

PGCPB No. 05-71

File No. DSP-04056

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 10, 2005 regarding Detailed Site Plan DSP-04056 for Brandywine 301 Industrial Park, Proposed parcel 7, Block A, the Planning Board finds:

1. **Request:** The subject application requests the establishment of a contractor's office with outdoor storage in the I-1 Zone.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	I-1	I-1
Use(s)	Vacant	Contractor's Office with Outdoor Storage
Acreage	6.4903	6,4903
Parcels	Part of Parcel 9	Part of Parcel 9
Building Square Footage/GFA	0	47,920

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	123	162
Loading spaces	1	1

3. **Location:** The site is in Planning Area 85A, Council District 9. More specifically, it is located on the east side of Mattapeake Business Drive, approximately 1,000 feet east of its intersection with Crain Highway (US 301).
4. **Surroundings and Use:** The subject property is bounded to the north by a stormwater management pond on industrially zoned land; by vacant industrially zoned land and a trailer storage facility to the west; by vacant industrially zoned land to the east; and to the south by vacant land owned by Brandywine Auto Sales.
5. **Previous Approvals:** The District Council approved Zoning Map Amendment A-9502-C on the subject site on March 25, 1985, rezoning the parcel from E-I-A to I-1 for Brandywine Auto Parts. The Planning Board approved Preliminary Plan of Subdivision 4-97124 on March 26, 1998, and adopted a resolution, PGCPB No. 98-84, formalizing that approval on April 16, 1998. Additionally, the Department of Environmental Resources granted stormwater management concept approval to the subject project on October 26, 2004, valid until October 26, 2007.

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6. **Design Features:** The site is accessed at two points from Matapeake Business Drive. Straddled between those two entrance drives at the front of the property is a parking lot for the facility, visible from Matapeake Business Drive. The southerly entrance drive proceeds along the southwesterly side of a 23,960-square-foot building proposed to be constructed as part of the first phase of the project, leading back to a second building, proposed at 23,960 square feet to be completed as part of the second phase of the project. Additional parking is provided along this drive immediately adjacent to the southwesterly side of the first building and in a large lot on the easterly end of the site. All paving on the site is specified as “heavy duty asphalt pavement” throughout the site. Stormwater management for the site will be provided by five bio-retention areas. A proposed five-foot-wide sidewalk is provided around both buildings, but a pedestrian connection from Matapeake Business Drive into the site has not been provided.

The buildings are linear with flat roofs. The construction material utilized for the project is predominantly split-face block with facade definition accomplished through varying the color—off-white, tan and slate gray. Fenestration is regular and utilitarian, providing access and light for the proposed industrial use. Standing seam metal awnings accent the groupings of pairs of windows and doors.

Sectional overhead doors punctuate the rear elevations of the buildings for truck access with standard single doors providing additional access, while double doors provide access to the front elevation and one of the side elevations of Building A.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-473, which governs permitted uses in industrial zones. The proposed contractor’s office with outdoor storage is a permitted use in the I-1 Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-474, Regulations, regarding additional regulations for development in industrial zones.
8. **Zoning Map Amendment A-9502:** A-9502 was adopted by the County Council of Prince George’s County as Zoning Ordinance 7-1935 on February 25, 1985, subject to the following conditions. An ordinance formalizing that approval was adopted by the County Council of Prince George’s County, sitting as the District Council, on March 25, 1985. Staff has listed each condition in bold type and followed it with staff comment:
- 1. **No corrugated metal or cinder block structure shall be visible from either Maryland Route 301 or Cedarville Road.**

Comment: Corrugated metal and cinderblock have not been included as building materials for the

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proposed project. Therefore, visibility of those materials from the surrounding roadways is no longer an issue.

2. The initial 25 feet along the entrance road to the subject premises shall be landscaped and planted with trees.

Comment: Although it is uncertain whether or not the landscaping requirement conditioned in the approval of the relevant rezoning was meant to apply to each separate entrance drive in the industrial park, it would appear that the applicant has in fact complied with the spirit of the condition by providing landscaping a minimum 40 feet into the site, along the planned entrance drive.

9. **Preliminary Plan of Subdivision, 4-97124:** The Planning Board approved Preliminary Plan of Subdivision 4-97124 on March 26, 1998, and adopted a resolution, PGCPB No. 98-84, formalizing that approval on April 16, 1998. The following conditions are relevant to the subject detailed site plan approval. Please note that the subject property is a part of a larger development of 175 acres covered by Preliminary Plan of Subdivision 4-97124 and staff has only included conditions directly relevant to the subject property below in bold type followed by staff comment:

3. Prior to Detailed Site Plan approval, the applicant shall revise the Type II Tree Conservation Plan for the property to address the requirements as established by TCPI/26/91.

Comment: The Environmental Planning Section has recommended approval of Type II Tree Conservation Plan TCPII/133/91-04, subject to conditions that have been included in the recommended conditions below.

9. Development of this site shall be in conformance with the approved stormwater concept plan, #988000990. This approval shall be noted on the preliminary plat prior to signature approval.

Comment: In comments dated January 18, 2005, the Department of Environmental Resources stated that the site plan for Brandywine 301, DSP-04056, is consistent with approved stormwater concept 35770-2004.

11. Total development of this 166.18 acre site shall be limited to 1,353,020 square feet of warehouse space, 66,900 square feet of industrial park space, and 219,000 square feet of light service industrial space; or different uses generating no more than the number of peak hour trips (778 AM peak hour trips and 779 PM peak hour trips) generated by the above development. Any development other than that identified herein above which generates more than this identified number of trips shall require an additional Preliminary Plat of Subdivision with a new traffic study in order to determine the adequacy of transportation facilities.

Comment: In comments dated January 31, 2005, the Transportation Planning Section stated that

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the subject application for 47,920 square feet of light industrial space would result in trip generation well within the above-mentioned established trip cap.

- 19. Prior to issuance of grading and/or building permit approval for each lot in the I-1 Zone, a limited Detailed Site Plan for each lot shall be approved by the Planning Board to determine compliance with the conditions of the approved rezoning application (A-9502-C) and carried through in the Subregion V Master Plan (1993).**

Comment: Approval of the subject application based in part on Finding 8 addressing compliance with Basic Plan A-9502-C would fulfill the requirements of Condition 19.

- 20. The applicant shall accommodate access between Matapeake Drive and the Schwien property (L.434, R.457, Tax Map 154, Grid F-4), as conceptually depicted on Parcel I, Block A. The exact location of the access shall be determined during detailed site plan in conjunction with the development of improvements on the parcels adjacent to the Schwien property. The access may be relocated to the east of the location depicted on the preliminary plan. The access provided to the Schwien property shall only be used in the event that access to US 301/MD 5 is not permitted to the Schwien property. The final location of the access shall be reviewed by the Transportation and Public Facilities Planning Division during the review of the detailed site plan.**

Comment: In comments dated January 31, 2005, the Transportation Planning Section stated that access to the site is acceptable. Therefore, there is no need to relocate the access established at the time of preliminary plan approval.

- 21. A trail easement shall be established and shown on the Final Plat of Subdivision along the Timothy Branch. The trail may be located within the 50-foot conservation buffer if determined appropriate at the time of Detailed Site Plan review. The trail location shall provide dry passage outside of the wetlands and 100-year floodplain to the extent possible.**

Comment: The trail along the subject site's frontage of Timothy Branch is located in a 60-foot corridor. The senior trails planner in comments dated February 4, 2005, stated that the area appears to be suitable to accommodate the trail but should be marked and labeled on the detailed site plan as "public use trail easement." This suggestion has been included as a recommended condition below.

10. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.2 and 4.3 of the *Landscape Manual*.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

11. **Woodland Conservation Ordinance:** In a memorandum dated January 31, 2005, the Environmental Planning Section stated that the property is subject to the requirements of the

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Prince George's County Woodland Conservation Ordinance because tree conservation plans had been approved for the site.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—As of the writing of this report, the Historic Preservation Planning Section has not offered comment on the proposed project.

Archeology—In comments dated February 1, 2005, the archeological review planner stated that she would recommend a Phase 1 survey because the subject site borders Timothy Creek, a likely location for archeological sites.

Community Planning—In a memorandum dated January 31, 2005, the Community Planning Division stated that the proposed project is not inconsistent with the 2002 General Plan Development Pattern policies for a possible future Center in the Developing Tier and that the application conforms to the employment land use recommendations of the master plan.

Transportation—In a memorandum dated January 31, 2005, the Transportation Planning Section stated that the subject property is a part of a larger development of 175 acres that was the subject of Preliminary Plan 4-97124. They then cited and summarized the preliminary plan transportation-related conditions relevant to the site (Conditions 6c, 10-18 and 20). Noting that access and circulation within the site are acceptable, they stated that the property was the subject of a 1990 traffic study. Further, they stated that it was given subdivision approval pursuant to a finding of adequate transportation facilities made in 1991 for Preliminary Plan of Subdivision 4-91030. Such finding was restated in the resubdivision of this site under 4-97124. Finally, the Transportation Planning Section stated that review of the subject plan indicates no outstanding transportation issues.

Subdivision—In comments dated February 28, 2005, the Subdivision Section stated that the property is the subject of Preliminary Plan 4-97124, approved on March 26, 1998, and formalized by the adoption of PGCPB Resolution No. 98-84 adopted on April 16, 1998. Additionally, they noted that several record plats had been approved for the subject property, the latest 5-04345, recorded on October 26, 2004, at Plat Book REP 203, Plat 51. Lastly, they noted that Conditions 19 and 21 contained in the resolution approving the relevant preliminary plan of subdivision are directly relevant to the approval of the subject DSP.

Trails—In a memorandum dated February 4, 2004, the senior trails planner stated that the adopted and approved Subregion V Master Plan designates Timothy Branch as a master plan trail corridor. The master plan does not recommend that this trail be part of the M-NCPPC stream valley trail network. As such, it will either be a private trail within homeowners association-owned land or a trail within a public use trail easement. Due to the nature of the land use in the immediate vicinity (industrial park), a public use trail easement is recommended. The master plan for the adjoining Subregion VI area provides a description of these types of trails that “include walking, jogging, and riding trails which, although in public use, are not owned by the

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government and for which the users normally provide the maintenance.” Therefore, the senior trails planner recommended a public use trail easement along the subject site’s Timothy Branch frontage, as shown on the master plan. Approved Preliminary Plan 4-97124 required the provision of a public use trail easement on the final plat of subdivision. The submitted site plan reflects a 60-foot-wide corridor along Timothy Branch reserved for a trail easement. This area appears to be suitable to accommodate the trail. Further, he suggested that it be marked and labeled on the detailed site plan as a “public use trail easement.” With respect to sidewalk connectivity, the senior trails planner, noting that there is an existing sidewalk along the subject site’s frontage of Mattapeake Business Drive, recommended a standard sidewalk along one side of each entrance from Mattapeake Business Drive to accommodate pedestrians. He said that although this is a very short distance, the sidewalk would accommodate pedestrians from the existing sidewalk to the sidewalk adjacent to the building without forcing pedestrians to either walk in the grass or within the roadway as they enter the subject site. The senior trails planner’s recommendations have been included in the recommended conditions below.

Permits—In a memorandum dated January 18, 2005, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

Environmental Planning—In a memorandum dated January 31, 2005, the Environmental Planning Section offered the following:

This site was previously evaluated by the Environmental Planning Section in conjunction with the review and approvals of Preliminary Plan of Subdivision 4-97124 and Type I Tree Conservation Plan (TCPI/26/91). A Type II Tree Conservation Plan (TCPII/133/91) for the entire Brandywine 301 Industrial Park was approved on July 13, 1998. Detailed Site Plan DSP-00053 was reviewed for Parcel 7, Block B, in conjunction with a revision to the Type II Tree Conservation Plan (TCPII/133/91-01) that added two sheets to the TCPII to provide greater detail for Parcel 7. The subsequent application for Parcel 7, Block B, was a revision to Detailed Site Plan DSP-00053 to add an additional building and to create a new parcel (Parcel A) and an outlot (Outlot A). The current application is a new detailed site plan application for the development of Parcel 7, Block A.

Site Description

The proposed site area is 6.49 acres. The site is located on the east side of Matapeake Drive approximately 0.4 mile north of its intersection with US 301. A review of the information available indicates that no streams, 100-year floodplain, severe slopes and steep slopes with highly erodible soils are found to occur on the subject parcel. Wetlands and the associated buffers are found to occur on this parcel. No adverse noise impacts have been identified that would limit the development of this property. The soils found to occur, according to the Prince George’s County Soil Survey, include Beltsville silt loam and Leonardtown silt loam, which can have limitations with respect to high water tables and impeded drainage. It should also be noted that portions of this site were previously mined and that the soils in those areas should be characterized as undetermined or unknown. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural

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Resources , Natural Heritage Program. There are no scenic or historic roads adjacent to this property. The property is located in the Timothy Branch watershed of the Patuxent River. The property is located in the Developing Tier as reflected in the adopted General Plan.

Environmental Review

1. A forest stand delineation (FSD) was reviewed and accepted as complete in conjunction with the review and approval of Preliminary Plan of Subdivision 4-97124. This property is subject to the requirements of the Prince George's County Woodland Conservation Ordinance because there are previously approved TCPs. The original TCPII was prepared for the overall site when only infrastructure was proposed at a scale of 1"=100'.

When DSP-00053 was submitted, it was prepared at a scale of 1"=30', which was appropriate to the level of development proposed. To resolve potential conflicting information due to the different scales, the applicant was asked to submit a supplemental plan sheet at 1"=30' scale reflecting all woodland conservation areas and the locations of all tree protective devices and signs on the sediment and grading plan. This sheet was signed as a supplemental sheet to the TCPII. This process will be followed on all subsequent detailed site plans and TCPII revisions associated with the subject property.

Minor revisions are required on the overall Type II tree conservation plan. In the legend, the quantity of clearing, preservation and reforestation should not be separately indicated, since these may change in the future. These changes are best reflected on the parcel-by-parcel woodland conservation worksheet in the upper right-hand corner of the overall TCPII sheet. The correct amount of replacement calculations in the woodland conservation worksheet should be 5.15 acres.

Required Revision: Revise the overall TCPII as follows:

- a. Correct the calculation on the woodland conservation worksheet to 5.15 acres of replacement;
- b. Remove the acreages associated with clearing, preservation and reforestation in the legend; and
- c. Have the plan signed and dated by the qualified professional who prepared it.

1. The revised supplemental sheet that includes the Type II tree conservation plan does not appear to impact woodland preservation and afforestation areas approved as part of the previous TCPII. At this time a lot-by-lot woodland conservation worksheet should be added to the supplemental plan that reiterates the information included on the overall TCPII woodland conservation worksheet for this lot

Required Revision: Revise the supplemental TCPII plan for Parcel 7, Block A, as follows:

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- a. Provide a lot-by-lot woodland conservation worksheet that reiterates the information found on the overall TCPII woodland conservation worksheet; and
 - b. Have the revised TCPII signed and dated by the qualified professional who prepared it.
2. Wetlands and the associated 25-foot wetland buffers are found to occur on Parcel 7. The plans as submitted reflect the location of the wetlands and buffers as shown on Preliminary Plan of Subdivision 4-97124. Impacts to the wetlands or wetland buffer impacts may result from stormwater management outfalls or utility connections. A nontidal wetlands and waterways permit (97-NT-0870/199861254) was issued for the overall project on September 13, 1999, which expired on September 13, 2002.

Recommended Condition: Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that all approval conditions have been complied with, and any associated mitigation plans.
3. The soils found to occur on this property according to the Prince George' County Soil Survey include Beltsville silt loam and Leonardtown silt loam.

Comment: These soils have limitations with respect to high water tables and impeded drainage; no further information will be required at this time. The applicant should be aware that the Prince George's County Department of Environmental Resources may request a soils report to be submitted during the review of the technical stormdrain plan and/or grading permit in order to evaluate the stability of the soils for supporting building foundations due to previous gravel mining on the site.

Department of Environmental Resources (DER)—In comments dated January 18, 2005, DER stated that the site plan for DSP-04056 is consistent with approved stormwater concept 35770-2004.

Prince George's County Fire Department (Fire Department)—As of the writing of this report, the Fire Department has not offered comment on the proposed project.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated February 1, 2005, DPW&T stated that they would require construction of a commercial driveway entrance, street trees and utility connections, mill and overlay of Mattapeake Drive along the frontage of the subject property, street lighting, and satisfaction of all requirements of PBCPB Resolution No. 84-302. Further, they noted that existing utilities may require relocation and/or adjustments; that the applicant would be required to coordinate with the various utility companies; and that all improvements in the public right-of-way are to be dedicated to the county and designed in accordance with the county Road Ordinance, DPW&T's specifications and standards, and the Americans with Disabilities Act. Compliance with DPW&T's requirements will be ensured through their separate permitting process.

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Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated January 14, 2005, WSSC stated that existing WSSC facilities for water and sewer are available on the site and that applicant should submit an onsite plan review package. Additionally, they noted that project DA4027Z05 is approved within the limits of the proposed site, that additional right-of-way will be required, and that the proposed eight-inch right-of-way sewer alignments with easements traversing proposed Parcel 7 to serve parcels 6, 8 and 9 are not shown on the detailed site plan. Lastly, they mentioned that the Proposed Phase II building impacts existing eight-inch sewer on the property and the proposed sewer may impact stormwater management. The memorandum offered appropriate WSSC contacts to address all comments so that the applicant may proceed with their separate permitting process.

Maryland State Highway Administration (SHA)—In a letter dated January 12, 2005, SHA stated that the transportation network within the site development and the public road systems are adequate to support the additional traffic. Therefore, they stated that they had no objection to Detailed Site Plan DSP-04056.

13. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/133/91-04) and further APPROVED Detailed Site Plan DSP-04056 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the plans shall be revised and items submitted as follows:
 - a. Phase I archeological investigations shall be conducted by a qualified archeologist following the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and must be presented in a report following the same guidelines. Applicant shall complete further archeological investigation if deemed appropriate by the staff archeologist as designee of the Planning Board.
 - b. Delineate the area proposed to be used for outdoor storage on the detailed site plan.
 - c. Add a note to the detailed site plan that outdoor storage shall not be visible from US 301 or any public road.
 - d. Screening from the road for the proposed outdoor storage, in a design acceptable to the Urban Design Section as designee for the Planning Board, shall be added to the plans.
 - e. The height of the dumpster enclosure detail (a six-foot-high fence) and the height of the

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side view (a eight-foot-high fence) shall be made consistent in the plans.

- f. The use for Parcel 8 shall be indicated on the site plan.
 - g. The plans shall be revised to reflect the correct number of parking spaces required for contractor's offices: one for every 500 square feet of gross floor area.
 - h. The number of loading spaces required and provided in General Notes 9 and 10 shall be revised to two and an additional loading space shall be added to the plans.
 - i. A 60-foot-wide public use trail easement shall be marked and labeled on the approved detailed site plan.
 - j. Standard sidewalk shall be indicated along one side of each entrance road into the subject site from Matapeake Business Drive.
2. Prior to signature approval of the Tree Conservation Plan TCPII/133/91-04, plans shall be revised as follows:
- a. Applicant shall correct the calculation on the woodland conservation worksheet to 5.15 acres of replacement.
 - b. Applicant shall remove the acreages associated with clearing, preservation and reforestation in the legend.
 - c. Applicant shall have the plan signed and dated by the qualified professional who prepared it.
 - d. Applicant shall revise the supplemental TCPII plan for Parcel 7, Block A as follows:
 - (i) Provide a lot-by lot woodland conservation worksheet that reiterates the information found on the overall TCP II woodland conservation worksheet.
 - (ii) Have the revised TCP II signed and dated by the qualified professional who prepared it.
3. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that all approval conditions have been complied with, and any associated mitigation plans.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 10, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk