includes a 5-foot-wide sidewalk along the site's frontage of Burton Lane, and crosswalks crossing both points of vehicle access. On-site sidewalks are also shown along the north and east sides of the building, providing pedestrian movement from the eastern parking area to the building and roadway frontage. To promote and encourage cycling, the applicant shall provide bicycle racks at each building, which will address the policies and strategies contained within the master plan.



### **Access and Circulation**

The PPS shows two vehicular access points. The western access point leads to a parking area for standard passenger vehicles adjacent to the maintenance portion of the building, based on the concept development. The eastern access point leads to a larger parking area for standard passenger vehicles adjacent to the administrative and recycling portions of the building.

The applicant provided a truck turning plan which demonstrates heavy vehicles can move throughout the site without any encumbrances. The truck court is located along the south side of the recycling portion of the building, and along the west side of the maintenance portion of the building. Both access points are for trucks and passenger vehicles. The truck turning plan also shows a curb directly adjacent to both points of entry, which separates on-site truck circulation from passenger vehicle circulation. The internal vehicle circulation is confined only to the site, thereby ensuring that no cut-through traffic will take place. The vehicular access and circulation for the development are acceptable and sufficient.

Based on the findings presented above, transportation facilities will exist to serve the subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and will conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains the following overall goals:

- **Provide residents of Subregion 6 needed public facilities in locations that serve existing and future populations.**
- **Ensure that all new public facilities will be constructed to LEED standards and existing buildings will be retrofitted to make them as energy efficient and sustainable as possible.**
- **Maintain the high level of service by providing essential equipment and professional training for personnel.**
- **Priority will be given to funding public facilities to support development in the Developing Tier.**

The development will not impede achievement of the above-referenced goals. The analysis provided with this resolution and approved Certificate of Adequacy ADQ-2023-074 illustrates that pursuant to adopted tests and standards, public safety facilities and water and sewer service are adequate to serve the development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

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 the subject 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, which includes those properties served by public sewerage systems. Accordingly, the subject property is in the appropriate service area at this time.

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 a minimum of 10 feet wide along public rights-of-way. The site abuts Burton Lane to the north and Suitland Parkway to the south. The required PUE is reflected on the PPS, along Burton Lane. However, the 10-foot-wide PUE is not shown along Suitland Parkway. A condition of approval is included herein to ensure conformance of the PPS to this section.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 161–173). 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 is adjacent to Suitland Parkway (76A-022), a designated Prince George’s County historic site. Since the site is already developed for industrial use and is minimally visible from the parkway, the subject PPS will have a minimal visual impact on Suitland Parkway.

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

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
N/A	NRI-030-2024	Staff	Approved	2/28/2024	N/A
4-23043	TCP1-021-2024	Planning Board	Approved	10/24/2024	2024-111

#### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 because this is a new PPS.

### **Site Description**

The property does not have frontage on a master-planned roadway designated as arterial or higher, but is adjacent to Suitland Parkway, which is a freeway and is designated as a historic roadway. A review of the approved Natural Resources Inventory Plan (NRI-030-2024) indicates that the site is partially wooded, with steep slopes, wetland, and 100-year floodplain occurring on the property. Potential forest interior dwelling species habitat is not mapped on-site. According to the Sensitive Species layer on PGAtlas, as provided by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The site is located within the master plan and is shown on the General Plan Generalized Future Land Use, as designated by Plan 2035, as Employment/Industrial. According to the 2017 *Approved Countywide Green Infrastructure Plan* (GI Plan) of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the site contains both regulated and evaluation areas.

### **Prince George's Plan 2035**

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

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

#### **Master Plan Conformance**

The master plan includes applicable goals, policies, and strategies. The following policies are applicable to the current project regarding natural resources preservation, protection, and restoration. The text in **BOLD** is from the master plan, and the plain text provides comments on plan conformance:

**Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.**

#### **Strategies:**

- 1. Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**
- 2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- 3. Preserve and connect habitat areas to the fullest extent possible during the land development process.**

4. **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**
5. **Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
6. **Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**

The majority of the regulated area of the GI Plan exists on the western edge of the site, in association with the 100-year floodplain and wetland, which makes up the PMA. This site does feature a portion of Henson Creek, but it is not a primary corridor. The PMA is shown to be minimally impacted for site access, SWM outfalls, and frontage improvements. The applicant will provide woodland preservation and reforestation adjacent and connected to the PMA, to enhance the green infrastructure network. While minimal in scope, the priority areas of the GI Plan are protected. This site is not within a special conservation area.

**Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.**

**Strategies:**

1. **Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**
3. **Require retrofitting of locations without stormwater management, or with poorly performing facilities, as they are identified during the development review process.**
5. **Require private developers to perform stream corridor assessments, where one has not already been conducted, when development along stream corridors without completed assessments is proposed. Use the outcome of these assessments to guide restoration requirements upon which development approval will be contingent.**
7. **Require environmentally-sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

The PMA is comprised by a large wetland system associated with a 100-year floodplain on the western edge of the site. The applicant requested impacts to the PMA for frontage improvements, site access, and SWM outfalls. As mapped on the approved NRI, the PMA extends across the road and will be impacted for the frontage improvements and SWM outfalls. Prior development proposals showed a submerged gravel wetland and an associated non-woody buffer within the PMA. The revised SWM plans show that the applicant meets the stormwater requirements using an underground system and set of bioswales, allowing better retention of the PMA. The woodland conservation on-site is primarily shown around and adjacent to the PMA, the priority preservation area on-site. The subject area is not in close proximity to the primary corridors or the special conservation areas. Therefore, it was determined that a stream corridor assessment was not required.

**Policy 3: Increase planning and informational data collection efforts at the watershed level, raising the profile and awareness about the importance of shared aquifers and other resources to water quality and supply.**

This site is not within an agricultural zone, is not proposing agricultural use, and is not proposing any residential uses. The development is served by public water and sewer systems. The applicant shall strive to provide a protective buffer for the PMA from the evaluated industrial use.

**Policy 4: Protect, restore, and enhance the Chesapeake Bay Critical Area.**

This site is not within the Chesapeake Bay Critical Area.

**Policy 7: Encourage the use of green building techniques and community designs that reduce resource and energy consumption.**

**Strategies:**

- 1. Support this subregion plan's policy of redevelopment and infill development in existing and planned development areas rather than "green field" development (See Development Pattern/Land Use chapter).**
- 2. Initiate a project that meets the full standards of the LEEDND in the subregion. Consider this for a development/redevelopment project near Upper Marlboro (see Living Areas chapter).**

The applicant is encouraged to pursue the use of green building techniques and materials with subsequent site plan applications.

**Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.**

**Strategies:**

- 1. Encourage the use of alternative and energy-saving lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures for all proposed uses to reduce sky glow.**

The lighting will be reviewed with subsequent site plan applications.

**Conformance with the Green Infrastructure Plan**

The GI Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), on March 7, 2017. According to the GI Plan, this site contains regulated and evaluation areas. The following policies and strategies are applicable to this PPS. The text in **BOLD** is the text from the GI Plan and the plain text provides findings 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.**

- 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 western edge of this property is within designated evaluation areas, with regulated areas located in association with the portion of Henson Creek across the property, and the abutting road frontage of Burton Lane. Based on the approved NRI-030-2024, the property features one large wetland in the northwest corner of the site, in conjunction with the floodplain. The property is within the Henson Creek area of the Middle Potomac River watershed and is not within a Tier II catchment area. The site contains a wetland, which is within the regulated area of the green infrastructure network. The PPS shows impacts to the primary management area (PMA) for site access, frontage improvements, and two SWM outfalls. Two small woodland preservation areas are included adjacent to the PMA, with two reforestation areas proposed connected to the woodland preservation to further protect the green infrastructure network. Reforestation credits are included along the southern property edge and around the SWM, which may be supported if the appropriate design setbacks in Section 25-122(b) of the Prince George's County Code are followed, and the afforestation areas do not overlap SWM easements. Impacts to the regulated environmental features (REF) are evaluated further in this resolution.

**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.**

Sensitive species habitat was not identified on this site, and the property is not in a special conservation area. SWM will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County Soil Conservation District.

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

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

This site is located between Suitland Parkway and Burton Lane in a developed industrial area. Industrial development is located to the immediate north and east with the Suitland Parkway right-of-way to the south. This site is mapped within the regulated and evaluation areas, a survey of the site has indicated that the site features regulated areas within the GI Plan, along the western edge. This site is adjacent to the woodland area making up the Suitland Parkway right-of-way and

is not contiguous to any other tracts of protected woodland. No network gaps are identified.

**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.**

Mitigation, if any, for removal of wetlands, is determined by Maryland Department of the Environment (MDE) Non-tidal Wetlands Division during their review of the permit for the disturbance to the isolated wetlands and its associated buffer. The PMA impacts are limited to site access and SWM outfalls that are evaluated further in the resolution.

**2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

Any requirements to locate off-site mitigation for the protection of the green infrastructure network will be determined by MDE, at time of permit review, for the disturbance to the wetland and its associated buffer. Off-site mitigation for woodland conservation is reviewed at the time of grading permit.

Section 25-122(a)(6) of the County Code provides guidance for the off-site mitigation locations. The considerations for off-site locations are as follows: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County.

The project includes development of the site with minimal impacts to the regulated areas for SWM outfalls, frontage improvements, and site access. A Type 1 Tree Conservation Plan (TCP1-021-2024) was provided with this PPS, and it shows that the required woodland conservation requirements will be met using on-site woodland preservation, reforestation, and off-site credits. Approximately 62 percent of the woodland conservation threshold is shown on-site.

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

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

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



No fragmentation of REF by transportation systems is shown on 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 trail systems are included with this PPS.

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

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

On-site woodland conservation shall be placed in Woodland and Wildlife Habitat Conservation easements prior to certification of the subsequent DSP and associated Type 2 tree conservation plan (TCP2). The site contains PMA which will be placed in a recorded conservation easement with the final plat. This property is not associated with a special conservation area or other lands containing sensitive features.

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

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

The project had received SWM concept approval from DPIE showing the use of micro-bioretenention, bioswales, a rainwater harvesting area, and a submerged gravel wetland to meet the current requirements of the environmental site design to the maximum extent practicable. The proposed submerged gravel wetland was to impact the PMA directly. As the result of correspondence with the applicant to discuss the potential for a SWM design with reduced PMA impacts caused by the submerged gravel wetland, on September 13, 2024, the applicant provided a SWM layout which processes the majority of the SWM requirements underground, supported by bioswales. This design limits the PMA impacts for SWM only to outfalls which is considered acceptable impacts. The revised SWM

concept plan shall be approved by DPIE prior to acceptance of a DSP, if required, or issuance of permits. The revised SWM design provides additional woodland conservation in preservation and reforestation areas proposed between the development and the PMA, providing a buffer area.

**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.**

This PPS is subject to the tree canopy coverage (TCC) requirements with the adoption of Prince George's County Council Bill CB-021-2024 that came into effect on July 1, 2024. The development provides on-site woodland preservation, reforestation, and the use of off-site credits. The use of fee-in-lieu is not approved for this PPS.

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

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

The applicant retains a portion of the existing woodland and provides the remainder with on-site reforestation and off-site credits. Reforestation areas are located to further enhance the preservation areas with this PPS. Retention of existing woodlands and planting of native species on-site is required by both the 2018 *Environmental Technical Manual* (ETM) and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and can count toward the TCC requirement for the development. The location and specifications of the plantings for TCC requirements will be evaluated at the time of the associated DSP review or issuance of permits.

***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.**

Clearing of woodland is shown with this PPS, resulting in a woodland conservation threshold of 15 percent or 0.94 acre. The conservation requirement is to be met with on-site woodland preservation of 0.08-acre, reforestation areas along the woodland preservation edges of 0.50 acre, and the use of 0.54-acre off-site credits, totaling 1.12 acres. Preservation and reforestation are primarily included along the PMA and the southern edge of the site. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges.

**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.**

This site does not contain the potential for forest interior dwelling species and is not in a sensitive species project review area; however, the woodland conservation is designed to be connected and minimize fragmentation.

***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 planting of native species on-site is required by both the ETM and Landscape Manual and can count toward the TCC requirement. TCC will be evaluated with the DSP. The woodland conservation is located on the southern portion of the site. Green space is encouraged to serve multiple eco-services.

**Environmental Review**

**Natural Resources Inventory/Existing Conditions**

The site has an approved Natural Resources Inventory Plan (NRI-030-2024), which shows the existing conditions of the property. No specimen trees have been identified on-site or within the immediate vicinity of the site's boundary.

The site does contain REF, which includes a 100-year floodplain and an on-site wetland comprising the PMA. The forest stand delineation indicates that there are two forest stands, identified as Stands A and B. Stand A was given a medium priority for preservation and restoration, and Stand B, which includes the wetland, was given a high priority for preservation and restoration. The site has a total of 0.26 acre of net tract woodland, and 0.34-acre of woodland in the floodplain. Areas of steep slopes are primarily located along the southern edge of the site and in association with the PMA. The TCP1 shows all the information in conformance with the approved NRI plan.

### **Woodland Conservation**

This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the 2018 ETM because the property is greater than 40,000 square feet in size and was accepted for review prior to July 1, 2024. TCP1-021-2024 was submitted with the PPS.

According to the TCP1 worksheet, the site is 6.72 acres in the I-1 Zone. A total of 0.26 acre of existing woodlands are on the net tract, with 0.34 acre of woodlands in the floodplain. The site has a total woodland conservation threshold of 0.94 acre, or 15 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 1.12 acres based on the proposed clearing of 0.17 acre in the net tract and 0.01 acre in the floodplain. The TCP1 shows this requirement will be met by providing 0.08 acre of on-site woodland preservation, 0.50 acre of reforestation, with 0.54 acre of off-site woodland conservation credits required.

Preservation is shown abutting the on-site PMA which will further buffer the PMA from the proposed industrial use. The reforestation is reflected along the rear of the site, adjacent to the PMA, and surrounding the proposed micro-bioretenion devices and retaining wall. It is unclear if the appropriate dimensions in Section 25-122(b)(1)(I) and (J), and setbacks in Section 25-122(b)(1)(O) of the County Code are being provided. A condition of approval is included herein to provide the appropriate setback measurement and dimension lines to verify that the reforestation is within the design requirements.

Reforestation within the PMA and floodplain area could be supported; however, reforestation plantings in proximity to the wetland may change the overall hydrology of the system. A condition of approval is included herein to provide a more detailed description of the planting material proposed in this reforestation area with the subsequent TCP2.

### **Specimen Trees**

The site does not contain any specimen trees, as verified on NRI-030-2024. No impacts to critical root zones or removals of specimen trees are approved with this PPS.

### **Regulated Environmental Features**

The site contains REF including wetlands, wetland buffers, and steep slopes that comprise the PMA.

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 and orderly and efficient development of the subject property, or are those that are required by the 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 impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to REF must first be avoided and then minimized.

**Impact 1: Site Access**

With this PPS, Impact 1 includes an access road to Parcel 1 totaling 67 square feet (0.002 acre) of impact. This impact is to serve as the main vehicular access for Parcel 1, as Parcels 1 and 2 are serving two separate uses. Impact 1, for site access to Parcel 1, is approved.

**Impact 2: Frontage Improvements**

With this PPS, Impact 2 includes frontage improvements totaling 5,931 square feet (0.14 acre) of impacts. This impact includes the required frontage improvements associated with site access (i.e., sidewalk) and development. The location of the frontage improvements is within the 70-foot ultimate right-of-way of Burton's Lane that will be dedicated to public use with the final plat of subdivision. Since the PMA crosses the roadway to the northeast, impacts are expected for site access and frontage improvements. Impact 2, for frontage improvements, is approved.

**Impact 3: Stormwater Outfall**

With this PPS, Impact 3 is for two SWM outfalls for the conveyance of stormwater off-site from the underground stormwater system. This impact totals 2,454 square feet (0.06 acre) of PMA impact. SWM outfalls are considered allowable impacts with Part C of the ETM, which are expected to be minimized to the extent practicable and can be supported if they are reflective of the approved SWM concept plan. The applicant is in the process of revising the SWM plan, so the locations of the outfalls may change. As such, PMA Impact 3 shall be further evaluated with a DSP, if required, or standalone TCP2 once the revised SWM plan is approved.

**Summary of PMA Impacts**

With this PPS, three impacts were requested to the PMA, for a total of 8,452 square feet (0.19 acre). These impacts are for site access, required frontage improvements, and SWM outfalls. Impacts 1 and 2 are approved as shown; however, Impact 3 shall be evaluated with a DSP, if required, or standalone TCP2 once the revised SWM concept plan is approved by DPIE.

### **Soils**

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Dodon fine sandy loam, Marr-Dodon complex, Potobac-Issue complex, Sassafras-Urban land complex, and Urban land-Marr-Dodon complex. According to available information, no unsafe soils containing Christiana complexes or Marlboro clay exist on-site.

Based on the preceding findings, the PPS conforms to the relevant environmental policies of the master plan and GI Plan, and the relevant environmental requirements of Subtitle 25 and prior Subtitle 24.

14. **Urban Design**—A DSP is required for a trash removal service use, in accordance with Section 27-475.06(a)(2)(A) of the prior Zoning Ordinance. For the use of the collection of recyclable materials, a DSP is not required.

The uses of trash removal services and collection of recyclable materials evaluated for this property in the I-1 Zone are permitted per Section 27-473(b) of the prior Zoning Ordinance. However, it is noted that this PPS is not approving the uses; final site development may include a singular use or other similar type uses, so long as they are permitted. Conformance with the prior Zoning Ordinance is required for this development and will be reviewed at the time of DSP, if required, or with a permit site plan, including but not limited to the following:

- Section 27-469, I-1 Zone (Light Industrial);
- Section 27-473, Uses Permitted;
- Section 27-474, Regulations;
- Section 27-475.06, Trash removal services;
- Part 10C, Military Installation Overlay Zone;
- Part 11, Off-Street Parking and Loading; and
- Part 12, Signs.

Conformance with the requirements of the Landscape Manual will be required with a site plan application. The use of collection of recyclable materials is conceptually proposed to be located on the parcel abutting the utility lines for Joint Base Andrews. The use is similar to a recycling collection center. Therefore, its use impact is determined to be High (H). The use of utility lines for Joint Base Andrews is similar to public utilities with overhead power lines, which is determined to be Low (L) impact. As such, the bufferyard type between the two uses is C, which requires a minimum 40-foot building setback, a minimum 30-foot-wide landscape yard, and 120 plant units per 100 linear feet of the property line.

Based on the submitted plan, an alternative compliance application might be required. This will be evaluated at the time of permit.

15. **Community Feedback**— No correspondence was received from the community for this subject PPS. No citizens registered to speak on the PPS during October 24, 2024 Planning Board hearing.


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, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, October 24, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of November 2024.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:MV:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: November 7, 2024