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## DETAILED SITE PLAN

## DSP-89016/04

Application	General Data
<b>Project Name:</b> Briarwood Lots 2, 3, 4  <b>Location:</b> Along Mid Atlantic Boulevard 310 feet southwest of Contee Road  <b>Applicant/Address:</b> Jackson Shaw Company 4640 Forbes Boulevard #150B Lanham, MD 02706	Date Accepted: 2/26/2007
	Planning Board Action Limit: 5/3/2007
	Plan Acreage: 9.21
	Zone: I-1
	Dwelling Units: N/A
	Square Footage: 123,455
	Planning Area: 62
	Tier: Developing
	Council District: 1
	Municipality: NA
	200-Scale Base Map: 217NE07

Purpose of Application	Notice Dates
Revise site plan for four light industrial buildings containing warehouse space with associated offices.	Adjoining Property Owners Previous Parties of Record Registered Associations: 12/27/2006 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 4/3/2007

Staff Recommendation		Staff Reviewer: Christopher Lindsay	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
PRINCE GEORGE'S COUNTY PLANNING BOARD  
STAFF REPORT

SUBJECT: Detailed Site Plan DSP-89016/04  
Briarwood Lots 2-4

The Urban Design staff has completed review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

#### EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Zoning Ordinance No. 70-1988 (A-9684-C)
- b. The requirements of the Zoning Ordinance in the I-1 Zone and the site design guidelines
- c. The conditions of Preliminary Plan of Subdivision 4-87175
- d. The requirements of the *Landscape Manual*
- e. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance
- f. Referral comments

#### FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** Approval of a detailed site plan for 123,455 square feet of warehouse with associated office space and showroom area on 9.21 acres in the I-1 Zone.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Vacant	Warehouse / Office
Acreage	9.21	9.21

Lots	3	3
Parcels	0	0
Square Footage/GFA	0	123,455 SF
Dwelling Units:	N/A	N/A

### **Parking Data**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Building A		
Parking Spaces:	26	38
Handicapped Spaces:	2	2 (2 van)
Loading Spaces:	2	2
Building B		
Parking Spaces:	60	93
Handicapped Spaces:	3	3 (2 van)
Loading Spaces:	2	2
Building C		
Parking Spaces:	33	35
Handicapped Spaces:	2	2 (1 van)
Loading Spaces:	2	2
Building D		
Parking Spaces:	40	59
Handicapped Spaces:	2	2 (2 van)
Loading Spaces:	2	2
Entire Site Totals		
Parking Spaces:	159	231
Handicapped Spaces:	9	9 (7 van)
Loading Spaces:	8	8

3. **Location:** The site is located in Planning Area 62 and Council District 1, within the Developing Tier. It comprises two lots on the west side of Mid-Atlantic Boulevard and one lot on the east side of Mid-Atlantic Boulevard, approximately 310 feet southwest of its intersection with Contee Road. The subject property is Lots 2-4 of the Briarwood Business Park.
4. **Surroundings and Uses:** Lots 1 and 5 of Briarwood Business Park are located to the north side of the subject property, on the west and east sides respectively of Mid-Atlantic Boulevard. Lot 1 is developed with a tire store and Lot 5 with public storage and a carwash. To the east is James H. Harrison Elementary School. To the west is property owned by the Baltimore Gas and Electric Company. The vacant property to the south is owned by the applicant and is the location of the remainder of the proposed Brickyard business park. At the southwest corner of the site is an existing stormwater management pond on an outlot (Parcel A) owned by Prince George's County.
5. **Previous Approvals:** The site was rezoned to the I-1 Zone by Zoning Map Amendment Z.O. No. 70-1988 in October of 1988. The site has an approved Preliminary Plan, 4-87175. As required by the preliminary plan, the site (Lots 1-5) was the subject of a Detailed Site Plan, DSP-89016. The subject application is a proposed revision to DSP-89016 to alter the design of the site and buildings for Lots 2-4.

6. **Design Features:** The site plan is for four buildings totaling 123,455 square feet on 9.21 acres of land. All of the buildings have similar architecture constructed primarily using concrete tilt-up panels coated in textured acrylic exterior finishing. Each building has one or more entrances accentuated by brickwork around the doors, a canopy, and an ornamental tower fitted with corrugated steel and capped by a smooth metal cornice to provide architectural interest. The building style is designed to be consistent with the larger Brickyard development to the south.

Building A is located on Lot 2 at the western end of the site. Lot 2 accesses Mid-Atlantic Boulevard via a narrow entrance pipestem along the northern edge of the subject property. The entrance driveway turns south and runs past the parking areas on the east side of Lot 2 to provide access to the loading area located at the southern end of Building A. The loading area is secured with a chain-link fence. This will be a single-tenant building with one main entrance at its northeast corner leading into a mezzanine showroom space intended for a wholesale carpet business with warehousing space in the rest of the building.

Building B is located on Lot 4 at the eastern end of the site. There are two paved areas associated with this building. The northern paved area is a parking lot providing access to the main building entrance on the north side of the building. The southern paved area is screened from Mid-Atlantic Boulevard with a 6-foot-tall screening wall constructed of concrete panels to match the building and equipped with a steel sliding gate. This area contains loading space for Building B and is secured by the screening wall and a chain-link fence on its southern and eastern sides. Building B is divided into two spaces, each with its own main entrance facing the parking lot to the north.

Building C is located on the northern half of Lot 3, in the center of the overall site. Both parking and loading for this building occurs on its northern side. This building is divided into three spaces. The easternmost space has a decorated entranceway at the northeast corner of the building. Loading for the easternmost and central tenant spaces is located together on either side of their common wall. The western tenant space is equipped with drive-in doors to permit interior loading. Entrances for the central and western tenant spaces are not accentuated.

Building D is located on the southern half of Lot 3. Loading for this building occurs on its north side via two loading doors and one drive-in door, while the parking occurs east and northeast of the building. This is a single-tenant building including a small second story floor area with its main entrance at the northeast corner.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application is in general conformance with the requirements of the Zoning Ordinance for development in the I-1 Zone. The buildings and fences meet all required setbacks. The plan provides an adequate proportion of green area on the site.
8. **Zoning Ordinance No. 70-1988:** The detailed site plan is in conformance with the conditions of the ZMA, as listed below:
1. **A Detailed site plan shall be approved by the Planning Board in accordance with the provisions of Part 3, Division 9, Subdivision 3 of the Zoning Ordinance to address the adequacy of landscaping, screening, buffering, coordination of signs and architectural compatibility and shall be reviewed for approval by the District Council. The site plan shall include the following:**

- a. **A minimum 20-foot wide buffer along the northern property line;**

Comment: As the rezoning decision was for the entire Briarwood property (Lots 1-5), this condition was intended to apply to the northern property line of Lots 1 and 5, which are outside the scope of this revision.

- b. **A minimum 30-foot wide buffer along the eastern property line; and**

Comment: The site plan shows a 30-foot-wide buffer along the eastern property line. This area serves to screen the business park from the elementary school located to the east. The land in this area is steeply sloped, rising from an elevation of 247 feet at the southeast corner of Building B to 264 feet at the adjacent point on the school property. This steep grade is consistent along the length of the 30-foot buffer, constituting a slope of nearly 50 percent.

- c. **Fencing and screening along the eastern property line.**

Comment: As noted in the previous point, there is a significant slope along this property line that will reduce the visual impact of the business park. There is a strip of existing woodlands at the northern end of this buffer area, and developing volunteer tree growth in the remainder of the buffer area already provides a reasonably dense screen. There is an existing chain-link fence along the property line at the top of the slope.

2. **In addition to the provisions and requirements of Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, the application shall undergo the following additional review:**

- a. **The site plan shall be reviewed by the Planning Board or its designee prior to building permit issuance with specific emphasis placed upon preliminary building elevation concepts and shall be reviewed for approval by the District Council.**
- b. **Prior to the commencement of construction, all specifications and external elevations shall be submitted for prior written approval by the Planning Board or its designee.**

Comment: As the subject application includes specifications and external elevations, both parts of this condition should be fulfilled through the review of the subject application by the Planning Board and District Council.

9. **Preliminary Plan, 4-86120:** The detailed site plan is in conformance with the preliminary plan and applicable conditions of approval. The following conditions of approval warrant discussion:

3. **Increase the width of the stem of Lot 2 accessing Mid-Atlantic Boulevard to 55 feet prior to final plat.**

Comment: This stem was correctly shown as 55 feet in width on the final plat for Briarwood approved October 5, 1989. However, the site plan shows a changed lot line on the southern side of the stem, reducing its width to approximately 45 feet. A small portion of the proposed

dumpster and parking area for Lot 3 falls within the existing 55 foot stem of Lot 2. The applicant has indicated that they will correct the stem in accordance with the approved plat and create a permanent easement on Lot 2 to permit the presence of the dumpster and parking area for Lot 3 and the required parking lot perimeter landscaping. A condition requiring this has been added to the recommendations section.

5. **Prior to building permit, a limited site plan review shall be provided to address the creation of an easement to allow the County access to the stormwater management area and the provision of adequate landscaping to provide screening for Lot 4 and the adjacent school property and to provide a buffer between the development on Lots 2, 3, and 4 and the property to the south.**

Comment: As shown on the final plat, there are in fact two easements on Lot 2. One easement runs from Mid-Atlantic Boulevard along the northern side of the site in order to provide the Baltimore Gas and Electric (BGE) Company access to their property on the west side of the subject property. Building A runs alongside but does not obstruct this easement. At the northeast corner of Building A, a Northern Red Oak (*Quercus rubrum*) is proposed to be planted as part of the parking lot landscaping requirements. This oak obstructs the access easement. As a condition, the applicant should revise their plans to clearly show the boundary of the easement as marked on the approved plat. The oak tree should be moved northwards approximately 20 feet in order to not obstruct the easement.

The second easement shown on the plat runs along the same route followed by the BGE easement before turning south along the eastern side of the site in order to provide Prince George's County with access to the stormwater management area known as Parcel A. This easement is obstructed by the location of the dumpster area for Lot 2. As the path of the county easement is heavily sloped and does not provide a good access route, the applicant has indicated that Department of Public Works and Transportation (DPW&T) will be granted an alternative access easement that will run through the parking and loading areas on the east side of Building A. Prior to certificate approval of the detailed site plan, the applicant should provide evidence of an agreement in place with DPW&T to accept the alternative access route, and demonstrate the access easement legally and on the site plan.

Condition 5 of 4-86120 also calls for screening and landscaping for the eastern and southern edges of the subject property. As shown in more detail in Finding 8, the screening and landscaping provided along the eastern edge of the site appear to be adequate to buffer the subject property from the school property. The applicant is not proposing screening or buffering along the southern border of the site. As the property to the south constitutes the remainder of the Brickyard site, which will be compatible to the subject property in use and design, there is no need for particular screening measures along this boundary.

10. **Detailed Site Plan, SP-89016:** The revision is in conformance with the originally approved detailed site plan requirements. It should be noted that the District Council resolution approving SP-89016 stated the following condition:

**Prior to issuance of sign permits, the design of the proposed signs shall be reviewed and approved by the Planning Board or its designee, and shall be approved by the District Council.**

Taken in conjunction with Condition 2 (a) of Zoning Ordinance No. 70-1988 (see Finding 8 above), this condition should be satisfied by a District Council review of the detailed site plan.

The signage proposed in the application is discussed in Finding 14 below.

11. **Landscape Manual:** The detailed site plan is in general conformance with requirements of the *Landscape Manual*, except as identified below.

- a. **Section 4.2, Commercial and Industrial Landscape Strip:** The landscape plan shows adequate ten foot landscape strips along Mid-Atlantic Boulevard. The applicant has substituted ornamental and evergreen trees for the required shade trees, as provided by Section 4.2 (a) (4).
- b. **Section 4.3, Parking Requirements:** The landscape plan shows adequate internal green planting for the proposed parking lots. The perimeter planting strips for parking lots along Mid-Atlantic Boulevard are adequate. The perimeter landscape strip along the northern edge of Lot 2 is not measured correctly. It is shown as a 133-foot-long landscape strip, but it should extend approximately 320 feet to include perimeter planting for the handicapped parking area as well as the driveway that provides access to the parking lot. The 133-foot landscape strip contains 4 shade trees and 12 shrubs as well as one tree planted for internal green requirements; the expanded landscape strip should contain at least 10 shade trees and 28 shrubs.

The landscape plan does not show perimeter landscaping for the parking lots of Lot 2 and Lot 3 along their common property line. As per Section 4.3 (b), each lot must provide the required five-foot landscape strip with one tree and three shrubs per 35 linear feet of parking lot adjacent to the property line. The applicant should revise the plans to show the required strip or apply for Alternative Compliance.

- c. **Section 4.4, Screening Requirements:** Loading areas are required to be screened from land in a residential zone and any adjacent public roads. The buildings and planting currently shown on the landscape plan will screen the loading areas of Buildings A and D from Mid-Atlantic Boulevard. The loading area for Building C is visible from Mid-Atlantic Boulevard and should receive additional screening. The applicant should provide additional evergreen trees along the northeastern edge of the parking lot for Building C. These trees may form part of the parking lot perimeter landscaped strip required under Section 4.3 (b) above.

The loading areas for Buildings A, C, and D are not located adjacent to any residential zones, but the loading area for Building B is adjacent to Mid-Atlantic Boulevard and the elementary school site which is zoned R-R. The buffering and slope provided along the eastern property line should provide adequate screening from the school site, and the six-foot-tall wall provided along Mid-Atlantic Boulevard will screen the loading area from the west.

This section also requires that dumpsters and waste storage areas should be inconspicuously located and screened from public roads and land on which industrial uses are not permitted. All of the surrounding land permits industrial uses except for the school property to the east. The dumpsters on the site are all surrounded with gated screening walls.

- d. **Section 4.7, Buffering Incompatible Uses:** The adjoining properties to the south are currently vacant industrial land that will be developed by Jackson-Shaw/Brickyard Limited Partnership as light industrial warehousing and office in conformance with the

subject property. The adjacent properties to the north and west are currently used for consolidated storage, a carwash, a tire store, and power lines, all of which are high-impact uses deemed compatible with the wholesale warehousing proposed for the subject site.

On the east side, the subject property adjoins a school, which is an incompatible use that must be buffered. The high impact use of the subject property adjacent to the medium impact of the school site requires a type B bufferyard, which specifies a minimum 30 foot building setback and a 20-foot-wide landscaped yard containing at least 80 plant units per 100 linear feet of property line. In this case, the length of the bufferyard is 555 feet, requiring 444 plant units. The landscape plan shows an adequate setback and landscaped area. The northern portion of this buffer area is occupied by existing woodlands. The applicant has submitted photographs demonstrating that the southern portion of the buffer area is occupied by volunteer plant growth, including black locust, Virginia pine, and tulip poplar trees that already provide a reasonably thick screen. The applicant estimates that the existing plant material along the buffer is equivalent to about 377 plant units and will provide an additional 3 shade trees and 8 evergreen trees to supply an additional 70 plant units. In view of the extent of natural plant growth along this buffer, the proposed screening will be adequate to satisfy the requirements of the *Landscape Manual*.

12. **Woodland Conservation Ordinance:** As per the Standard Exemption Letter dated May 5, 2006, the site is exempt from the Woodland Conservation Ordinance because it has never been the subject of a Tree Conservation Plan and contains less than 10,000 square feet of existing woodland. The Environmental Planning Section has judged that the pioneer plant growth along the southern portion of the eastern property line does not constitute existing woodland.
13. The applicant has proposed building-mounted signs to be displayed above the building entrances. As provided by Section 27-613(c)(3), each building in this development is permitted to display building signage measuring a total of no more than 400 square feet (the permitted area is based upon the length of the building, up to a maximum area of 400 square feet—all four buildings are of sufficient length to attain this maximum level). The applicant has not supplied exact sign details because tenants for all of the buildings are not determined. It is the understanding of staff that the sign areas shown are maximum sign envelopes that the building signage will fall within. The signage areas shown on the building elevations appear to fall below the permitted signage area limit and should be acceptable. However, the plans as submitted do not specify the square footage of each sign envelope shown. A condition has been added to require that the applicant demonstrate the area of each sign shown on the building elevations and the total sign area proposed for each building.

#### REFERRAL COMMENTS

14. In a memorandum dated March 13, 2007 (Masog to Lindsay), the Transportation Planning Section deemed the submitted site plan to be acceptable. This memo noted that the square footages shown for the uses in the four buildings did not equal the gross floor area of the buildings. The applicant has supplied revised numbers that have been used in this report and will be corrected on the certified site plan.
15. In a memorandum dated March 2, 2007 (McCune to Lindsay), the Community Planning North Division affirmed that the application is consistent with the 2002 General Plan policies for the Developing Tier and with the land use recommendation in the 1990 Master Plan for Subregion I.



This memo also noted the existence of a master plan trail in this area, which is discussed in more detail in finding 16 below.

16. In a memorandum dated April 3, 2007 (Schaffer to Lindsay), the Trails Coordinator offered the following comments:

The Adopted and Approved Subregion I Master Plan includes two master plan trail recommendations in the vicinity of the subject site. These include:

- Bicycle/pedestrian corridor along Contee Road.
- A north-south neighborhood trail connection along the eastern edge of the Briarwood Business Park.

It should also be noted that the Brickyard development (approved Preliminary Plan 4-04120) includes several conditions of approval pertaining to bicycle and pedestrian facilities. The Brickyard development is located to the south of the subject application along Mid-Atlantic Boulevard. Included in these conditions of approval are:

19b. Standard sidewalks along both sides of the subject site's portion of Mid Atlantic Boulevard, unless modified by DPW&T.

19e. A public walkway from the end of Street A (of the Brickyard site) to the adjacent MARC station.

Staff recommends that the same pedestrian accommodations be included along the subject site's portion of Mid Atlantic Boulevard. The applicant is reflecting reconstructed five-foot-wide sidewalks along Mid Atlantic Boulevard, separated from the curb by a grass planting strip. This is consistent with prior approvals and will safely and attractively accommodate pedestrians along this road. The Brickyard development included parkland dedication between the southern end of Mid Atlantic Boulevard and Cedarhurst Drive. This parkland can accommodate a future trail connection and will provide access to the Muirkirk Road MARC station. The location and design of this trail connection will be addressed during the time of detailed site plan for the Brickyard development, per Condition 13 of approved Preliminary Plan 4-04120.

As noted above, the master plan recommends a trail running north to south from Contee Road to Muirkirk Road. Just south of Contee Road, the trail is planned between the business park and the adjacent residential uses. Further to the south, the trail will be accommodated with wide sidewalks along Cedarhurst Drive. The nearby residential developments have dedicated significant land to the M-NCPPC Department of Parks and Recreation. This park dedication includes linear park corridors for future trail construction, including a trail corridor behind the lots on the west side of Golden Oak Drive. This park dedication will accommodate a future trail linking these residential communities with the existing James H. Harrison Elementary School and Contee Road to the north. This trail does not impact the subject application, but was accommodated on the adjacent residential application. The trail along Contee Road is also beyond the scope of the subject application and will either be addressed through frontage improvements through properties abutting the roadway or through a DPW&T capital improvement project.

#### SIDEWALK CONNECTIVITY:

In keeping with adjacent approvals along Mid Atlantic Boulevard, the submitted site plan includes five-foot-wide sidewalks along both sides of the road.

#### RECOMMENDATION:

In conformance with the Adopted and Approved Subregion I Master Plan, the applicant or the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along both sides of the subject site's portion of Mid Atlantic Boulevard, unless modified by DPW&T.

Urban Design comment: The above discussion indicates that additional trail dedication by this site plan is not necessary. The application is correctly showing the standard five-foot-wide sidewalks on both sides of Mid-Atlantic Boulevard.

17. In a memorandum dated March 20, 2007 (Gallagher to Lindsay), the Permit Review Section offered a number of comments that have been addressed in the revised plans submitted by the applicant.
18. In a memorandum dated April 5, 2007 (Lockard to Lindsay), the Subdivision Section noted the existence of the two access easements on Lot 2. The necessary discussion of the easements is included in Finding 10 above.
19. In a memorandum dated April 4, 2007 (Abraham to Lindsay), the Prince George's County Department of Public Works and Engineering offered the following comments:

In response to the Detailed Site Plan No. 89016/04 referral, the Department of Public Works and Transportation (DPW&T) offers the following:

- a. This project is located at the intersection of Contee Road and Mid-Atlantic Boulevard; Mid-Atlantic Boulevard is a county-maintained collector roadway. Full frontage improvements and right-of-way dedication in accordance with DPW&T's Specifications and Standards are required.
- b. A traffic study is to be performed at Contee Road and Mid-Atlantic Boulevard. If warranted, a traffic signal is to be installed.
- c. All improvements within the public right-of-way as dedicated to the county are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- d. Conformance with street tree and street lighting standards is required.
- e. All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.

- f. Existing utilities may require relocation and/or adjustment. Coordination with the various utility companies is required.
- g. The proposed detailed site plan appears to be in accordance with the approved Stormwater Concept Plan.

Urban Design comment: The project is in fact located south of the intersection of Contee Road and Mid-Atlantic Boulevard.

- 20. In a memorandum dated April 2 (Oladeinde to Lindsay), the Fire/EMS Department offered no objection to the plan.
- 21. As required by Section 27-285(b), 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.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE DSP-89016/04, subject to the following conditions:

- 1. Prior to certification, the applicant shall revise the site plans as follows:
  - a. Label the buildings (where currently identified by building number) as Buildings A, B, C, and D.
  - b. Clearly identify all building materials used on the architectural elevations by providing labels that call out all materials shown on the elevation and specifying the meaning of any abbreviations used.
  - c. Show the existing Baltimore Gas and Electric Company access easement on Lot 2.
  - d. Show the location of an access easement on Lot 2 for Prince George's County access to the stormwater management area in Parcel A.
  - e. Show the access stem of Lot 2 at its correct size and location in accordance with the approved final plat.
  - f. Indicate the height of the existing chain-link fence along the eastern boundary of Lot 4.
  - g. Show the square footage of each portion of proposed signage, and the total signage area proposed for each building.
  - h. Move the Northern Red Oak (*Quercus rubrum*) located at the northeast corner of Building A approximately 20 feet north.
  - i. Provide an additional 5 shade trees and 16 shrubs along the northern perimeter of the parking lot access driveway along the northern edge of Lot 2.
  - j. Correct the square footages and parking calculations shown in the General Notes.

- k. Remove General Note 3 (F).
  - l. Correct the Setback Tabulation on Sheet 6 to reflect the required and provided rear and side yard setbacks.
  - m. Provide additional evergreen trees along the northern property line of Lot 3 to screen the loading areas for Building C.
  - n. Provide the required perimeter landscape strips for the parking lots of Lots 2 and 3 along their common property line to comply with Section 4.3 (b) of the *Landscape Manual*. If this is not feasible, the applicant shall have an Alternative Compliance plan approved by the Planning Director as the designee of the Planning Board.
- 2. Prior to certification, the applicant shall provide evidence that an alternative easement for Prince George's County to access Parcel A has been provided on Lot 2, and that the Department of Public Works and Transportation has indicated in writing their agreement to extinguish the existing easement on the west side of Lot 2 in favor of the alternative easement.
  - 3. Prior to certification, the applicant shall provide evidence that the parking and dumpster areas for Lot 3 that overlap onto the access stem of Lot 2 have been protected in a permanent easement on Lot 2.
  - 4. The applicant or the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along both sides of the subject site's portion of Mid-Atlantic Boulevard, unless modified by DPW&T.