



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

June 23, 2020

LIW Ironworks, Inc.
611 Pennsylvania Avenue, Suite 293
Washington, DC 20003



Re: Notification of Planning Board Action on
Conceptual Site Plan CSP-19010
LIW Ironworks

Dear Applicant:

This is to advise you that, on **June 18, 2020**, the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at Clerkofthecouncil@co.pg.md.us.

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: Henry Zhang 6/23/2020
Reviewer

Attachment: PGCPB Resolution No. **2020-92**

cc: Donna J. Brown, Acting Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Conceptual 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 28, 2020, regarding Conceptual Site Plan CSP-19010 for LIW Ironworks, the Planning Board finds:

- 1. Request:** The subject application proposes a conceptual site plan (CSP) for development of up to 19,000 square feet of a contractor’s office and warehouse with fabrication.

2. Development Data Summary:

	EXISTING	APPROVED
Zone	I-3	I-3
Use	Vacant	Contractor’s Office and Warehouse
Acreage	1.5	1.5
Total Gross Floor Area (GFA) (sq. ft.)	0	19,000

- 3. Location:** The subject property is located on the north side of Cornett Street, approximately 475 feet east of its intersection with Livingston Road, at 10929 Indian Head Highway (MD 210), Fort Washington, in Planning Area 80, Council District 8.
- 4. Surrounding Uses:** The subject site is an L-shaped parcel, which is sandwiched between developed properties in the Light Industrial (I-1) and Planned Industrial/Employment Park (I-3) Zones. To the north of the site is an existing day care facility in the I-3 Zone; to the southeast of the site, at the intersection of MD 210 and Cornett Street, is an existing automobile repair facility in the I-1 Zone; and to the west is an industrial warehouse in the I-3 Zone. Further across Cornett Street to the south are developed properties in both the I-1 and I-3 Zones.
- 5. Previous Approvals:** The subject property was retained in the I-3 Zone by the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. A Stormwater Management (SWM) Concept Plan (1220-2017-00) was submitted with the application for this site, which the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) approved on August 25, 2017.
- 6. Design Features:** The subject site is in an L shape with frontages on both MD 210 to the east and Cornett Street to the south. The site will have accesses from both the service road of MD 210 and Cornett Street. One contractor’s office and warehouse building is proposed on the subject site.

Site related details and building information will be provided and reviewed at time of detailed site plan (DSP).

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the I-3 Zone and the site design guidelines of the Zoning Ordinance.
- a. The proposed contractor's office and warehouse with fabrication is a permitted use per Section 27-473(b), Uses Permitted, of the Zoning Ordinance. This section has additional requirements for this use, as follows:
- (1) The storage of materials and equipment, and the fabrication for installation off-site can only be allowed within a wholly enclosed building.
 - (2) The fabrication use shall be related to, dependent on, and secondary to the primary use on the premises, which is the contractor's office.
 - (3) The fabrication use shall be located on the same record lot as the primary use.
 - (4) The fabrication use shall not be located within a building not occupied by the primary use; and,
 - (5) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the fabrication use shall not exceed an area equal to 45 percent of the gross floor area of the building within which the primary use is located, unless otherwise provided.
- Since the subject application is a CSP, the building and site details required for review for conformance with the above requirements will not be available until at time of DSP review. The requirements have been provided for information only, at this time.
- b. In accordance with Section 27-471(d), a CSP and a DSP are required for all uses and improvements in the I-3 Zone, in accordance with Part 3, Division 9, of the Zoning Ordinance. This CSP has been filed in fulfillment of this requirement.
- c. Section 27-471, I-3 Zone, contains additional regulations for site features such as parking, warehousing, required access, etc. that will be reviewed for conformance at time of DSP when the proposed information is available. Furthermore, Section 27-471(i)(4) reads, as follows:
- (4) **If the area is less than twenty-five (25) acres, and the land was classified in the I-3 Zone prior to October 31, 1977, or upon approval of a Sectional**

Map Amendment, it may be developed in accordance with this Part, provided the owner of record does not own abutting undeveloped land in the I-3, E-I-A, or C-O Zone that could be used to comply with the provisions of paragraph (1), (2), or (3), above.

The subject site is less than 25 acres, with only 1.5 acres, the land was rezoned to the I-3 Zone through the 1984 *Subregion VII Sectional Map Amendment*, and the owner of this site does not own any abutting undeveloped property. Thus, the proposed development meets this requirement and is permitted.

- d. The CSP is in general conformance with the applicable site design guidelines, as contained in Section 27-274 of the Zoning Ordinance. Given the nature of this review and the small size of the property, detailed design of the building, site infrastructure, features, and amenities, as required in the site design guidelines will be further reviewed at the time of DSP.

8. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and previously contained more than 10,000 square feet of existing woodland. As required by Section 25-119(a)(2)(A) of the WCO, a Type I Tree Conservation Plan, TCP1-008-2020, was submitted with the CSP.

- a. A Natural Resources Inventory Equivalence Letter, NRI-087-2017, was approved on September 3, 2019, and provided with this application. The site contains no regulated environmental features, specimen trees, or woodland areas. The TCP1 and the CSP show all the required information correctly, in conformance with the NRI.
- b. This site was previously cleared of all the on-site woodland, prior to 2006 without a TCP2 or permit from the previous owner. In 2017, the current owner was required to provide an NRI equivalence letter and a TCP2 to reflect the current environmental features and to meet the requirement for the previous woodland clearing. This site contained 1.05 acres of woodland and all was cleared for a woodland conservation requirement of 0.66 acre. A fee-in-lieu of \$8,624.88 was paid to meet the clearing of all on-site woodlands.

The current submitted TCP1 shows vegetation along the northern and western property lines, but these areas do not qualify as forested areas. Through the approved TCP2, a fee was paid for the removal of all the on-site woodlands.

9. Other site-related regulations: Additional regulations are applicable to site plan review that require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only.

- a. **2010 Prince George's County Landscape Manual**—This development in the I-3 Zone will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) at the time of DSP. Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.
- b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that need a grading permit. Properties zoned I-3 are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 1.5 acres in size and the required TCC is 0.15 acre (6,534 square feet). Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

10. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Community Planning**— The Planning Board adopted, herein by reference, a memorandum dated April 24, 2020 (Umeozulu to Zhang), which noted the following:

The 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area recommends mixed-use future land use designation on the subject property. It is part of the recommended Broad Creek Transit Village. Page 32 shows the land use and development pattern for the village and conceptually shows the property for senior housing or commercial development. However, the Master Plan retained the subject property in the I-3 Zone.
- b. **Transportation Planning**— The Planning Board adopted, herein by reference, a memorandum dated March 29, 2020 (Masog to Zhang), which offered a discussion of adequacy and right-of-way issues that will be reviewed at the time of preliminary plan of subdivision and stated that, from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a CSP, as described in the Zoning Ordinance.
- c. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated April 27, 2020 (Smith to Zhang), which provided a comprehensive review of this application and concluded that the submitted plans meet the necessary findings and criteria for a CSP from the perspective of pedestrian and bicyclist transportation. Due to the nature of this application, there are no trail-related conditions of approval. Details regarding pedestrian and bicyclist improvements will be addressed at the time of future development applications.

- d. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated April 27, 2020 (Schneider to Zhang), which provided the following summarized comments on the subject application:

Stormwater Management

A SWM Concept Plan (1220-2017-00) was submitted with the application for this site. DPIE approved the associated SWM plans on August 25, 2017. The plan proposes to use three micro-bioretenion basins. A SWM fee of \$4,655.00 is in lieu of on-site attenuation/quality control measures. No further action regarding SWM is required with this CSP review.

The Planning Board approved CSP-19010 and TCP1-008-2020 with one environmental condition that has been included in this resolution.

- e. **Prince George's County Fire/EMS Department**—In a memorandum dated March 24, 2020 (Reilly to Bush), the Fire/EMS Department provided two comments regarding hydrant location, and the building's location related to fire access road, which have been sent to the applicant. The comments will be reviewed for conformance at the time of DSP review when the required specific site and building information are available.
- f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**— DPIE did not offer comments on the subject application.
- g. **Prince George's County Police Department**— The Police Department did not offer comments on the subject application.
- h. **Prince George's County Health Department**—In a memorandum dated April 13, 2020 (Adepoju to Bush), the Health Department provided two comments on this proposal regarding dust and noise control during construction. The comments have been transmitted to the applicant and will be enforced at time of construction. The two comments will be required to be noted on the site plan, prior to certification of this CSP.
- i. **Maryland State Highway Administration (SHA)**— SHA did not offer comments on the subject application.
11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, if approved with the conditions below, the CSP represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
12. Section 27-276(b)(4) for approval of a CSP, requires that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. The

subject property contains no regulated environmental features and, therefore, this finding is not applicable to this application.

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 1 Tree Conservation Plan TCP1-008-2020, and further APPROVED Conceptual Site Plan CSP-19010 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
 - a. Provide site plan notes, as follows:

“During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.”
 - b. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Add the updated TCP approval block.
 - (2) Add “TCP1-008-2020” to the approval block and to line 6 of the worksheet.
 - (3) Add “CSP-19010” to the Development Review Division number column in the approval block.
 - (4) Revise the woodland conservation worksheet to show the same woodland, clearing, and fee-in-lieu numbers, as approved with the TCP2.
 - (5) Add a note below the woodland conservation worksheet stating,

“The previously approved TCP2-010-2017 accounted for all the woodland on-site to be cleared and a fee-in-lieu, in the amount of \$8,624.88, has been paid as part of permit #1220-2017.”
 - (6) Have the revised plan signed and dated by the qualified professional who prepared the plan.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 28, 2020, in Upper Marlboro, Maryland.

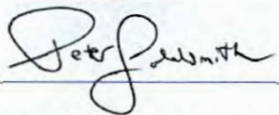
Adopted by the Prince George's County Planning Board this 18th day of June 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: June 1, 2020