

RESOLUTION

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 January 15, 2009 regarding Detailed Site Plan DSP-98016/06 for Penn East Business Park, Lots 9, 13, 14 and 15, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application is for approval of 150,043 square feet of warehouse uses in four buildings, and associated parking and loading facilities for light industrial service in the I-1 Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1	I-1
Use(s)	Vacant	Warehouse
Acreage	46.18	46.18
Lots	4	4
Warehouse building square footage (GFA)	0	150,043

Other Development Data

	REQUIRED	APPROVED
Total Parking Spaces	103	329
of which handicapped spaces	5	18
Loading spaces	8	48

Lot Number	Parking Spaces		Loading Spaces	
	Required	Provided	Required	Provided
Lot 9	22	56	2	12
Lot 13	34	120	2	16
Lot 14	6	*0	1	0
Lot 15	48	149	3	20

Notes: * A minimum of six parking spaces and one loading space are required for Lot 14. The DSP provides none of them. A condition has been proposed in the recommendation section to require the applicant to provide the required number of parking and loading spaces prior to certification approval of this DSP.

ZONING REQUIREMENTS

Lot Number	Setbacks from Street (Feet)		Side Setbacks (Feet)		Rear Setbacks (Feet)		Green Area (% of Net Lot Area)	
	Required	Provided	Required	Provided	Required	Provided	Required	Provided
Lot 9	25	50	30*	41	-	165	10	47.9
Lot 13	25	45	30*	85	-	148	10	45.1
Lot 14	25	343	30*	50	-	620	10	75.8
Lot 15	25	76	30*	73	-	240	10	52.9

Note: * Total of the both sides.

3. **Location:** The subject property is located southeast of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), on both sides of Pepco Place, in Planning Area 78 and Council District 6.
4. **Surrounding Uses:** The subject site is bounded to the north by developed I-1-zoned property and undeveloped property in the M-X-T (Mixed Use-Transportation Oriented) Zone; to the east by property in the M-X-T Zone and in the R-M (Residential Medium Development) Zone; to the south, by property in the M-X-T Zone and to the west by the right-of-way of Pennsylvania Avenue and property in the I-1 Zone. Across Pennsylvania Avenue further to the west is property in the I-1 Zone.
5. **Previous Approvals:** Zoning Map Amendment Application A-9198 approved by the District Council (Zoning Ordinance No. 57-1979) in 1979 rezoned a larger property of 139.33 acres including the subject sites from the R-R (Rural Residential) Zone to the I-1 Zone. *The Approved Westphalia Sector Plan and Sectional Map Amendment* (February 2007) retained this site in the I-1 Zone. The site has an approved Preliminary Plan of Subdivision 4-88055 which was approved by the Planning Board on July 21, 1988. The preliminary plan was recorded as a record plat in the land records at VJ 161@11 and 12. There is a previously approved Detailed Site Plan DSP-98016 for other lots within the same subdivision that has been revised five times. Stormwater Management Concept Approval 8003130-1998-02 covers this DSP and is valid through July 13, 2010.
6. **Design Features:** The subject site plan includes two irregularly-shaped properties within a larger subdivision. Between the two properties, there are two existing buildings that were approved in a separate detailed site plan. The property in the northwest portion of the larger subdivision consists of Lots 9 and 15, which will be accessed by means of the cul-de-sac Pepco Place. The property in the east portion of the larger subdivision is composed of Lots 13 and 14, which will be accessed through the existing service road parallel to Pennsylvania Avenue. A 28,800-square-foot warehouse building with associated surface parking and loading is proposed on Lot 9; a 68,743-square-foot warehouse building with associated surface parking and loading is proposed on Lot 15; and a 47,500-square-foot warehouse building with associated surface parking and loading is proposed on Lot 13. A 5,000-square-foot storage building with outside storage yard is proposed on Lot 14 along with a stormwater management pond that is located in the northeast corner of the site. All warehouse buildings are one-story and approximately 28 feet in height.

Two master-planned roadways run through the subject site. MC-634 has a future right-of-way of 100 feet and is located in the northernmost part of the property parallel to the northern boundary line of Lot 14. I-603, as a future service road, has a right-of-way of 80 feet and is located along the southern property line of Lot 9.

The proposed three large and one small warehouse buildings are all in a rectangular footprint and are one-story in height. The buildings are finished with white concrete panels and are accented with grey concrete bands to define the base section of the elevations. Vertically presented panel joints on the elevations divide the horizontal expanses into different visual units. Light green-tinted glazing along with the clear aluminum window frame system is used on the main front elevations of each building and on highly visible side elevations. The small building on Lot 14 is a Pepco temporary storage building and is finished with metal panels.

No signage information has been included in this DSP. Any proposals for future signage will be treated as a revision to this DSP and will be subject to either Planning Board approval or administrative approval by the Urban Design Section as the designee of the Planning Board.

7. **Zoning Map Amendment A-9198-C (Zoning Ordinance No. 57-1979):** The District Council approved the zoning map amendment application on June 18, 1979. A-9198-C changed the zoning for the subject property from the R-R to the I-1 Zone. Several conditions of approval that are pertinent to the subject detailed site plan review were included as a part of the adopted zoning change. The following is a discussion of the applicable conditions as they relate to this detailed site plan.

(5) **Development of the subject property in accordance with I-1 regulations shall be subject to site plan approval by the Planning Board. In such site plan review, the Board shall determine that all conditions are met and that the following criteria are satisfied:**

- (a) **Development of the subject property will not adversely affect adjoining or nearby properties because of stormwater runoff. There shall be included as a part of the subject property's development an on-site stormwater management control program, approved by the Planning Board, to insure that runoff from the subject tract will not pollute nearby rivers and streams and will not cause flooding on other property.**

The subject detailed site plan application has been filed to satisfy this requirement. At time of DSP-98016 approval, an on-site stormwater management pond located on Outlot A was approved. The outlot is approximately 10.18 acres and will service Lots 9 and 10. An additional on-site stormwater management pond has been proposed in this DSP to be located on Lot 14. The new stormwater management pond will be utilized to collect stormwater runoff from Lots 13 and 14. This condition is satisfied.

- (b) The northwest entrance to the subject property, where temporary access to Westphalia Road may be provided as stated in Conditions (2) and (4), shall be provided with suitable landscaping.**

The previously approved site plan covers Lots 11 and 12, and the access drive, Pepco Place, which is approximately 960 feet away from the intersection of Westphalia Road and Pennsylvania Avenue Access Road. Landscaping required per the *Prince George's County Landscape Manual* along the access drive of Pepco Place is provided. The proposed development on Lot 9 and 15 will be accessed via the existing Pepco Place. The development on Lots 13 and 14 will be accessed directly from the existing service road parallel to Pennsylvania Avenue. This condition is not applicable to the subject development lots.

- (c) The orientation of all development on the subject property, in terms of uses and access, shall be toward Pennsylvania Avenue and not Westphalia Road.**

The proposed development is oriented toward Pennsylvania Avenue in terms of uses and access. This condition is satisfied.

- (6) The exterior wall construction of any building facing Pennsylvania Avenue shall not be constructed of corrugated metal or corrugated fiberglass material.**

The proposed buildings will be finished with concrete architectural panels of two color tones. No corrugated metal or corrugated fiberglass materials have been proposed to be used as exterior finishing materials.

- (7) On all buildings on the subject property, walls facing Pennsylvania Avenue which are constructed of concrete block or cinder block shall be covered with materials suitable to conceal the appearance of such construction.**

Except for the building on Lot 13, all other buildings are some distance from Pennsylvania Avenue. Lot 13 is accessed through the existing service road parallel to Pennsylvania Avenue. The south and west elevations of the building on Lot 13 are fronting toward the service road. The two elevations are finished with concrete architectural panels along with an aluminum window system. No unadorned concrete blocks or cinder blocks have been proposed. The exterior finish of the proposed building is comparable to that of the two existing buildings approved on Lots 11 and 12. Due to the change of topography, Lot 13 is much lower than Pennsylvania Avenue. According to the sight line analysis, the elevations on Lot 13 will not be visible from Pennsylvania Avenue, but will be visible from the existing service road. Most of the west elevation of the building on Lot 13 is blank wall. Additional fenestration should be provided in order to increase the visual interest of the west elevation. A condition has been proposed in the recommendation section of this report.

- (8) The loading and outside storage areas associated with any major building shall not be located on a wall facing Pennsylvania Avenue. All loading docks and storage areas shall be oriented away from Pennsylvania Avenue.**

All loading areas are located at the rears of the buildings and will not be visible from Pennsylvania Avenue because they are screened by the buildings and oriented away from the roadway. There are outside storage areas shown on Lot 14 and are away from Pennsylvania Avenue. This condition is satisfied.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in general conformance with the requirements of Section 27-473 of the Zoning Ordinance, which governs development in the industrial zones. The proposed warehouse for light industrial service is permitted in the I-1 Zone.
- b. Section 27-469 of the Zoning Ordinance, I-1 Zone (Light Industrial), has the following regulations:

Section 27-469(b) Landscaping, screening and buffering of development in the I-1 Zone shall be provided in accordance with provisions of the Landscape Manual. In addition the following applies:

- (1) At least ten percent of the net lot area shall be maintained as green area.**
- (2) Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.**

As shown in the Finding 2 above, green area provided in each lot varies from approximately 45 to 75 percent, which are all well above the minimum required ten percent threshold.

Section 27-469 (c) Outdoor storage

- (1) Outdoor storage shall not be visible from a street.**

Outdoor storage areas are proposed on Lot 14 only in this DSP and are not visible from a street.

- c. The subject application also complies with Section 27-474 (b) of the Zoning Ordinance regarding minimum setback and green area for the proposed warehouses.

9. **Preliminary Plan of Subdivision 4-88055 and Record Plat VJ 161@11 and 12:** Preliminary Plan of Subdivision 4-88055 for the larger site including the subject applications was approved by the Planning Board in 1988 with seven conditions. The plats for the property were recorded in Record Plats VJ 161@ 11 and 12. Of the seven conditions attached to the approval of 4-88055, Conditions 2, 3 and 4 had been fulfilled at time of final plat approval. Condition 5 is a note regarding noise level reduction that had been put on the final plat. Condition 6 regarding stream buffers had been fulfilled at the time of Type II tree conservation plan for the larger subdivision. Condition 7 is a transportation improvement related condition that had been satisfied by previous approvals. Only Condition 1 is applicable to the review of this DSP as follows:

1. Compliance with all conditions of Zoning Map Amendment A-9198-C.

The subject DSP complies with all applicable conditions attached to Zoning Map Amendment A-9198-C. See above Finding 7 for detailed discussion.

10. ***Prince George's County Landscape Manual:*** The proposed development for the warehouse is subject to Section 4.2 Commercial and Industrial Landscaped Strip Requirements; Section 4.3 Parking Lot Requirements; Section 4.4 screening requirements; and Section 4.7 Buffering Incompatible Uses of the Landscape Manual.
- a. Section 4.2, Commercial and Industrial Landscaped Strip Requirements, specifies that in the I-1 Zone a landscaped strip shall be provided on the property adjacent to all public rights-of-way. The applicant chose Option 1 to provide a minimum 10-foot-wide landscaped strip to be planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. The landscape plan has identified four Section 4.2 landscape strips and met the requirements. However, for the Section 4.2 landscaped strip on Lot 13 along the service road parallel to Pennsylvania Avenue, staff is concerned that the proposed shade trees within the landscaped strip do not provide enough screening of the site from the views from Pennsylvania Avenue. Staff recommends replacement of the proposed shade trees (Alee Chinese Elm) with evergreen trees such as Douglas Fir to be planted in a staggered row to provide year-around screening. A condition has been proposed in the recommendation section of this report.
- b. Section 4.3 (a), Landscaped strip requirements, requires a landscaped strip to be placed on the subject property when a parking lot is located adjacent to a public right-of-way between the parking lot and the right-of-way. The landscape plan has shown Option 1 which is a ten-foot-wide landscaped strip at three locations and satisfied the requirements of Section 4.3 (a).
- Section 4.3(b), Perimeter Landscape Strip Requirements, requires a five-foot-wide landscaped strip between the parking lot and any adjacent property line for sites over 10,000 square feet to be planted with one shade tree and three shrubs per 35 linear feet of parking lot perimeter adjacent to a property line. The landscape plan has identified three Section 4.3 (b) landscape strips and is consistent with Section 4.3 (b) requirements.

Section 4.3 (c) Interior Planting, requires a certain percentage of the parking lot to be interior landscape planting area and to be planted with at least one shade tree per each 300 square feet (or fraction) of interior landscape area provided. The landscape plan shows the required interior planting areas on each lot where a large amount of parking is provided and meets the requirements.

- c. Section 4.4 requires that all loading areas and loading docks be screened from all public roads. In this case, loading docks have been proposed behind the warehouse buildings on Lot 9, 13 and 15. Because of the building orientations, the loading docks on Lot 15, which is visible from the end of Pepco Place, and Lot 13, which will be visible from the existing service road, should be screened in accordance with the requirements of Section 4.4. A condition has been proposed in the recommendation section of this report.
- d. Section 4.7, Buffering Incompatible Uses, requires a landscape buffer to be placed between two adjacent incompatible land uses in all conventional zones. In this case, Lot 15 is adjacent to M-X-T zoned property to the north and east sides; Lot 14 is adjacent to M-X-T zoned properties to the north and south sides and to R-M zoned property to the east sides, albeit vacant. A Section 4.7 Bufferyard is required for the above-noted boundary area. The landscape plan provides the required bufferyard for Lot 14; however, the plan identifies the boundary areas of Lot 15 as compatible with the adjacent properties, which is not correct. A condition has been proposed to require the applicant to provide the required Section 4.7 bufferyard prior to certification.

11. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance, because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there is an approved Type II tree conservation plan for this site.

- a. A detailed forest stand delineation (FSD) was previously submitted with the original TCPII in 1991 and verified in 1998 during the review of DSP-98016. The Environmental Planning Section has evaluated the extent of the existing woodlands using 2000 aerial photography to determine if any new areas of woodland have regenerated and if the clearing previously done on this site was consistent with the approved detailed site plan and Type II tree conservation plan. The previously approved FSD remains valid based on the 2005 aerial photography available at M-NCPPC. No additional information is required with regard to the forest stand delineation of this site.
- b. Type II Tree Conservation Plan TCPII/027/91-06, submitted with this application, has been reviewed and was found to be in general conformance with the requirements of the Woodland Conservation and Tree Preservation Ordinance, subject to two conditions.

12. **Planning Board Analysis:** The subject application was referred to the concerned agencies and divisions. The Planning Board summarize as follows:

- a. The Community Planning Division, in a memorandum dated December 20, 2007, noted that the application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for Corridor development in the Developing Tier and is in conformance with the industrial land in the 2007 Westphalia Sector Plan. The application also conforms to the land use recommendation in the Air Installation Compatible Use Zone (AICUZ) study area for Andrews Air Force Base. The community planner also identified a need for information regarding the location of the AICUZ Zone, the 70Ldn noise contour and exterior lighting fixtures to be provided on the site plan.

As such, the Planning Board has imposed conditions 1(a) and (b), which require the applicant to delineate the AICUZ zone and noise contour line on the site plan and to provide cut-off lighting fixture details on the detail sheet prior to certification.

- b. The Subdivision Section, in a memorandum dated February 28, 2008, provided a background discussion of the subject sites and also noted that certain information such as reference of the underlying final plats and rezoning application should be provided on the site plan. The subdivision reviewer concluded that there are no other subdivision issues at this time that affect this DSP.

Condition No. 1(d) of this DSP approval requires the applicant to add a site plan note prior to certification to refer to the approved underlying zoning map amendment application and final plat. The conditions attached to the previous approval are applicable to the sites included in this DSP. The site plan note should also reference the underlying final plats and provide the block numbers for the lots included in this DSP.

- c. The Transportation Planning Section, in a memorandum dated November 17, 2008, concludes that the subject properties are part of a larger project that has been approved pursuant to a finding of adequate public facilities and the proposed site plan is deemed acceptable.

In a separate memorandum from the Transportation Planning Section dated December 17, 2007, on detailed site plan review for master plan trail compliance, the Trails Planner noted that the *Approved Westphalia Sector Plan and Sectional Map Amendment* includes one master plan trail that impacts the subject site. The master plan trail is recommended along Presidential Parkway extended (MC-634) that goes through the northeast corner of Lot 14. The trail will be completed at the time of road construction and will be accommodated with the right-of-way of MC-634. The trail planner recommends the existing standard sidewalk along the entire frontage of Lots 9 and 15 that front on Pepco Place be completed. The condition recommended by the trail planner has been included in this report.

- d. The Environmental Planning Section, in a memorandum dated November 20, 2008,

indicated that the TCPII plans as submitted have been found to address the environmental constraints for the site and in general meet the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The permit application for Lot 14 should be a separate grading and building permit so that the areas of reforestation can be planted prior to building permit issuance. The Environmental Planning Section recommends approval of this DSP and TCPII/027/91-06 with two conditions that have been included in the recommendation section of this report.

- e. The Permit Section in a memorandum dated November 15, 2007, provided 15 comments and questions about the DSP's compliance with both the Zoning Ordinance and the Landscape Manual. Most of the questions and concerns raised by the permit staff have been addressed in the review process and the unresolved issues such as the required number of parking spaces for Lot 14 will be addressed by the conditions of approval in the recommendation section of this report.
 - f. The subject application was also referred to the Planning Office at Andrews Air Force Base (AAFB) for information and review. At time the staff report was written, AAFB had not responded to the referral request.
 - g. The Washington Suburban Sanitary Commission (WSSC) in a memorandum dated November 27, 2007, stated that existing WSSC facilities are located on the subject site. Water and sewer mainlines are available for Lots 9 and 15 and additional on-site plan review may be required. The reviewer also required the applicant to show proposed water and sewer extension alignments to existing mains and house connections alignments. Since the site has an approved water and sewer project DA8305Z89, an amendment package is required to reflect the most current building layout and water/sewer pipe line alignment for all proposed buildings.
 - h. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.
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/027/91-06) and further APPROVED Detailed Site Plan DSP-98016/06 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:

- a. Delineate AICUZ Zone I and the 70 Ldn noise contour line on the site plan.
 - b. Provide details for the proposed lighting fixture to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - c. Provide a standard sidewalk along the subject site's entire frontage of Pepco Place, unless modified by the Department of Public Works and Transportation (DPW&T).
 - d. Add a site plan note indicating that the sites included in this DSP are subject to the conditions attached to the previously approved Zoning Map Amendment A-9189. The site plan note shall also reference the underlying final plats and provide the block numbers for the lots included in this DSP.
 - e. Revise the parking calculation table for Lot 14 to provide the required number of parking and loading spaces.
 - f. Provide the required Section 4.7 bufferyard along the north and east boundary area and provide corresponding landscape schedules on the landscape plan.
 - g. Replace the proposed Alee Chinese Elm in the Section 4.2 landscaped strip of Lot 13 with a staggered row of evergreen trees to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - h. Provide a six-foot-high wall of the same building material as the respective buildings on Lots 13 and 15 to screen the loading docks from the views of the adjacent public streets to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - i. Provide additional fenestration on the west elevation of the building on Lot 13 to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
2. Prior to the issuance of the building permit for Lot 14, the applicant shall
- a. Provide evidence that the required off-site mitigation has been secured.
 - b. Install all reforestation and associated permanent protective fencing. A certification prepared by a qualified professional shall be used to provide verification that the required planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

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 Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 15, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of February 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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