

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, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Industrial Employment Zone (IE); and

WHEREAS, pursuant to Sections 27-1903(c) and 27-1704 (b) of the Zoning Ordinance, certain development applications may continue to be reviewed and decided in accordance with the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on September 29, 2022, regarding Detailed Site Plan DSP-22009 for Vista 95 Logistics Center, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) requests the development of 373,835 square feet of warehouse distribution use in two buildings within the Military Installation Overlay (M-I-O) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	IE/MIO (prior I-1/M-I-O)	IE/MIO (prior I-1/M-I-O)
Use(s)	Vacant	Warehouse/Distribution
Gross Acreage	53.21	44.72
Road Dedication (acres)	-	8.49
Parcels	3	3
Gross Floor Area	N/A	373,835 sq. ft.

Parking and Loading

USE	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
Warehouse		
Building 1 - 204,743 sq ft		
3 spaces for first 1,500 sq. ft.	3	-
1 space per 1,500 sq ft. 98,500 sq. ft.	66	-
1 space per 1,000 sq ft. 104,743 sq. ft.	21	-
Total	90	138
LOADING		
1 space up to 10,000 sq. ft. of gross floor area	1	-
1 space for each additional 40,000 sq. ft. of gross floor area	5	-
Total	6	56

Building 2 - 169,092 sq ft		
3 spaces for first 1500 sq. ft.	3	-
1 space per 1,500 sq ft. 98,500 sq. ft.	66	-
1 space per 1,000 sq ft. 104,743 sq. ft.	14	-
Total	83	153
LOADING		
1 space up to 10,000 sq. ft. of gross floor area	1	-
1 space for each additional 40,000 sq. ft. of gross floor area	4	-
Total	5	27

3. **Location:** The subject site is located on the north side of Westphalia Road, at its intersection with Flowers Road, approximately 450 feet west of its intersection with Poplar Drive, in Planning Area 78 and Council District 6. The site is zoned Industrial Employment (IE), previously the Light Industrial (I-1) Zone, and is within the M-I-O Zone for height, noise, and safety. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.

4. **Surrounding Uses:** The subject property is partially bounded on the west by I-95/495 (Capital Beltway) and vacant, commercial, and residential uses in the Industrial Employment and Military Installation Zone (IE/MIO) Zone; to the north by residential uses in the Rural Residential (RR) Zone; to the east by residential uses in the Residential, Multifamily-20 (RMF-20 Zone), and to the south by industrial uses in the IE Zone and residential uses in the RR Zone.
5. **Previous Approvals:** The site is subject to Zoning Map Amendment A-9706-C, which was approved by the Prince George's County District Council in 1989, to reclassify the property to the I-1 Zone (Zoning Ordinance No. 35-1989), with 20 conditions. An amendment to the conditions was approved by the District Council on October 26, 2021, via A-9706-C-01 (Zoning Ordinance No. 7-2021). Twelve conditions remain applicable to the property and are discussed in Finding 8 of this approval. The site is also the subject of Preliminary Plan of Subdivision (PPS) 4-21013, which was approved on July 28, 2022, and adopted on September 8, 2022. In addition, it is noted that this development has an approved Stormwater Management (SWM) Concept Plan, 18078-2021-00, which was approved on July 15, 2022, and expires on July 15, 2025.
6. **Design Features:** The proposed warehouse and distribution facilities are located in two separate buildings accessed from the master-planned collector roadway, Presidential Parkway (MC-634), by a two-way drive aisle that varies in width from 35 to 42 feet. The proposed buildings are labeled Building 1 and Building 2 and are separated on the site by a stream that divides the site into two development pods on the east and west side of the property adjacent to the Capital Beltway. The vehicular circulation on-site is separated between truck and standard car parking spaces, with the loading spaces located at the interior of the site and the standard car parking spaces placed on the periphery of the site, in close proximity to the buildings' primary entries.

Building 1 is located on the west side of the site closest to Presidential Parkway. The building is rectangular in shape. The building is approximately 40 feet in height and is approximately 204,743 square feet. The layout for Building 1 includes 138 parking spaces, 41 loading dock bays, and 56 loading spaces which are screened by the building.

Building 2 is located on the east side of the site and is a similar form and layout to Building 1. The building is rectangular in shape and is approximately 169,092 square feet. The building is approximately 40 feet in height. The layout for Building 2 includes 153 parking spaces, 47 loading dock bays, and 27 loading spaces which are located on the interior of the site and are screened by Building 1 from the public roadway.

A sidewalk is adjacent to the drive aisle on-site and connects the two buildings, in accordance with the PPS. A 15- to 16-foot noise attenuation fence is proposed near Building 1, to mitigate noise on the property. In addition, the applicant has proposed to construct privacy fencing along both sides of the portions of future Presidential Parkway to Westphalia Road, on the southern and eastern boundaries of the property, to screen views into the site. However, the fence locations are not clearly delineated on the plan and should be shown for clarification.

Architecture

Both Building 1 and Building 2 include similar materials and their façades are broken up using color and massing, in addition to floor to ceiling windows near the primary building entrances and by using windows along the roof line to provide natural light. The elevations submitted do not clearly indicate the materials to be used and indicate that materials shown on the elevations are preliminary. The materials should be shown, and a condition is included herein, to revise the building elevations to clearly indicate the materials used.

Signage

The applicant proposes multiple building-mounted signs that will indicate the name of the buildings' tenants. However, tenants for these buildings have not been selected at this time. Other freestanding monument and wayfinding signage is proposed at the entrance to the site and internal to the property to assist in wayfinding. A site plan showing the location and elevations of the signs has been provided but it is unclear if these signs will be illuminated or how they will be constructed. Therefore, a condition is included herein, requiring the applicant to provide scaled details of all the signs and elevation drawings showing their general location on-site and, on the façades, in addition to the signs' general composition, in accordance with the applicable sign requirements.

Green Building Techniques and Green Area

The site is within the I-1 Zone and is required to provide 10 percent of the site in open space in green area. The application is proposing to meet this requirement by preserving more than 60 percent of the site in green area. The site is using environmentally sensitive design (ESD) to treat stormwater in a series of micro-bioretenion and bio-swale facilities. Careful consideration has been given to preserve environmental features on the property, and impacts to these areas are limited to necessary road/utility crossings and SWM outfalls. In addition to ESD practices being used on the site, the application is proposing solar panels along portions of the roof on both buildings.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the I-1 Zone of the prior Zoning Ordinance:
 - a. The subject application is in general conformance with the requirements of Section 27-469 of the prior Zoning Ordinance, which governs development in the industrial zones. The proposed warehouse use is permitted in the I-1 Zone. The requirements of Section 27-469 of the prior Zoning Ordinance have been satisfied in the following manner:

(a) Purposes.

(1) The purposes of the I-1 Zone are:

- (A) To attract a variety of labor-intensive light industrial uses;**
- (B) To apply site development standards which will result in an attractive, conventional light industrial environment;**
- (C) To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and**
- (D) To provide for a land-use mix which is designed to sustain a light industrial character.**

The warehouse/distribution uses proposed in this DSP are permitted in the I-1 Zone (IE Zone) and are consistent with the land use recommendations for property within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan), which recommends an industrial land use.

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

- (1) At least ten percent (10%) 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.**
- (3) A vehicle towing station permitted in the I-1 Zone shall be screened by a wall or fence at least six (6) feet high, or by an evergreen screen, unless the adjoining property is used for a vehicle towing station or a vehicle salvage yard.**

A significant portion of the property (60.52 percent) will be maintained as green area and meets the minimum 10 percent requirement. The subject application has also been designed to meet all other applicable requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Prince George's County Tree Canopy Coverage Ordinance.

(c) Outdoor storage.

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

Any future outdoor storage on the subject property will be screened by the proposed buildings, screen fencing, and/or perimeter landscaping, so as not to be visible from a public street.

(d) Uses.

(1) The uses allowed in the I-1 Zone are as provided for in the Table of Uses (Division 3 of this Part).

Warehouse/distribution uses are permitted in the I-1 Zone (IE Zone).

(e) Regulations.

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-1 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

All proposed structures and parking/loading facilities have been designed, in accordance with the above requirements.

- b. The DSP conforms with Sections 27-469 and 27-474 of the prior Zoning Ordinance, Regulations for the I-1 Zone. Specifically, the applicant meets the required setbacks and is providing the required 10 percent of green area.
- c. **Military Installation Overlay (M-I-O) Zone:** The M-I-O Zone is based on three areas of constraint: noise, height, and accident potential. Under this zoning, the applicant must meet the requirement for height and noise. The site is required to meet the applicable requirements for properties located in the conical surface (20:1). The proposed buildings are 40 feet in height and meets the height requirement. The project also falls within the Noise Intensity Contours in the M-I-O Zone, where noise levels may range from 60db to 74db. Section 27-548.56 of the prior Zoning Ordinance addresses prohibited and limited uses in Accident Potential Zone 1, which does not include the proposed warehouse use.
- d. **Site design guidelines:** The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The parking and loading spaces are designed to provide safe vehicular and pedestrian circulation, and the lighting provides adequate illumination and does not provide glare on the adjacent properties. The requirements of Section 27-274 of the prior Zoning Ordinance have been satisfied in the following manner:

(1) General

(A) The Plan should promote the purposes of the Conceptual Site Plan.

This finding is not applicable to the subject application. There is no underlying conceptual design plan associated with the subject property.

(2) Parking, loading, and circulation.

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:

- (i) Parking lots should generally be provided to the rear or sides of structures;**
- (ii) Parking spaces should be located as near as possible to the uses they serve;**
- (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;**
- (iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and**
- (v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.**

The proposed parking compound is designed so that all loading activities will be in the rears of Buildings 1 and 2. Although standard vehicular parking spaces are placed in front of each building (due to site limitations), said areas will not be visible by any residentially zoned properties. All parking and loading space sizes and driveway aisles have been designed, in accordance with Part 11 of the Zoning Ordinance.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:

- (i) Loading docks should be oriented toward service roads and away from major streets or public view; and**
- (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.**

The submitted landscape plan demonstrates compliance with the above two design standards. Loading docks for each building face internally into the site and away from major streets and public view.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:

- (i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;**
- (ii) Entrance drives should provide adequate space for queuing;**
- (iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;**
- (iv) Parking areas should be designed to discourage their use as through-access drives;**
- (v) Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;**
- (vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;**
- (vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;**

- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;**
- (ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;**
- (x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and**
- (xi) Barrier-free pathways to accommodate the handicapped should be provided.**

The limits of the parking compound, on-site circulation driveway aisle widths, and parking space sizes have been fully designed, in accordance with the requirements of Part 11 of the Zoning Ordinance, and will provide safe, efficient on-site circulation for both pedestrians and drivers. All pedestrian sidewalk routes are ADA-compliant, to accommodate access into the building for the physically handicapped.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:**
 - (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;**
 - (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;**
 - (iii) The pattern of light pooling should be directed on-site;**
 - (iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;**
 - (v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and**

- (vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.**

The lighting proposed in this DSP meets all of the above requirements. All prominent on-site elements, such as the main entrance to the building, will be consistently lit throughout the appropriate portions of the day. The site also utilized full cut-off optics to limit light spill-over into adjacent properties.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

There are no on-site or adjacent public areas or incompatible uses associated with the submitted DSP-22009 application. The proposed building reflects a modern architectural design with quality materials that should be aesthetically pleasing to passing motorists along MC-634 (Presidential Parkway).

(5) Green area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:**
 - (i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;**
 - (ii) Green area should link major site destinations such as buildings and parking areas;**
 - (iii) Green area should be well-defined and appropriately scaled to meet its intended use;**
 - (iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;**
 - (v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;**

- (vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and**
- (vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.**

Section 27-469(b)(1) of the prior Zoning Ordinance requires that, in the I-1 Zone, at least ten percent of the net lot area be maintained as a green area. Based on the submitted site plan, approximately 60.52 percent of the property will be maintained as a green area. The subject application has also been designed to meet all applicable requirements of the Landscape Manual and the Tree Canopy Coverage Ordinance.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:**
 - (i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;**
 - (ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;**
 - (iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;**
 - (iv) Amenities should be functional and should be constructed of durable, low maintenance materials;**
 - (v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;**
 - (vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and**

- (vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.**

Although no streetscape amenities are proposed as part of this light industrial use, proposed features such as light fixtures, bike racks, and fencing have been designed to coordinate with and offer visual unity throughout the site. Street frontage improvements will be completed along the portions of MC-634 that abut the subject property. On September 19, 2022, the Director of DPIE approved a roadway waiver request that specifies the scope/extent of the construction of MC-634. These improvements will include pedestrian sidewalks, street trees, and full compliance with Sections 4.2 and 4.3 of the Landscape Manual.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:**
 - (i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;**
 - (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;**
 - (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;**
 - (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and**
 - (v) Drainage devices should be located and designed so as to minimize the view from public areas.**

All grading will conform to the above regulations and the approved site development concept plan.

(8) Service areas.

- (A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:**
- (i) Service areas should be located away from primary roads, when possible;**
 - (ii) Service areas should be located conveniently to all buildings served;**
 - (iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and**
 - (iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.**

All loading bays for Buildings 1 and 2 will be in the rear of each respective structure, and face internally to the site. These loading areas will be screened by the massing of each proposed building.

(9) Public spaces.

- (A) A public space system should be provided to enhance a largescale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:**
- (i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;**
 - (ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;**
 - (iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;**
 - (iv) Public spaces should be readily accessible to potential users; and**
 - (v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.**

The above guidelines do not apply to a warehouse/distribution building in the I-1 Zone.

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

The proposed façade and building mass articulation includes the following:

- Building design with dynamic façades that will present the appearance of an attractive building with appropriate massing from the street
- A multi-tenant design that includes multiple formal entrances
- Additional accent areas along façades
- Utilization of efficient design and construction techniques in the form of tilt-up concrete building methods

Façades have been designed to vary its perceived massing and reduce monotony. Both exterior walls and entryways provide consistent architectural treatments harmonious with top-tier market offerings. Said treatments include:

- Wall projections or recesses of varying depths, elevations, and type
- Multiple tenant entrances with formal entrances
- All sides of the building include materials and design characteristics, consistent with those on the front façade.

8. **Zoning Map Amendment A-9706-C:** A-9706-C was approved by the District Council in 1989, with 20 conditions, to reclassify the property to the I-1 Zone (Zoning Ordinance No. 35-1989). An amendment to the conditions was approved by the District Council on October 26, 2021, via A-9706-C-01 (Zoning Ordinance No. 7-2021). Twelve conditions remain applicable to the property and are listed as follows:

- 1. Vehicular access to the subject property shall be prohibited from Oak Street, Poplar Drive, Willow Avenue, and Flowers Road. Notwithstanding, Flowers Road may be used as a temporary construction access during the development of the subject property.**

The subject DSP does not propose any permanent vehicular access to Oak Drive, Poplar Drive, Willow Avenue, or Flowers Road. Access will be obtained from the construction of Presidential Parkway (MC-634), as reflected on the PPS.

- 2. A 40-foot landscape buffer (including 120% of the planting units outside of PMA areas as required by the Landscape Manual) shall be provided as shown in applicant's Exhibit 2(d).**

The required landscape buffer is reflected on the landscape plan included with DSP-22009.

- 3. Outdoor storage shall not be visible from a street.**

Outdoor storage will only occur in the rear of each respective building and is not seen from the street.

- 4. With the exception of the ultimate improvements at the intersection of Westphalia Road/MD 4 (to be funded/provided pursuant to CR-66-2010), all required off-site road improvements shall be permitted and bonded prior to issuance of any building permit.**

The applicant agrees with this requirement.

- 5. Transportation of hazardous waste (explosives or the like) shall be prohibited to and from the site and storage thereon shall also be prohibited.**

The applicant agrees with this requirement.

- 6. Development for buildings and parking areas shall be limited to thirty-seven (37) net acres of the subject parcel. The remaining ten (10) acres shall not be disturbed or developed beyond utility rights of ways and other engineering requirements, as necessary, to support the development.**

The net developable acreage outside the primary management area (PMA) is 35.84 acres, in accordance with this condition.

- 7. The maximum number of buildings constructed on said parcel shall be limited to six (6).**

This DSP proposes the construction of two warehouse/distribution buildings and meets this requirement.

8. **No development shall take place unless and until a preliminary plan of subdivision is approved by the Planning Board of the Maryland-National Capital Park and Planning Commission.**

PPS 4-21013 was approved on July 28, 2022, in accordance with this requirement.

9. **The developer shall notify by mail all parties of records of any further hearings on the Preliminary Plat, Record Plat or Site Plan.**

Informational mailing notices for the subject application were mailed to adjoining property owners, registered associations, municipalities within a mile radius of the property, and all parties of record on May 17, 2022.

10. **Review of a Detailed Site Plan in accordance with Part 3, Division 9 of the Zoning Ordinance shall be required. At that time, the Planning Board shall consider the architectural elevations and the quality of the construction materials, and shall ensure that building height not exceed 50 feet.**

The proposed buildings meet this requirement and are approximately 40 feet in height.

11. **All loading bays shall be situated so as to face internal to the subject site.**

All loading areas face internal to the site and are not visible from the public realm.

12. **Prior to acceptance of a preliminary plan of subdivision, a noise analysis shall be provided and shall demonstrate that outdoor noise levels generated by the proposed industrial use(s) will meet all applicable County noise regulations. The noise analysis shall also provide details for outdoor noise levels generated by the full length of future MC-634/Presidential Parkway on the proposed industrial use(s) to be developed on the subject property. All noise mitigation structures required for the proposed industrial use(s) to meet applicable County noise regulations shall be reflected on a detailed site plan.**

A revised noise analysis prepared by Phoenix Noise and Vibration has been submitted with this application. This condition was satisfied at the time of PPS 4-21013. However, the applicant has submitted an updated noise analysis with this DSP, dated May 13, 2022. The updated noise analysis also demonstrates that the proposed development will be in compliance with all applicable County outdoor noise levels and all noise mitigation devices recommended by the analysis are shown on this DSP.

9. **Preliminary Plan of Subdivision 4-21013:** PPS 4-21013 was approved subject to 15 conditions. The conditions relevant to the subject application are shown below:

1. **Prior to signature approval, the preliminary plan of subdivision shall be revised as follows:**

- a. **Label Parcels 4 and 5, as Parcels A and B (to be conveyed to a business owners association) or have their area consolidated into the abutting development parcels.**

DSP shows that nondevelopment Parcels 4 and 5 have been consolidated into abutting development Parcels 1 and 2 in conformance with this condition.

2. **Development of the site shall be in conformance with the Stormwater Management Concept Plan (18078-2021-00), once approved, and any subsequent revisions.**

A copy of the approved SWM concept plan and approval letter were submitted with the DSP application. The DSP shows the layout of the proposed buildings and SWM facilities in conformance with the approved SWM concept plan.

3. **Any residential development of the subject property shall require a new preliminary plan of subdivision and certificate of adequacy.**

This subject DSP does not propose any residential development.

4. **Prior to approval, the final plat of subdivision shall include:**

- a. **Right-of-way dedication along all roadways, in accordance with the approved preliminary plan of subdivision and as reflected in Condition 13.**

The DSP shows the right-of-way dedication for Westphalia Road along the frontage of the property, and for Presidential Parkway from its intersection with Westphalia Road until the northern property boundary. However, the areas of rights-of-way dedication should also be labeled on the DSP, and a condition is included herein.

- b. **Unless nondevelopment parcels are consolidated in accordance with Condition 1a, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a business owners association has been established for the subdivision. The draft covenants shall be submitted to the Development Review Division of the Prince George's County Planning Department along with the final plat for review, to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.**

On the site plan, the nondevelopment parcels (Parcels A and B) have been consolidated to Parcels 1 and 2, which are development parcels. Therefore, this condition is no longer applicable, and a business owners association is not required.

- 5. Unless nondevelopment parcels are consolidated in accordance with Condition 1a, prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business owners association, land, as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:**
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division, of the Maryland-National Capital Park and Planning Commission.**
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.**
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.**
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.**
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.**
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.**

The nondevelopment parcels shown on the PPS (Parcels A and B) have been consolidated in the DSP into Parcels 1 and 2, which are development parcels. Therefore, this condition is no longer applicable, and a business owners association is not required.

7. **Reduce the length of the developed portion of Presidential Parkway (MC-634) to the extent that the grading in primary management area Impact 3 is minimized or eliminated. Prior to approval of the detailed site plan, additional correspondence shall be provided demonstrating the applicant has consulted with the road operating agency in order to reduce the length of the right-of-way to address this condition, and final determination as to the extent of the minimization or elimination will be determined with the detailed site plan approval.**

The applicant provided evidence of submitting a waiver request to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), dated August 17, 2022, for approval of the reduction of the developed portion of Presidential Parkway. DPIE approved this waiver request on September 19, 2022.

The DSP and Type 2 tree conservation plan (TCP2) reflect a shortened length of the developed portion of Presidential Parkway, to eliminate the grading and impacts in the PMA. Therefore, conformance with this condition has been demonstrated.

8. **Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan TCP1-011-2022. The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-2022 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

A TCP2 was submitted with this application and the DSP is in conformance with the approved Type 1 Tree Conservation Plan, TCP1-011-2022.

9. **Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:**

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

- 10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

Conditions 8, 9, and 10 are applicable at the time of final plat. As all woodland conservation requirements are being met on-site, the woodland conservation easement shall be recorded prior to signature approval of the TCP2.

- 11. Prior to the issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**
- 12. Prior to the issuance of the first permit, the Final Erosion and Sediment Control Plan shall be submitted. The limits of disturbance shall be consistent between the plans.**

Conditions 11 and 12 will be addressed prior to permitting for the site.

- 13. Prior to signature approval of the preliminary plan of subdivision (PPS), the PPS should be revised to include the following:**
- a. Modification to the general notes that specifies the total land area of right-of-way dedication for each specific master plan roadway provided on the PPS.**
- General Note 31 on the Composite Site Plan, Sheet C-330, reflects the total land area of rights-of way dedication. However, the note should also indicate separately, each area of dedication for Presidential Parkway (MC-634) and Westphalia Road (A-37).
- b. Show adequate right-of-way dedication for Westphalia Road (A-37) on the subject property consistent with the approved 2009 Countywide Master Plan of Transportation recommendation.**

The revised DSP does not show right-of-way dedication along the property's Westphalia Road frontage, as required in Condition 13 of the approved PPS. As a condition of approval, which has been included herein, the Planning Board requires that the applicant revise the DSP to accurately show the right-of-way dedication along the subject property's frontage of Westphalia Road.

15. **Prior to the approval of a detailed site plan, the applicant and the applicant's heirs, successors and/or assignees shall include, as part of the detail site plan submission, the following:**
 - a. **A minimum 10-foot-wide side path along the subject property's frontage of Westphalia Road (A-37), unless modified by the operating agency, with written correspondence.**
 - b. **A minimum 10-foot-wide side path along one side of Presidential Parkway (MC-634) and a sidewalk on the other side of Presidential Parkway (consistent with development associated with Detailed Site Plan DSP-18020 to the south) unless modified by the operating agency with written correspondence.**
 - c. **On-site pedestrian connections between all buildings. DSP proposes a 5-foot-wide sidewalk connecting the two buildings.**

The applicant's submission accurately displays the recommended side paths along Westphalia Road and Presidential Parkway, as well as a pedestrian connection between the two warehouse buildings, as required.

10. **2010 Prince George's County Landscape Manual:** This DSP application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The landscape and lighting plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet, contains more than 10,000 square feet of existing woodland, and is the subject of a previous tree conservation plan approval.

TCP2-026-2022 was submitted with the DSP application. The woodland conservation threshold for this 53.21-acre property is 15 percent of the net tract area, or 6.20 acres. The total woodland conservation requirement based on the amount of clearing proposed is 10.65 acres. The woodland conservation requirement is proposed to be satisfied with 10.71 acres of on-site woodland

conservation, consisting of 7.33 acres of woodland preservation and 3.38 acres of afforestation. All woodland conservation requirements are being met on-site.

Technical revisions to the TCP2 are required and are included as conditions herein.

12. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule demonstrating conformance to this requirement through woodland conservation and the provision of new plantings on the subject property.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and summarized, as follows:
 - a. **Historic Preservation and Archeological Review**—In a memorandum dated August 2, 2022 (Stabler, Smith, and Chisholm to Bishop), it is noted that the site is in the area of the Westphalia Sector Plan. However, the sector plan contains goals and policies related to historic preservation (pages 66 and 67) and these are not specific to the subject site or applicable to the proposed development. In addition, it was acknowledged that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites.
 - b. **Community Planning**—The Planning Board has reviewed and adopts a memorandum dated September 12, 2022 (Punase to Bishop). In the memorandum, staff provides an analysis of the subject DSP's conformance with the recommendations of the 2014 *Plan Prince George's 2035 Approved General Plan* and the Westphalia Sector Plan and, pursuant to Section 27-281(b)(1)(A) of the prior Zoning Ordinance, this application conforms to these plans. The Planning Board agrees with the staff's analysis and finds that the application is in conformance with the above-referenced plans.
 - c. **Transportation Planning**—The Planning Board has reviewed and adopts a memorandum dated September 9, 2022 (Ryan to Bishop). In this memorandum, staff evaluated this application and concluded that access and circulation are acceptable, with conditions. In consideration of staff's assessment and recommended conditions, the Planning Board finds this plan is acceptable, as conditioned herein. In addition, the Planning Board finds that the DSP meets the site design guidelines, pursuant to Section 27-283 and the findings required by Section 27-274(a), for pedestrian and bicycle transportation purposes, and conforms to the prior development approvals, as conditioned herein.

- d. **Subdivision**—In a memorandum dated August 30, 2022 (Vatandoost to Bishop), the subdivision-related comments were provided, and an evaluation of the application is incorporated into Finding 9.
- e. **Environmental Planning**—In a memorandum dated September 2, 2022 (Kirchhof to Bishop), the environmental comments are summarized below, and the Planning Board approves the DSP and TCP2, subject to conditions included in this approval.

Natural Resources Inventory/Existing Conditions

An unapproved natural resource inventory plan (NRI-143-2021-01) was submitted with the application. As conditioned by the PPS, the NRI plan was to be revised prior to signature approval of the PPS. The site contains streams, wetlands, and associated buffers that comprise the PMA. The NRI indicates the presence of five forest stands, labeled as Stand 1 through Stand 5, with 25 specimen trees identified on-site. The TCP2 worksheet shall be revised for conformance with the revised NRI plan, and all woodland conservation shall be met on-site as proposed

Soils

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present include Beltsville silt loam, Beltsville-Urban land complexes, Croom gravelly sandy loam, Croom-Marr complexes, Croom-Urban land complexes, Grosstown gravelly silt, Marr-Dodon complexes, Potomac-Issue complexes, Sassafras-Urban land complexes, Udorthents (Highway), and Udorthents (Urban land). Marlboro and Christiana clays are not found to occur on this property.

Stormwater Management

An approved SWM concept plan (18078-2021-00) was submitted with this DSP and shows the use of micro-bioretenion and underground storage. The concept plan was approved on July 15, 2022, and expires on July 15, 2025.

- f. **Prince George's County Fire/EMS Department**—At the time of the writing of this approval, comments have not been received from the Fire/EMS Department regarding the subject project.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this approval, comments have not been received from DPIE regarding the subject project. A waiver request has been submitted to DPIE for approval of the reduction of the developed portion of Presidential Parkway. However, DPIE has not provided approval of this request, at the time of the writing of this approval. DPIE comments will be addressed through DPIE's separate permitting process.
- h. **Prince George's County Police Department**—At the time of the writing of this approval, comments have not been received from the Police Department regarding the subject project.

- i. **Prince George’s County Health Department**—In a memorandum dated July 28, 2022 (Adepoju to Bishop), incorporated herein by reference, the Health Department offered a health impact assessment of the proposed development and offered numerous recommendations, which have been addressed through revisions to the plan, or are included as conditions in this approval.
 - j. **Maryland State Highway Administration (SHA)**—At the time of the writing of this approval, SHA offered no comments on the subject application.
 - k. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated August 8, 2022 (Andreadis to Bishop), incorporated herein by reference, WSSC provided numerous comments on the application. These have been provided to the applicant and will be addressed through WSSC’s separate permitting process.
14. As required by Section 27-285(b) of the prior Zoning Ordinance, the DSP 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.
15. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, as described in the memorandum dated September 2, 2022 (Kirchhof to Bishop).

“Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones, the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

PMA Impacts Associated with PPS-4-21013

Five impacts to the PMA were proposed with the PPS application. Impacts 1, 2, and 4 were approved, as requested. Impact 3, which was associated with MC-634 (Presidential Parkway),

was not approved. Impact 5 was approved with the understanding that the area required for compensatory floodplain storage may be reduced with a reduction or elimination of Impact 3.

PMA Impact Modifications with DSP-22009

Six impacts to the PMA are proposed with this application. A revised PMA impact exhibit was submitted on August 25, 2022, which resulted in a modification to the established length of MC-634. Impacts are for master-planned right-of-way, site access stream crossings, retaining wall offsets, storm drain outfall, and compensatory floodplain storage. Impacts to the PMA should be minimized to the extent practicable. The PMA, statement of justification (SOJ), and exhibit incorrectly renumbered the PMA impacts and prior to certification, the PMA, SOJ, and exhibits shall be revised to include a change table and retain the prior numbers from the PPS approval. Impacts 1 and 2 remained as such, but Impacts 3 through 5 have been incorrectly renumbered. All previous impact requests shall follow the original numbering sequence.

The request for Impact 3 proposed 33,859 square feet of PMA impacts for grading associated with the proposed cul-de-sac associated with MC-634 within the floodplain buffer, requiring compensatory floodplain storage. This impact was not approved at time of PPS pending further discussion and input from DPIE. Impact 3, as proposed with the PPS, has been deleted with DSP-22009 and shall be denoted as zero square feet in the change table on the PMA exhibit and SOJ.

A new PMA impact, identified as Impact 6, is proposed with this DSP and is detailed, as follows:

Impact 6

Impact 6 is proposed with this DSP application for a SWM outfall. This impact proposes 339 square feet of PMA impacts, is reflected on the SWM Concept Plan (18978-2021-0) approved by DPIE, is needed to provide positive drainage for Micro-bioretenion 9, and is supported by the Planning Board, as proposed.

Conclusion

The Planning Board notes that five PMA impacts were proposed with the PPS. Impacts 1, 2, and 4 were approved with the PPS. Impact 3, which was associated with the construction of MC-634, was not approved with the PPS. Impact 5 was approved, with the understanding that the area required for compensatory floodplain storage may be reduced with a reduction or elimination of Impact 3. Impact 6 is supported, as proposed with this DSP.

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 Type 2 Tree Conservation Plan TCP2-026-2022, and further APPROVED Detailed Site Plan DSP-22009 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised as follows:
 - a. Revise the line type of the northern property boundary of Parcel 3 to be consistent with other property boundary line types.
 - b. Label the area of right-of-way dedication for Westphalia Road and Presidential Parkway (MC-634).
 - c. Revise General Note 32 to separately indicate the area of dedication for each public right-of-way.
 - d. Clearly show the locations of the noise wall and the vinyl fence on the site plan.
 - e. Provide the top and bottom elevations on the retaining wall.
 - f. Clearly indicate the building materials proposed on the architectural elevations.
 - g. Provide a revised sign table listing the number of signs, size, material, lighting, and their location on the façades, in accordance with the applicable standards.
 - h. Revise the DSP sheets to reflect the site design layout, as shown in Attachment A (Updated Circulation Plan).
 - i. Revise the DSP to display the dedication of right-of-way along the property's frontage on Westphalia Road, in conformance with previously approved Preliminary Plan of Subdivision 4-21013.
2. The Type 2 tree conservation plan (TCP2) shall meet all the requirements of Subtitle 25, Division 2, and the Environmental Technical Manual prior to certification, and shall be revised as follows:
 - a. Revise the approval block to indicate TCP2-026-2022 and the associated detailed site plan (DSP) case number, DSP-22009. The Development Review Division approval block shall be revised to indicate that this TCP2 is associated with DSP-22009.
 - b. Revise the woodland conservation worksheet to indicate TCP2-026-2022 on Line 6.
 - c. Revise the values relating to existing woodland and floodplain on the woodland conservation worksheet to match those shown on the revised Natural Resources Inventory Plan NRI-143-2021-01.
 - d. The property owner's awareness certification block shall be signed and dated.
 - e. General Note 1 shall be revised to indicate that this TCP2 is associated with Detailed Site Plan DSP-22009.

- f. General Note 7 shall state, “The property is adjacent to Westphalia Road, which is a designated historic roadway.”
 - g. General Note 8 shall be revised to indicate that the site is also adjacent to I-95/495 (Capital Beltway), which is classified as a freeway.
 - h. For all additional tree conservation plan notes, ensure that uniform spacing is present and that sectional headings do not overlap note text.
 - i. Any modifications to the Type 1 tree conservation plan shall be reflected on the TCP2.
3. Prior to certification of the Type 2 tree conservation plan, the primary management area, statement of justification (SOJ), and exhibit shall be revised to follow the numbering sequence on the preliminary plan of subdivision approval. The revised SOJ and exhibit shall include a change table which shows the deletion of Impact 3, and the addition of Impact 6.
4. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”


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.

* * * * *


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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, September 29, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of October 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:NAB:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 10/4/22