

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 May 20, 2004, regarding Detailed Site Plan DSP-98016/01 for Penn East Business Park (Lots 11, 12 and 15, Block A), the Planning Board finds:

1. **Request:** The subject application is for construction of two warehouse buildings and a trailer storage area on Lots 11, 12 and 15, Block A, and an equipment rental facility on Lots 5, 6, 7 and 8, Block A.

2. **Development Data Summary**

Lots 11, 12 and 15, Block A

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Vacant	Two warehouse buildings and a trailer storage facility
Acreage	28.88 acres	28.88 acres
Lots	3	3
Parcels	NA	NA
Square Footage/GFA	NA	Building 1: 60,760 sq.ft. Building 2: 202,850 sq.ft. Total—263,610 sq.ft.

Lots 11, 12 and 15, Block A

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Vacant	Equipment Rental Facility
Acreage	6.98 acres	6.98 acres
Lots	4	4
Parcels	NA	NA
Square Footage/GFA	NA	15,840 sq.ft..

3. **Location:** The subject sites are located in Council District 6, Planning Area 78. The sites are located on the northeast corner of Pennsylvania Avenue (MD 4) and Westphalia Road.

4. **Surroundings and Use:** Lots 11, 12 and 15, Block A, are surrounded on the north, east and west by industrial uses and on the south by Pennsylvania Avenue. Lots 5, 6, 7 and 8, Block A, are surrounded by industrial uses on the north and east sides and on the south by Pennsylvania Avenue and west by Westphalia Road.
5. **Previous Approvals:** A Preliminary Plan 4-88055 was approved by the Planning Board on July 21, 1988 (PGCPB No. 88-202), for the Penn East Business Park. On June 11, 1998, the Planning Board approved a Detailed Site Plan SP-98016 for two warehouse buildings on Lots 11 and 12, Block A, in Penn East Business Park (PGCPB No. 98-174). The Detailed Site Plan expired on June 11, 2001. The applicant has therefore filed applications for the subject Detailed Site Plans.
6. **Design Features:** The applicant is proposing two warehouse buildings on Lot 11 and 12, Block A, and a trailer storage area on Lot 15, Block A. Access to the property is from Pepco Place. Parking is proposed on the east side of the proposed buildings. Loading areas are proposed to the sides and rear of the buildings so that they are not visible from the street. Dust free aggregate surface material is proposed for Lot 15 for trailer storage facility. The proposed warehouses will have decorative concrete panels and glazed doors and windows. Accent bands are proposed to enhance the appearance of the buildings. An equipment rental storage facility is proposed on Lots 5, 6, 7 and 8, Block A. Access to the property is from Pennsylvania Avenue and Pepco Place. Parking is proposed on the front and sides of the building. The proposed equipment storage building will have a standing seam metal roof and metal wall panels with accent bands.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The proposed uses, warehouses, trailer storage and equipment rental storage are permitted uses in the I-1 Zone.

Section 27-469, I-1 Zone (Light Industrial), of the Zoning Ordinance establishes the following parameters for landscaping, screening and buffering of development in the I-1 Zone:

- (1) **At least ten percent (10%) of the net lot area shall be maintained as green area.**

The applicant has provided 28.5 percent of green area on Lots 11, 12 and 15, Block A, and 19.1 percent of green area on Lots 5, 6, 7 and 8, Block A.

- (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.**

The landscaping proposed along the public rights-of-way have not been considered a part of the required green area.

8. **Preliminary Plan:** Compliance with the Preliminary Plan is addressed in Finding 12.e
9. **Detailed Site Plan:** The proposal is also consistent with the previously approved Detailed Site Plan, SP-98016.
10. **Landscape Manual:** The proposal is subject to the requirements of Section 4.2 (Commercial and Industrial Landscape Strip), Section 4.3 (Parking Requirements), and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The proposal complies with these requirements. However, the applicant must combine the three interior parking areas on Lots 11 and 12, Block A to calculate the landscape requirements. A condition of approval has been added to require the applicant to revise the landscape schedules to reflect the same. On Lots 5, 6, 7 and 8, Block A, the landscaping and parking must be proposed behind the ultimate right-of-way. A condition of approval has been added to ensure the same. If in the future, the applicant obtains District Council approval for provisional parking and landscaping within the ultimate right-of-way, the plans must be revised accordingly.
11. **Woodland Conservation Ordinance:** Compliance with the requirements of the Woodland Conservation Ordinance is discussed in detail in Finding 12.h.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In memorandums dated February 26, 2004, the Permit Review Section has requested minor changes to the site plan. Conditions of approval have been added to require the same.
 - b. In memorandums dated February 26, 2004, the State Highway Administration has stated that they have no comments regarding the subject Detailed Site Plans. Lot 5 will be impacted by the future upgrade of Pennsylvania Avenue and Westphalia Road when the interchange is built.
 - c. In a memorandum dated March 17, 2004, the Washington Suburban Sanitary Commission has stated that there is an approved authorization within the limits of this site and that the applicant must submit an amended package to the Development Services Group.
 - d. In a memorandum dated April 2, 2004, the Transportation Planning Section has stated that there are a number of transportation-related conditions that were imposed at the time of the Preliminary Plan for required off-site improvements. The requirements of these conditions have been fulfilled. Vehicular access to the property is acceptable. Adequate rights-of-way exist on Pennsylvania Avenue and Westphalia Road. However, the State Highway Administration will be upgrading access controls along MD 4 in the future. Lot 12, Lot 8 and Lot 5 may be affected by the upgrades. This should be verified with the State Highway Administration. The subject properties are part of a larger project that has been approved pursuant to a finding of adequate public facilities. The transportation staff finds that adequate public facilities exist to serve the subject properties.

- e. In a memorandum dated March 16, 2004, the Subdivision Section has stated that the subject Detailed Site Plans include property that is the subject of two record plats. These lots are found on record plat VJ 186@ 6. The notes on the record plats require conformance with the Woodland Preservation Ordinance, the transportation limits identified in resolution PGCPB No. 88-202, the noise level reductions in zoning map amendments A-9029-C and A-9198-C. The Detailed Site Plans present a lotting pattern and road configuration that is in conformance with the record plats.
- f. In memorandums dated March 8, 2004, the Department of Environmental Resources has stated that SP-98016/01 is consistent with approved stormwater concept #8003130-1998-02 and SP-98016/02 is consistent with approved stormwater concept #39708-2003.
- g. In a memorandum dated March 10, 2004, the Community Planning Division has stated that the subject properties are located approximately one mile northeast of Andrews Air Force Base and are depicted in the 1998 Air Installation Compatible Use Zone (AICUZ) Study, within 70-75 Ldn aircraft noise contours and partially within Accident Potential Zone 1. The 1998 AICUZ recommends low intensity industrial uses in the APZ1. The subject properties are in the Developing Tier. The master plan's land use recommendations for this area combine locational constraints (AICUZ) with the objective of capitalizing on the strategic location of the property. The specific recommendations for this area state that attractively designed buildings must be oriented to MD 4. If parking facilities face MD 4, screening should be required. The Division has stated that the Detailed Site Plan applications must be referred to the Planning Office at Andrews Air Force Base. A referral has been sent to the Andrews Air Force Base Planning Office. The Community Planning Division has recommended the following for conformance with the Master Plan recommendations:
- Landscaping should be provided to screen the parking and truck storage areas from Pennsylvania Avenue (Landscaping has been provided)
 - The location of the boundary of Accident Potential Zone I and the 70 Ldn noise contour must be shown on the site plan
 - Light fixtures that emit light or glare upwards that impede pilot's nighttime navigation must be avoided
 - The Master Plan road I-603 must be shown on the application.
- Conditions of approval have been added to require the same.
- h. In memorandums dated April 28, 2004, the Environmental Planning Section has stated that the subject lots are located along Pepco Place. Streams, wetlands, 100-year floodplains, and areas of steep and severe slopes are found to occur on these properties. Although Pennsylvania Avenue is identified as a transportation-related noise generator, it will not

adversely impact the proposed development of this site. The properties are located within Andrews Air Force Base Accident Potential Zone 1 and within the 70 dBA Ldn noise contour for the base. No Marlboro Clay is found to occur on this property. There are no rare, threatened, or endangered species found to occur on this property. There are no designated scenic or historic roads in the vicinity of this property. The property is located in the Western Branch watershed of the Patuxent River Basin and in the Developing Tier. A detailed forest stand delineation was previously submitted for these properties. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are more than 10,000 square feet of existing woodland and there are previously approved Tree Conservation Plans. There are existing wetlands on the site that are to be protected in accordance with previous conditions of approval. Therefore, the Environmental Planning Section cannot support the proposed clearing of the wetlands for the creation of an equipment storage area. A condition of approval has been added to eliminate all disturbances to wetlands. The subject properties are located within the Andrews Air Force Base Accident Potential Zone 1 or APZ-1. Because residential uses are not proposed for this site, the State Noise standards of 65 dBA Ldn do not apply to this site. The noise level standard of 75 dBA Ldn for commercial and industrial sites is not exceeded. However, the noise issue was addressed by conditions of approval of the Preliminary Plan. To ensure compliance with the Preliminary Plan conditions, a condition of approval has been added to require certification of architectural plans by an acoustical engineer to ensure that noise levels do not exceed 45 dBA Ldn in interior office and public reception areas.

The Section has recommended approval of the Type II Tree Conservation Plan TCPII/27/91-02 subject to conditions of approval.

- i. A referral was sent to Andrews Air Force Base. No comments have been received as of this date.
13. With the proposed conditions, the Detailed Site Plans SP-98016/01 and SP-98016/02 represent a reasonable alternative for satisfying 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/27/91-02) and further APPROVED Detailed Site Plan DSP-98016/01 for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the site/landscape and architectural plans shall be revised to show the following:
 - a. A note stating that outdoor storage on Lot 15, Block A, shall not be visible from the street
 - b. The width of the sliding gate for Lots 5 to 8, Block A to be a minimum of 22-feet for a two-way driveway.
 - c. General notes revised to state that a minimum of 21 spaces (2/3 of the total) are non-compact.
 - d. All landscaping and parking proposed behind the ultimate right-of-way along Lots 5 to 8, Block A
 - e. Landscape schedules revised to show the three interior parking areas on Lots 11 and 12, Block A to calculate the landscape requirements.
 - f. The location of the boundary of the Accident Potential Zone I and the 70 Ldn noise contour
 - g. The location of the master plan road I-603
 - h. Information on proposed lighting fixtures that avoid light and glare upwards and avoid impeding pilots' nighttime navigation.
 - i. The revised TCPII shall be sealed, signed and dated by the licensed landscape architect, licensed forester, or other qualified professional who prepared the plan.
 - j. A note shall be added to the Detailed Site Plan and Type II Tree Conservation Plan stating that there shall be no disturbance to the wetlands and associated buffers on Lots 5-8 unless all required county, state and/or federal permits to allow the disturbance of said wetlands and associated buffers are obtained prior to the issuance of building and/or grading permits affecting said areas.
 - k. Evergreens with a minimum height of eight feet for the landscaping along the street.
 - l. The chain-link fence along the street replaced with a fence with brick piers (at 30 feet center to center) and wrought iron railings or equal. The design details of the fence shall be provided. The color of the brick piers shall match the color of the brick wall on the opposite side of the street along Weatphalia Road.
 - m. The chain-link fence along the adjacent industrial uses replaced with a vinyl-clad chain-link fence.

2. Prior to certification of the Detailed Site Plan, the applicant shall submit a color and material sample board for the proposed building materials and the proposed brick piers for approval by the staff as Planning Board's designee.
3. Prior to issuance of any building permits, an Acoustical Engineer shall certify the architectural plans indicating that the office areas and interior public reception areas will be constructed with all necessary mitigation measures to ensure that noise levels do not exceed 45 dBA Ldn.
4. A Penn East Advisory Committee shall be established, with representation from residential communities along the Westphalia Road Corridor from Pennsylvania Avenue to Ritchie-Marlboro Road, including the community along Sansbury/D'Arcy Roads, to facilitate communication for discussion of uses in and status reports on Penn East, by having regular meetings attended by the developer.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince Georges 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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent t its regular meeting held on Thursday, May 20, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of May 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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