

PGCPB No. 2024-133

File No. PPS-2022-042

R E S O L U T I O N

WHEREAS, Livingston Road Associates L.L.C. is the owner of an 18.13-acre tract of land known as Parcels 110, 111, 112, 114, 115, and 225, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE); and

WHEREAS, on August 26, 2024, Livingston Road Associates L.L.C. 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 PPS-2022-042 for Livingston Road – Self Storage 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 December 12, 2024; and

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

WHEREAS, at the December 12, 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 TCP1-027-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision PPS-2022-042 for two parcels, 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. Show the square footage of the proposed road dedication along Livingston Road, in addition to the acreage.
 - b. Revise the title of the PPS to read "LIVINGSTON ROAD – SELF STORAGE."
 - c. Provide station ties for the centerline of MD 210.
 - d. Revise the vicinity map to identify the nearest police facility, which is adjacent to the property on Parcel 194, District VII Police Station.
 - e. Show the coordinate system on the plan's north arrow.
 - f. Remove the two structures on Parcel 114 which have already been razed and are labeled as to be removed (existing house and existing structure).
 - g. Revise General Note 2 to reflect the tax grids as Tax Map 123, Grids A3, A4, B3, and B4.

- h. Revise General Note 4 to state, “2 parcels for 225,000 square feet of nonresidential development”.
 - i. Revise General Note 5 to include Natural Resources Inventory NRI-051-2020-01 as a prior approval.
 - j. Revise General Note 6 to show the total net tract area as 18.01 acres.
 - k. Revise General Notes 7 and 8 to be consistent with Natural Resources Inventory NRI-051-2020-01 and the Type 1 tree conservation plan.
 - l. Revise General Note 12 to list the proposed use as industrial and institutional development.
 - m. Revise General Note 15 to state, no minimum lot size required.
 - n. Revise General Note 17 to include Sustainable Growth Act Tier 2.
 - o. Revise General Note 20 to show the existing gross floor area as “0” square feet.
 - p. Revise General Note 22 to identify the existing parcels that have a water or sewer category designation of 4.
 - q. Revise General Note 27 to include the Type 1 tree conservation plan number TCP1-027-2024.
2. Prior to approval, the final plat of subdivision shall include:
- a. The 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. Right-of-way dedication along Livingston Road, in accordance with the approved preliminary plan of subdivision.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan 2318-2023-00, and any subsequent revisions.
4. In conformance with 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 the site plan:
- a. A minimum 5-foot-wide Americans with Disabilities Act-compliant sidewalk and shared roadway markings (sharrows) along the site’s frontage of Livingston Road, unless modified by the permitting agency with written correspondence.

- b. A minimum 5-foot-wide Americans with Disabilities Act-compliant sidewalk and shared roadway markings (sharrows) along the site's frontage of MD 210D, service road, unless modified by the operating agency with written correspondence.
 - c. A direct pedestrian Americans with Disabilities Act-compliant connection from the sidewalks along the site's frontage to the primary entrance of all buildings.
 - d. Inverted U-style or similar bicycle racks located no more than 50 feet from the building entrances on Parcels 1 and 2. The location and number of which is to be determined at the time of site plan.
 - e. Continental-style crosswalks at all vehicular access points and crossing all drive aisles, unless modified by the operating agency with written correspondence.
 - f. Truck turning plans with design vehicle classification displaying vehicle movement throughout the site.
5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Add TCP1-027-2024 to the approval block and worksheet.
 - b. Add a note under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of four specimen trees (Section 25-122(b)(1)(G), (ST-854, ST-857, ST-858, and ST-860).”
 - c. Add the width dimension to woodland preservation areas to ensure they qualify as woodland conservation as regulated in Section 25-122(b) of the Woodland and Wildlife Habitat Conservation Ordinance.
 - d. Label the stormwater management facilities.
 - e. Correct General Note 10 to reflect that the plan is not grandfathered by Prince George's County Council Bill CB-020-2024.
 - f. Have the revised plan signed and dated by the qualified professional who prepared it.
6. At the time of the Type 2 tree conservation plan (TCP2) review, a specimen tree removal replacement worksheet shall be provided on the TCP2 plan showing what method of replacement mitigation (tree plantings or fee-in-lieu) will be used to meet the specimen tree replacement requirements.

7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan TCP1-027-2024. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-027-2024), 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 Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property, are available in the offices of the Maryland-National Capital Park and Planning Commission”.

8. 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.”

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

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

1. The subdivision, as modified with conditions, meets the 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 property includes 18.13 acres of land consisting of six parcels, known in the Maryland State Department of Assessments and Taxation as Parcels 110, 111, 112, 114, 115, and 225. Said parcels are described by deeds recorded in the Prince George’s County Land Records in Book 26375, page 578 (Parcels 110, 112, and 225); Book 26644, page 233 (Parcel 111); and Book 41764, page 452 (Parcels 114 and 115). The property is located within the Industrial, Employment (IE) Zone and is subject to the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan).

The subject preliminary plan of subdivision (PPS) is required in accordance with Section 24-1401 and Section 24-3402(b)(3) of the Prince George’s County Subdivision Regulations, for development of more than 5,000 square feet of gross floor area. In accordance with Section 24-3302(b)(1), the applicant participated in a pre-application conference for the subject PPS on December 19, 2022, and held a pre-application neighborhood meeting on February 27, 2023, pursuant to Section 24-3303(b)(1) of the Subdivision Regulations. In

accordance with Section 24-4503 of the Subdivision Regulations, this PPS is supported by, and subject to, an approved Certificate of Adequacy, ADQ-2022-098.

The PPS allows subdivision of the subject property into two parcels (Parcel 1 and Parcel 2) for 225,000 square feet of nonresidential development consisting of 215,000 square feet of industrial development and 10,000 square feet of institutional development. More specifically, the concept development includes a mini-warehouse on Parcel 1 and a 170-student day care center on Parcel 2. Parcel 1 has frontage on and direct access to MD 210D, a service road (Service Road D) to MD 210, which is situated to the east of the subject property. Parcel 2 has frontage on and direct access to Livingston Road, which is situated to the west of the subject property. The subject property does not have frontage on any other public right-of-way (ROW). The property is currently vacant.

The applicant filed a request for a variance to Section 25-122(b)(1)(G) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, for the removal of four specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 123 in Grids A3, B3, A4 and B4, and is within Planning Area 80. The property is located on the west side of MD 210 and east of Livingston Road, approximately 1,000 feet south of its intersection with Fort Washington Road.

The subject property is bound to the north and south by land zoned IE, except to the northeast of the property, which is land zoned Commercial, General Office (CGO) with various commercial businesses. A property to the northeast is improved with a single-family residential dwelling. MD 210D (Service Road D) lies to the east, with residential uses in the Residential Estate (RE) Zone beyond. To the north lies land owned by the Prince George's County government, which contains the District VII Police Station and Prince George's County Fire Station, number 847. To the south of the subject property are various commercial and industrial uses, including an animal hospital, contractor's office, child day care facility, bus storage yard, and automobile repair shops. To the west is Livingston Road with a church in the Residential, Rural (RR) Zone beyond.

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

	EXISTING	EVALUATED
Zone	IE	IE
Use(s)	vacant	Industrial/Institutional
Acreage	18.13	18.13
Parcels	0	0
Outlots	0	0
Parcels	6	2
Dwelling Units	0	0
Gross Floor Area	0	225,000 sq. ft.
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Subtitle 24 Variation	No	No

The subject PPS was accepted for review on August 26, 2024. Pursuant to Section 24-3305(e) of the Subdivision Regulations, this PPS was referred to the Subdivision and Development Review Committee, which held a meeting on September 13, 2024, where comments were provided to the applicant. Revised plans were received on November 1, 2024 and November 7, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—There are no prior development approvals for the subject property. Parcel 114 was previously developed with a single-family dwelling and associated structures. All structures were razed between May and December 2023, prior to the PPS being accepted on August 26, 2024.
6. **Community Planning**—Pursuant to Sections 24-4101(b)(1) and 24-3402(e)(1)(D)(iv) of the Subdivision Regulations, a major PPS shall be consistent with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and shall conform to all applicable area master plans, sector plans, or functional master plans. Consistency with 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). The PPS evaluates industrial and institutional uses on the subject property. The proposed development is consistent with the intent of the Established Communities Growth Policy Area, as it is located outside of Regional Transit Districts and Local

Centers and is sensitive to the surrounding development that includes existing commercial and industrial uses.

Master Plan

The master plan recommends mixed-use land uses on the subject property. The master plan is silent on a description of mixed land use. However, Plan 2035 defines mixed use as areas of various residential, commercial, employment, and institutional uses (page 100).

Pursuant to Section 24-4101(b)(3) of the Prince George's County Subdivision Regulations, "should an Area Master Plan, Sector Plan, and/or Functional Master Plan affecting the subject property be in direct conflict with any provision of the County Zoning Ordinance that is applicable to said property – such that the current comprehensive plan and requirements of the Ordinance cannot be reconciled, and/or the District Council has not imposed the respectively corresponding zoning proposal for the area of the subject property – then the provisions of the County Zoning Ordinance shall supersede the recommendations set forth in any applicable Area Master Plan, Sector Plan, and/or Functional Master Plan for the subject property."

The master plan recommends mixed-use land uses on the subject property, while the Zoning Ordinance allows for industrial uses on the subject property. The proposed development will include both industrial and institutional uses. While mixed-use areas may include institutional uses, it does not include industrial uses. Thus, the recommendations of the master plan are in direct conflict with the Zoning Ordinance. The Prince George's County District Council retained the property in the prior Planned Industrial/Employment Park (I-3) Zone with the approval of the master plan. This decision was reaffirmed with the approval of Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, reclassified the subject property to the IE Zone, to allow industrial use on the property. Thus, the provisions of the County Zoning Ordinance supersede the recommendations of the master plan.

Per Section 27-4203(e)(1) of the Prince George's County Zoning Ordinance, the purpose of the IE Zone is to:

- (A) **To provide for a mix of employment, research and development, and light industrial development, with an expectation of high-quality design that is set apart from the high-traffic-generating commercial zones and residential communities;**
- (B) **To provide lands to serve light industrial uses while prohibiting more intensive forms of industrial development;**
- (C) **To accommodate limited residential development; and**
- (D) **To ensure compatibility between industrial development and nearby residential uses.**

The proposed industrial development is located in the area identified in the master plan as the Broad Creek Transit Village and Medical Park (see Map 11: Broad Creek Transit Village and

Medical Park Land Use and Development Pattern, page 32), which is “envisioned to allow a low-scale mix of uses that capitalize on proximity to, and potential expansion of the Fort Washington Hospital [renamed the Adventist HealthCare Fort Washington Medical Center in 2019], such as medical offices, outpatient and health care uses, and possibly a senior living/elderly housing complex” (page 30). The vision portrays a “long-range redevelopment scenario that may result from implementation of recommended land use concepts for the Broad Creek Transit Village and Medical Park 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 this area” (page 32).

The proposed industrial development will contribute to the overall existing mix of uses, including the surrounding commercial and industrial uses to the north and south of the property.

Notwithstanding the IE zoning and the proposed industrial use on the site, the following provisions of the master plan are found applicable to the development of the subject property, and the PPS shall conform to the following master plan policies and strategies and those discussed throughout this resolution:

Broad Creek Transit Village and Medical Park Guidelines

- **Implement a new street pattern focused on a new main street with wide, tree-lined sidewalks, new buildings facing the streets, and parking areas located to the rear of buildings.** (page 30)

No new streets are included with this PPS. The PPS does not show or approve structures, parking locations, or landscape design. The final site design will be evaluated at the time of site plan. Street frontage improvements along Livingston Road and MD 210 service road, including sidewalks and tree planting, will be evaluated, and approved by the respective operating agencies.

Roadway Element

Strategies:

- **Maintain and improve collectors by current and future development.** (page 67)

The following facilities are recommended to be widened to four-lane undivided facilities, per Table 1, “Recommended Road Facilities”, page 70

- **C-724, Livingston Road between Swan Creek Road and Fort Washington Road.**

The PPS includes dedication of land along the property's frontage on Livingston Road, to provide the required public ROW width for its future widening to a four-lane road. Further, road frontage improvements along Livingston Road, including road widening and a shared lane facility, will be determined by the operating agency at the time of permitting.

Bicycle, Pedestrian, Trails Element

Policy 1: Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit-supporting design features in all new development within centers and Corridor Nodes. (page 75)

Strategies

- **Provide pedestrian service areas (PSA) in the Oxon Hill Regional Center, Allentown Road Corridor Node, and the Henson Creek and Broad Creek Transit Villages. PSAs should include sidewalks and designated bike lanes along both sides of all roads.**
- **Utilize appropriate traffic calming, pedestrian safety features, pedestrian scale lighting, and pedestrian amenities. (page 75)**

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers. (page 76)

Strategies

- **Provide continuous sidewalks along major roads such as Livingston Road, Tucker Road, Bock Road, Brinkley Road, Temple Hill Road, Fort Foote Road, and Oxon Hill Road.**

Pedestrian service areas including sidewalks and designated bike lanes along Livingston Road and MD 210 are discussed further in the Transportation finding of this resolution.

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)

Pedestrian and transit-oriented design principles will be evaluated at the time of the site plan. Pedestrian facilities relevant at the time of PPS are discussed further in the Transportation finding of this resolution.

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-3 Zone to the IE Zone, effective April 1, 2022.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a stormwater management (SWM) concept plan has been approved by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE). A SWM concept plan and approval letter were submitted with the subject PPS (2318-2023-00). SWM features include two submerged gravel wetlands, three micro-bioretenion facilities, and one underground 100-year quantity control facility. The SWM concept approval expires April 5, 2027. No fee is required for on-site attenuation/quality control measures. No further action regarding SWM is required with this PPS.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—Pursuant to Section 24-4601(b)(1) of the Subdivision Regulations, nonresidential development is exempt from mandatory dedication of parkland. The project will have no impact on any master plan parks.
9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the MPOT, the master plan, the Zoning Ordinance, and the Subdivision Regulations, to provide the appropriate transportation facilities.

Master Plan Right-of-Way

The subject property has frontage on MD 210, which is identified as a service road (MD 210D) along the eastern bounds of the site and Livingston Road along the western bounds of the site. Livingston Road is identified as a master-planned collector (C-724) with a recommended ROW width of 80 feet. The PPS indicates 0.12 acre of ROW dedication along Livingston Road. The dedicated area provides 40 feet of ROW from the centerline of the roadway and is consistent with the recommendations of the MPOT and the master plan.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a shared roadway along Livingston Road. 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 contains a Bicycle, Pedestrian, Trails Element section (pages 75–77), which provides numerous policies and strategies related to improving bicycle and pedestrian access and movement throughout the bounds of the master plan. The master plan recommends continuous sidewalks and designated bicycle lanes along the subject property frontage of Livingston Road. The master plan also recommends sidewalks and bicycle lanes along any existing service road along MD 210 (page 76).

To meet the requirements of the MPOT and area master plan, sidewalks and shared road bicycle markings shall be provided along the subject site’s frontage of Livingston Road and MD 210D. Currently, dedicated bicycle lanes do not exist along Livingston Road or MD 210D. Therefore, shared road bicycle markings (sharrows) are appropriate along the property’s frontage. Dedicated bike lanes would be better implemented as part of a larger roadway project, where a continuous facility could be constructed.

Zoning Ordinance Development Standards - Access and Circulation

Section 27-6200 of the Zoning Ordinance provides specific roadway access, mobility, and circulation requirements for the proposed development. The relevant sections are 27-6204, 27-6206, 27-6207, and 27-6208 which detail the requirements for vehicular, pedestrian, and bicycle cross-access.

Section 27-6204 requires development applications to include a circulation plan unless a site plan is provided detailing circulation. The location of the access points is shown on the PPS and these access points are consistent with the SWM concept plan and the Type 1 tree conservation plan (TCP1). The conceptual site design on these plans provides the details to make an initial assessment of on-site circulation. In addition to the required circulation plan, a truck turning plan shall also be provided at the time of site plan, to evaluate on-site circulation.

The applicant proposed access from Livingston Road and MD 210D service road. The SWM concept plan shows a shared driveway that will connect Parcel 1 (self-storage warehouse) and Parcel 2 (day care) and includes an access easement on Parcel 2 for the shared driveway. Both access points were reviewed with the companion ADQ, and it was determined that they will operate within the required level of service (LOS) standards. The traffic study assumed all trips associated with each use would enter and exit from the driveway located on their respective parcels. For the purposes of the study, this represents a conservative estimate for the impacts of the development on each site access point. Although the study did not analyze trips entering one parcel and exiting another, this movement would largely be associated with the users of the consolidated storage. Given that the consolidated storage use is the lower trip generator, this movement will generate a nominal number of trips and will not affect the results of the study.

Based upon information provided by the applicant, Parcel 1 will be fenced in and have gated access. Based on the traffic study and the site design, this easement will facilitate operational movements associated with the site and will not negatively impact the approved access points or circulation on-site.

The SWM concept plan and TCP I show a large parking area located central to the two parcels. The fencing and gated access to Parcel 1 will prevent cut-through traffic and provide the secure access required at similar facilities. Parcel 2 has a smaller parking area that is connected via the shared driveway that will serve the daycare. Given the evaluated uses, the PPS also includes access from Livingston Road, which is a collector roadway.

Section 27-6206(d) requires the following:

(d) Vehicular Access Management

- (1) Limitation on Direct Access Along Arterial and Collector Streets**
Proposed direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial or collector street only if:
 - (A) No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;**
 - (B) Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and**
 - (C) The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or it is determined that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.**

Livingston Road is designated as a collector roadway and, thus, direct access to it is subject to the above requirement. While the MD 210D service road is designated as a lower classification roadway, it is not feasible to provide access to both parcels from this roadway. The proposed consolidated storage facility is planned to be a gated and secured facility, requiring a separate access. Therefore, a single, shared access driveway is not feasible for inter-parcel connection. The access driveway along Livingston Road was evaluated as part of the accompanying ADQ and it was found to meet adequacy

standards. The access from Livingston Road is approved, given the anticipated operations for a consolidated storage facility and day care center for children. Only 1 two-way driveway is shown for each of the two parcels and the uses will not generate traffic exceeding an average daily traffic (ADT) of 1,000 vehicular trips.

The subject site abuts a police station and a fire station to the north, and commercial and retail uses to the northeast. Properties to the south of the subject site contain an animal hospital, contractor's office, child day care facility, bus storage yard, automobile repair shops, and a bus storage yard. Cross-access is not shown and is not supported for connections to the adjacent land uses. The pedestrian and bikeway cross-access to the existing office building to the northeast on the CGO-zoned property is supported. However, this would require a connection through an existing parking lot, making this connection undesirable. The remaining areas to the south and west of the subject site are currently improved with nonresidential uses and the parking lots associated with each building immediately abuts the subject site. In addition, there are environmental features along Livingston Road which further limits the location for an access point to Parcel 2. Direct pedestrian connections to adjacent uses to the south through existing surface parking areas, or to the police and fire station located to the north, are not recommended. Given that these adjoining properties are already developed and did not consider cross-access for the subject site in their site design, there are no opportunities for vehicular, pedestrian, or bicycle cross-access.

Vehicular, pedestrian, or bicycle cross-access are not found to be appropriate to any of the properties that are adjacent to the subject site. However, feasibility of cross-access shall be further evaluated during the review of the site plan. Direct pedestrian connections shall be provided to each building entrance from the sidewalks along the site's frontage. This will enable pedestrian connections to adjacent properties where cross-access is not feasible. In addition, bicycle parking shall be provided no more than 50 feet from the building entrances on each parcel. The location and number of bicycle parking racks shall be evaluated at the time of site plan.

Based on the preceding findings, access and circulation are found to be sufficient. The vehicular, pedestrian, and bicycle transportation facilities will serve the PPS, meet the required findings of Subtitle 24, and conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1) of the Subdivision Regulations. The master plan contains the following overall goals related to public facilities (page 79):

- **Construct the appropriate number of schools in order to achieve a school system that operates at 100 percent of capacity or less at every school.**
- **Provide for police facilities that meet the size and location needs of the community.**

- **Provide fire and rescue facilities in the Henson Creek-South Potomac area in order to meet the travel time standards adopted by the county.**

The PPS will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2022-098, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no 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 and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site.

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 24-4405 of the 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 the water and sewer Categories 3 and 4. Category 3, Community System, 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. Category 4, Community System Adequate for Development Planning, includes properties inside the envelope eligible for public water and sewer for which the subdivision process is required. These categories are sufficient for preliminary plan approval.

For a project located inside the water and sewer envelope to advance to permitting (public water and sewer), a water and sewer category of 3 is required. The applicant shall secure an administrative water and sewer category change from Category 4 to Category 3, prior to approval of the final plat.

11. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that PPS and final plats of subdivision be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents:

“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 (PUE) is given in Section 24-4205 of the Subdivision Regulations. PUEs must be at least 10 feet in width, located outside of the sidewalk, and must be contiguous to the ROW. The subject site has frontage along the existing public ROWs of MD 210D and Livingston Road. A PUE is shown along both roadways, in the required configuration.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 99 through 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 high. A Phase I archeology survey was completed, and a final report was submitted with the subject PPS. No sites were identified, and no further work is required. No additional archaeological investigations are necessary on the subject property. 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 is found to be in conformance with the environmental regulations of Sections 24-4101(b) and 24-4300 of the Subdivision Regulations, and Section 27-6800 of the Zoning Ordinance, as discussed herein. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-051-2020	N/A	Staff	Approved	6/24/2020	N/A
NRI-051-2020-01	N/A	Staff	Approved	8/23/2023	N/A
PPS-2022-042	TCP1-027-2024	Planning Board	Approved	12/12/2024	2024-133

Grandfathering

The project is subject to the 2024 Woodland and Wildlife Habitat Conservation Ordinance, and the environmental regulations of Subtitles 24 and 27, because this is a new PPS that was accepted for review after July 1, 2024.

Plan 2035

The site is located within the 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 Map; and Mixed Use of the General Plan Generalized Future Land Use.

Site Description

The subject property consists of 18.13 acres of land containing woodland areas and was previously developed with a single-family dwelling and associated structures. All structures on the property were, however, razed between May and December 2023, prior to the PPS being accepted on August 26, 2024. A review of the available information indicates that the site contains regulated environmental features (REF) such as streams, nontidal wetlands, their associated buffers, and 100-year floodplain. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program there are no rare,

threatened, or endangered (RTE) species found to occur on or in the vicinity of the subject property. The ground elevation is highest near the northeast portion of the site, adjacent to MD 210, and then slopes to the west and south from this high point. This site is located within the Broad Creek watershed flowing into the Potomac River. The property has frontage on Livingston Road and the MD 210D (Service Road D). Livingston Road is identified as a master plan collector roadway and a historic roadway. MD 210 is identified as a master plan freeway roadway, however, MD 210D is a service road allowing direct access to the site. There are no previously approved development applications or environmental conditions for the subject property.

Environmental Conformance with Applicable Plans

Master Plan

This subject site is not associated with a focus area and is located within Planning Area 80. The Environmental Infrastructure Section of the master plan contains the following policies which are applicable to the PPS. The text in **bold** is the text from the master plan 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.**

A regulated area is located along the northeast property line and cuts diagonally across the site to the southwest corner of the subject property. On the north and south sides of the on-site regulated area are evaluation areas. The approved natural resources inventory (NRI) identified a small portion of the regulated area containing an intermittent stream section, and the remaining area contains no stream systems. Most of the subject property is wooded except for the southeast corner of the site which is cleared.

The subject property has no previous environmental (TCP1 or TCP2) approvals. The TCP1 shows the preservation of existing woodlands in several locations on-site that contain floodplain and stream buffers within both evaluation and regulated areas. A portion of the PPS's woodland conservation requirement is to be located on-site, with preservation of woodland, and the remaining requirement is to be satisfied using an off-site woodland conservation bank. The woodland conservation threshold is to be met on-site. No reforestation is shown with this PPS. All on-site woodland conservation preservation will 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.

Strategies:

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

The approved NRI shows REF and primary management areas (PMA) within the subject property. The streams are not identified as a stronghold watershed or a Tier II catchment area, as classified by the Maryland Department of the Environment (MDE), and are not in impaired water bodies. This PPS preserves the woodlands within the PMA, containing the floodplain and stream buffer, to meet a portion of the woodland conservation requirement on-site. Two of the on-site woodland conservation areas contain stream buffers, further protecting the stream systems, conforming to this policy.

A SWM Concept Plan letter 2318-2023-00 and associated plan, approved by DPIE, were submitted with the PPS. The SWM concept plan shows submerged gravel wetlands, micro-bioretenion facilities, and an underground 100-year quantity control facility to meet environmental site design to the maximum extent practicable, in accordance with the SWM requirements in Subtitle 32.

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

As a PPS does not approve any structures, the subject PPS does not show any environmentally sensitive building techniques. The use of any environmentally sensitive building techniques will be addressed at the time of site plan.

Policy 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

The subject property is an existing wooded tract, with an open area, which fronts on MD 210 via a service road (MD 210D). The uses to the north are institutional, residential, and office; to the east lies MD 210; to the south are woodlands and industrial uses; and to the west lies Livingston Road. Industrial and institutional uses are evaluated for the subject property. The adjacent uses are not rural in nature, but the site contains environmentally sensitive areas that are comprised of REF, such as two streams along the southwestern and southeastern property lines, and non-regulated areas such as ephemeral streams and isolated nontidal wetlands and wetland buffers. The on-site streams and stream buffers are not approved for development, but will remain woodlands. The proposed lighting details will be addressed at the time of site plan review.

Policy 5: Reduce noise impacts to meet State of Maryland noise standards.

The site is adjacent to a County fire department and a police station, and industrial, office, residential, and vacant properties. This PPS is evaluating industrial and institutional 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 (GI Plan) was approved with the adoption of the 2017 *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 the subject PPS. The text in **bold** is the text from the GI 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. (page 49)

Strategies

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, re- stored, 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 contains designated evaluation and regulated areas as defined in the GI Plan. The subject property contains unnamed tributaries to South Branch – Broad Creek with associated buffers. These water features are not identified as a stronghold watershed or a Tier II catchment area by Maryland

Department of the Environment (MDE). There are no RTE species found on or in the vicinity of the property. Only a small area of the on-site regulated area contains an intermittent stream, with no stream present in the remaining area. The identified regulated area is fully wooded with most of the on-site evaluation area wooded with an open area. The on-site green infrastructure areas are shown for woodland preservation with minor clearing for a sewer line connection and required Livingston Road improvements. 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 property 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.

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 property does not contain network gap areas. The regulated area runs from the northeast through the center, then along the southwestern boundary of the property, and on either side is mapped evaluation area. Although the regulated area does not contain REF, the area along the northern boundary will be placed in preservation, contiguous with pockets of preservation areas on the properties to the north.

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.**

This PPS 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 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.**

There are no special conservation areas within the subject property. There are no RTE species found on or in the vicinity of the property. The on-site preservation will be placed in a woodland conservation easement, to protect the woodland conservation.

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

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 approved SWM concept plan shows the use of submerged gravel wetlands, micro-bioretenion facilities, and an underground 100-year quantity control facility. All of these SWM structures are located outside REF areas, and no outfall impacts are approved to the REF.

- 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 on-site woodland preservation will preserve existing riparian buffers of the adjacent stream systems.

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

Forest Canopy Strategies

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 does not contain forest interior dwelling species (FIDS) habitat although the site is mostly wooded. The on-site REF areas are shown for woodland preservation with minor clearing for a sewer line connection and required Livingston Road improvements. The only adjacent woodland area is located in the southwest corner of the site, and the TCP1 reflects woodland preservation in this location.

Environmental Review

Existing Conditions/Natural Resources Inventory

A Natural Resources Inventory Plan NRI-051-2020-01, approved on August 23, 2023, was submitted with the PPS. The NRI verifies that the subject area contains REF such as nontidal wetlands, isolated nontidal wetlands, wetland buffers, intermittent stream, ephemeral streams, stream buffer, 100-year floodplain, 15.56 acres of woodlands, and seven on-site specimen trees. The TCP1 and the PPS show all required information correctly, in conformance with the NRI.

Woodland Conservation

The site is subject to the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) that came into effect July 1, 2024, because the property is greater than 40,000 square feet in size.

Based on the TCP1, the overall site contains a total of 15.56 acres of net tract woodlands and 0.30 acre of wooded floodplain. The PPS is not located within a general plan transit-oriented center. The TCP1 shows a proposal to clear 10.04 acres of on-site woodlands and 0.01 acre of wooded floodplain, for a woodland conservation requirement of 12.73 acres. The woodland conservation worksheet shows 4.78 acres of woodland preservation on-site and the use of 7.95 acres of off-site woodland credits to fulfill the requirement. A statement of justification (SOJ) was provided, stating that the full woodland requirement cannot be met on-site because there are no additional on-site woodland preservation areas or reforestation planting opportunities. The use of off-site woodland credits to fulfill this requirement is approved, based on the justification provided by the applicant.

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

Section 25-122(b)(1)(G) 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.” The code, however, is not inflexible.

The authorizing legislation of 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). Section 25-119(d)(6) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

Review of Subtitle 25 Variance Request

A Subtitle 25 Variance application and a letter of justification (LOJ) dated July 26, 2024, and revised October 24, 2024, was submitted for review with this PPS. The following analysis reviews the request to remove four specimen trees.

The LOJ requested removal of four specimen trees identified as Specimen Trees ST-854, ST-857, ST-858, and ST-860. All of the trees requested for removal are either in poor, fair, or good condition, with good-to medium-construction tolerance. The TCP1 shows the location of the trees requested for removal. These specimen trees are to be removed for development of the site and associated infrastructure. Three specimen trees identified on the TCP1 as Specimen Trees ST-855, ST-856, and ST-859, are shown to remain; however, grading is shown to significantly impact these trees. These three specimen trees will be further evaluated with the site plan, to determine if the proposed protection measure to save these specimen trees is satisfactory for the long-term survival of the trees. Otherwise, the applicant will need to revise the grading to reduce disturbance to the root zones.

Statement of Justification Request:

Section 25-119(d) of the County Code contains six required findings (text in **bold** below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. The removal of four specimen trees requested by the applicant is approved, based on these findings.

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 four specimen trees identified as Specimen Trees ST-854, ST-857, ST-858, and ST-860. The applicant is required by DPIE to construct road improvements along Livingston Road. Specimen Trees ST-857, ST-858, and ST-860 will be impacted as part of this road work. Specimen Tree ST-854 is located in an area proposed for mass-grading for the development and is approximately 300 feet from the closest PMA. This specimen tree is in poor condition and would be removed due to being a hazard.

This specimen tree removal variance request was analyzed using the Woodland and Wildlife Habitat Conservation Priorities as outlined in Section 25-121(b)(1).

Based on these priorities and the uniqueness of the property setting, it was found that the three Specimen Trees ST-857, ST-858, and ST-860 are located in an area required for road improvements, and one specimen tree is in poor condition and considered a hazard. The removal of these trees will allow for reasonable development of the site with the proposed industrial and institutional uses.

The specimen trees requested for removal will allow for the protection of the woodlands with the highest priorities, as listed in Section 25-121(b)(1) of the WCO, to the maximum extent practicable and allow for the development of this site to occur in the other woodland areas of the site. Requiring the applicant to retain these four specimen trees on the site, by designing the development to avoid impacts to the critical root zone (CRZ), would further limit the area of the site available 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 CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual (ETM) for site-specific conditions. Specimen trees grow to such a large size because they were left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all unique for each site. The four trees requested for removal are identified due to their location on-site, condition rating, and proximity to necessary construction of road and infrastructure improvements. Based on the location and species of the specimen trees proposed for removal, retaining the trees, and avoiding disturbance to the CRZ of Specimen Trees ST-854, ST-857, ST-858, and ST-860 would have a considerable impact on the development potential of the property. When similar trees were encountered on other sites, for comparable developments, they have been evaluated under the same criteria.

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

Not granting the variance request for Specimen Trees ST-854, ST-857, ST-858, and ST-860 would prevent the site from being developed in a functional and efficient manner like other developments of similar size and use. This is not a special privilege that would be denied to other applicants. Other similar residential developments featuring specimen trees in similar conditions and locations have been subject to 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 location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. The request to remove the trees is solely based on the trees' location on the site and their condition.

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

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

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

Granting this variance request will not adversely affect water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of four specimen trees identified as Specimen Trees ST-854, ST-857, ST-858, and ST-860. Specimen Trees ST-855, ST-856, and ST-859 shall be retained as part of this PPS. At the time of the site plan review for development on Parcel 2, these three specimen trees will be further evaluated, to determine if the proposed protection measure to save these specimen trees is satisfactory for the long-term survival of the trees.

Section 25-119(D)(7) states that any specimen tree granted removal is subject to replacement mitigation. This mitigation is in addition to any requirements for woodland conservation ordinance reforestation and afforestation planting, and fee-in-lieu. The method of specimen tree replacement will be approved with the review of the Type 2 tree conservation plan (TCP2). At the time of the first permit for the subject property, the applicant will be required to pay the specimen tree replanting bond and/or fee-in-lieu payment as determined by the approved TCP2.

The variance for removal of four specimen trees, for construction of industrial and institutional development, is approved.

Regulated Environmental Features/Primary Management Area

Regulated environmental features (REF) are required to be preserved and/or restored to the fullest extent possible under Section 24-4300 of the Environmental Standards of Subdivision Regulations.

Section 24-4303(d)(5) of the Subdivision Regulations states: “Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature.”

This site does contain REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-4303 of the Subdivision Regulations. The on-site REF includes streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes comprising the PMA. This subject property also contains ephemeral streams and isolated nontidal wetlands.

Section 32-226(b)(1) of the Water Resources Protection and Grading Code states: “(b)Upon application, the following activities may qualify for a Letter of Authorization provided that the conditions in Section 32-227(b) are satisfied and best management practices, which may be required by the Department, are all met: (1) Activities in isolated nontidal wetlands of less than one acre and having no significant plant or wildlife value. An applicant's determination of whether an area is an isolated nontidal wetland shall be based on published hydrologic and hydraulic data or data obtained in the field which shows whether the nontidal wetland is hydrologically connected. The applicant's determination shall be verified by the Department (DPIE).” The definitions of Section 32-217(b)(45) of the Water Resources Protection and Grading Code states: “Isolated Nontidal Wetland - a nontidal wetland that is not hydrologically connected through surface or subsurface flow to streams, tidal or nontidal wetlands or tidal waters.” The WCO and ETM consider isolated nontidal wetlands as REF.

Impacts to 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.

This PPS proposed impacts to the PMA and REF for a sewer line connection; required Livingston Road DPIE road improvements; and PUE impacts. The impacts to isolated nontidal wetlands and wetland buffer are for infrastructure and buildings.

PMA and REF Impact Areas	PMA (SF)	Stream Buffer (SF)	100-year Floodplain (SF)	Stream Bed and Steep Slopes (SF)	Wetland, Wetland Buffer, and Isolated Wetland (SF)
Impact 1- Sewer, PUE	2,594	2,594	0	0	0
Impact 2 – Road Improvements, PUE	3,175	3,175	3,175	0	0
Impact 3 – Proposed Infrastructure and Buildings	0 SF	0 SF	0	0	13,213 (Isolated wetland and buffer)
Total Area in SF	5,769	5,769	3,175	0	13,213
Total Area in Acres	0.13 Acre	0.13 Acre	0.07 Acre	0 Acre	0.30 Acre

SF = Square Feet

An undated SOJ was submitted with the subject PPS. The SOJ included a request to impact 0.13 acre (5,769 square feet) of on-site PMA for a sewer line connection and required Livingston Road improvements. This SOJ also included 0.30 acre (13,213 square feet) of impacts to an isolated nontidal wetland and its buffer for infrastructure and buildings.

Analysis of Impacts

The subject PPS includes impacts to 100-year floodplain, stream buffer, and one isolated nontidal wetland and wetland buffer. These impacts were minimized to the extent possible, to achieve the required infrastructure.

Impact 1 – Sewer and PUE Impact—PMA impacts totaling 0.06 acre were requested for the construction of a sewer line connection and PUE improvements along MD 210D. The PUE impact area is located adjacent to the eastern property line along MD 210 and the stream buffer to the PUE impact. The impact area is for necessary utility connections and is approved.

Impact 2 - Road Improvement - PUE Impact—PMA impacts totaling 0.07 acre were requested for construction of frontage improvements along Livingston Road including the PUE, as required by DPIE. The impact area is located in the southwest corner of the site along Livingston Road. The impact will disturb the PMA, stream buffer, and 100-year floodplain area. The impact area is for necessary frontage improvements and is approved.

Impact 3 – Proposed Infrastructure and Buildings Impact—REF impacts totaling 0.30 acre were requested for construction of a building over an isolated wetland area. The isolated wetland was established by the ponding of stormwater runoff from the adjacent parking lot to the north of this site. The impact area is located on-site along the eastern portion of the property, separated from the REF and within the central and most developable area of the property. The impact area will disturb the entire isolated nontidal wetlands and wetland buffer. The impact area is to isolated wetlands that are not connected to REF, in the preferred area for development. Because of limited overall impacts to REF, this impact is approved.

Analysis of Impacts

The PMA and REF impacts for required road improvements, two PUE areas (Livingston Road and MD 210), and sewer line connection are required to develop the property. The applicant also requested impacts to one isolated wetland area and buffer for a building area. The PMA and isolated wetland impacts are approved.

The REF on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1 for PMA and REF impacts.

Soils/Unsafe Soils

The soil types found on-site, according to the United States Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, are Piccowaxen-Liverpool complex, and Sassafras and Croom soils. No Marlboro clay or Christiana clay is identified on-site.

Based on the preceding findings summarized below, the PPS conforms to the relevant environmental policies of the master plan, the GI plan, and the relevant environmental requirements of Subtitles 24, 25, and 27 of the County Code.

14. **Urban Design**—Construction of nonresidential development consisting of more than 25,000 square feet of gross floor area requires DET approval, in accordance with Section 27-3605(a)(1) and Section 27-3605(a)(2)(O) of the Zoning Ordinance. In this case, the PPS evaluated 225,000 square feet of nonresidential development, consisting of 215,000 square feet of industrial development (consolidated storage) and 10,000 square feet of institutional development (day care facility).

The specific industrial use evaluated is consolidated storage uses. Section 27-5102(f)(4)(a)(viii) states that a property in the IE Zone, that was rezoned from the I-3 Zone, and that is adjacent to land in the RE Zone, shall not develop with consolidated storage uses. The subject site is located adjacent to properties in the RE Zone across MD 210. This code section was enacted with Prince

George's County Council Bill CB-011-2023, which provided the following guidance, to be referred to as grandfathering provisions:

Section 3. [a]ny proposed development of a consolidated storage use located outside I-95/I-495 (the "Capital Beltway") that has completed a Pre-Application Neighborhood Meeting for a Special Exception or a Detailed Site Plan pursuant to Section 27-3402, prior to April 1, 2023, may be reviewed and decided in accordance with the use regulations in effect prior to the effective date of this Ordinance.

The applicant submitted a detailed site plan application (DET-2023-001) for the subject site, which included the records of a pre-application neighborhood meeting, pursuant to Section 27-3402. The meeting was held virtually on March 29, 2023. Under the grandfathering provisions of CB-011-2023, consolidated storage uses may be developed on this site, which requires a DET review.

Regarding the 170-student day care center proposed as Phase 2 of the development, the use of a day care center for children will require a Special Exception (SE) application in the IE Zone, per Section 27-5101(d) of the Zoning Ordinance.

Under the Zoning Ordinance, conformance is required, but not limited, to the following sections:

- Section 27-3604 Special Exception
- Section 27-4203(e) Industrial, Employment (IE) Zone
- Section 27-5101(d) Use Regulations
- Section 27-5102(d)(2)(A) Day Care Center for Children
- Section 27-5102(f)(4)(A) Consolidated Storage
- Section 27-6200 Roadway Access, Mobility and Circulation
- Section 27-6300 Off-Street Parking and Loading
- Section 27-6400 Open Space Set Asides
- Section 27-6600 Fences and Walls
- Section 27-6700 Exterior Lighting
- Section 27-61100 Industrial Form and Design Standards
- Section 27-61500 Signage

The TCP1 shows the conceptual location of the parking area, with the anticipated number of parking spaces that vastly exceed the parking requirements for the intended uses. The applicant is encouraged to reduce the parking area, which will be evaluated at the time of site plan, when more details are available. In addition, the proposed parking area near the middle of the site does not conform to Section 27-6300, Off Street Parking and Loading, for dimensions of the proposed parking spaces. The proposed use and design of this area will be reviewed with site plan.

2018 Prince George's County Landscape Manual

The proposed development is subject to the requirements of the 2018 *Prince George's County Landscape Manual*. The site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses;

Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscaping Requirements; and Section 4.11, Requirements for Nonresidential and Mixed-Use Development. Conformance with the applicable landscaping requirements will be determined at the time of site plan review.

The site is adjacent to Livingston Road, which is designated as a historic roadway. Per Section 4.6 of the Landscape Manual, the applicant will need to show a 20-foot-wide landscape buffer, with a minimum of 80 plant units per 100 linear feet of frontage along Livingston Road, excluding driveways. This requirement will be evaluated at the time of site plan review.

Conformance with Open Space Set-Aside Requirements

The required open space set aside for industrial uses in the IE Zone is five percent of the development site area. This site has a gross acreage of 18.13-acres. The open space set aside requirement for this proposal is 0.91 acre. The applicant provided an Open Space Set-Aside Plan, demonstrating conformance to Section 27-6403 of the Zoning Ordinance. This requirement will be further evaluated at the time of site plan review.

Tree Canopy Coverage Ordinance

Prince George's County Council Bill CB-21-2024 for the Tree Canopy Coverage Ordinance became effective July 1, 2024. Subsequently, Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 2,500 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site is located within the IE Zone. Therefore, a minimum of 15 percent of the net tract area is required to be covered by tree canopy. The subject site is approximately 17.83 net acres and the required TCC is approximately 2.67 acres. Compliance with this requirement will be evaluated at the time of site plan.

15. **Citizen Feedback**—The Prince George's County Planning Department did not receive any written correspondence from members of the community regarding this PPS.
16. **Planning Board Hearing of December 12, 2024**—At the Planning Board hearing on December 12, 2024, staff presented the PPS to the Board. Prior to the noon deadline on December 10, 2024, the applicant submitted an exhibit, requesting revisions to the findings and conditions recommended in the technical staff report. The Board approved these requested revisions. The Board also received a letter from Fort Washington Forward (FWF) in which FWF expressed their continued concerns regarding conflicts between the land use recommendations in the master plan and the Zoning Ordinance. The letter included recommendations to the Board for action pertaining to these issues for the subject PPS and other properties located within the larger zip code area. One of the recommendations included rezoning the subject property and land within the 20744 zip code to better alignment with the development goals of the master plan. Mr. David Owens, representing FWF, attended the Planning Board hearing and spoke on the issues enumerated in the FWF letter. The Board recognized the conflict between the master plan recommendations and the Zoning Ordinance regulations applicable to the subject property. Specifically, the master plan recommends mixed-use development for the subject property, whereas, the zoning imposed on the property allows for industrial development on the site. Given this conflict, the imposed zoning supersedes the land use recommendations of the master plan.

However, rezoning of land is outside the scope of this PPS and must be undertaken by action of the District Council.

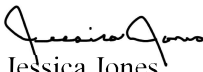
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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, December 12, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of January 2025.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:JB:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: January 7, 2025