



January 9, 2024

Brightseat Property, LLC
5850 Waterloo Road, Suite 210
Columbia, MD 21045



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-22020
Brightseat Industrial

Dear Applicant:

This is to advise you that, on **January 4, 2024**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290 of the Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**January 9, 2024**) 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) of the Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Dominique Lockhart
Reviewer

Attachment: PGCPB Resolution No. **2023-134**

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

PGCPB No. 2023-134

File No. DSP-22020

R E S O L U T I O N

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

WHEREAS, the applicant, Brightseat Property, LLC, submitted an application for approval of a detailed site plan; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development proposals for properties in the IE Zone may utilize the Zoning Ordinance or Subdivision Regulations in existence prior to April 1, 2022 (the prior Zoning Ordinance and prior Subdivision Regulations) for development of the property on which the development is proposed; 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 December 14, 2023, regarding Detailed Site Plan DSP-22020 for Brightseat Industrial, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) approves development of a 152,080-square-foot distribution warehouse building.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	IE (Prior I-3)	IE (Prior I-3)
Gross Acreage	12.0407	12.0407
Use(s)	Vacant	Distribution Warehouse
Total Building Gross Floor Area (GFA)	-	152,080 sq. ft

Parking and Loading Data (Per Section 27-568(a) of the prior Zoning Ordinance)

Parking Requirements	REQUIRED	APPROVED
3 spaces for first 1,500 sq. ft. of GFA	3	-
1 space for each additional 1,500 sq. ft. of GFA up to 100,000 sq. ft.	66	-
0.2 space for each additional 1,000 sq. ft. of GFA above the first 100,000 sq. ft.	11	-
Total Parking Spaces	80*	157
On-site standard spaces (9.5 feet x 19 feet)	-	151
On-site compact spaces (8 feet x 16.5 feet)	-	-
Handicap van-accessible (8 feet x 19 feet with 8 feet access aisle)	-	6

Note: *Of which at least four must be handicap-accessible, in accordance with Section 27-566 of the prior Zoning Ordinance.

Other Development Data (Per Section 27-582(a) of the prior Zoning Ordinance)

Loading Spaces	REQUIRED	APPROVED
1 space per 1,500–10,000 sq. ft of GFA	1	-
1 space for each additional 40,000 sq. ft of GFA	4	-
Total Loading Spaces (12 feet x 45 feet)	5	6

3. **Location:** The subject property is known as Parcel 4, recorded by deed in Book 48414 page 190 of the Prince George’s County Land Records, and is geographically located on the east side of Brightseat Road, across from its intersection with Jericho City Drive.
4. **Surrounding Uses:** The subject property is bounded to the north by two properties developed with warehouses in the Industrial, Employment (IE) Zone (formerly Light Industrial (I-1) Zone); to the east by I-95/495 (Capital Beltway); to the west by Brightseat Road; and to the south by property developed with a hotel (Woodspring Suites) in the IE Zone (formerly Planned Industrial/Employment Park (I-3) Zone) and Medical Center Drive.

5. **Previous Approvals:** The subject property consists of one parcel known as Parcel 4. Parcel 4 is the subject of Conceptual Site Plan (CSP) 22003, which was approved by the Prince George's County Planning Board on March 2, 2023, for development of a 152,080-square-foot distribution warehouse (PGCPB Resolution No. 2023-23).

The property is also subject to Preliminary Plan of Subdivision (PPS) 4-22046, which was approved by the Planning Board on March 30, 2023 (PGCPB Resolution No. 2023-37). This PPS approved one parcel for 152,080 square feet of industrial development. The property is further subject to Certificate of Adequacy ADQ-2022-032, which was reviewed alongside the PPS and approved on March 23, 2023. This ADQ is valid for 12 years from the date of approval of the associated 4-22046, subject to the additional expiration provisions of Section 24-4503(c) of the Prince George's County Subdivision Regulations. The approved development, under this DSP, is consistent with the development evaluated under the CSP and PPS.

6. **Design Features:** The property is currently undeveloped, and this DSP approves an approximately 152,080-square-foot distribution warehouse. The site will be further developed with parking and loading spaces, trailer parking spaces, and a stormwater management (SWM) facility.

The site will have two access driveways from Brightseat Road, located along the western property boundary. One of the driveways serving the site will align with Jericho City Drive, which intersects with Brightseat Road directly across from the subject property. This driveway is the main entrance that will lead to the parking lot. The site circulation allows vehicles, bicycles, and pedestrians to enter and exit the site easily.

The entrance into the approved building will not face Brightseat Road. Instead, the building entrance will be oriented to face the northern property boundary. Due to existing site constraints, there is a significant difference in grade (16 feet) between the Brightseat Road elevation and the first-floor elevation of the approved building. Subsequently, access to the office will be located on the north side of the building, because locating the entrances facing Brightseat Road is unfeasible. Various architectural features have been applied to the façade of the building that will be visible from Brightseat Road. Although the façade will be below the grade of the road, it will visually present as an office building. The applicant also included a 6-foot-wide sidewalk and bicycle racks along the northern perimeter of the building, which will serve as the main entrance to the building.

Architecture

The architectural design of the approved distribution warehouse is a contemporary, industrial, one-story building, designed to mimic the style of an office building. Design features include a flat roof, concrete wall panels with color accents, brick veneer wall panels, and aluminum doors and window systems. The accent color concrete wall panels are located over the various doors, to visually highlight the entrances.

Extensive glass and brick veneer are utilized to enhance the western façade of the building that faces Brightseat Road. A frameless glass storefront door is provided to appear as a main entrance to the extent that it is visible from the roadway, but the door will most likely not be functional.

The overall building design is intended to improve the appearance of the building from Brightseat Road, while allowing the loading area to be separated from the employee and customer parking area.

Signage

This DSP includes two free standing signs, located at each site entrance. The details for the signage were submitted with the application. The overall dimensions of each sign will be approximately 6 feet by 10 feet.

Lighting

The DSP will include both wall-mounted and pole-mounted lighting throughout the site. Details of the approved lighting have been included in the application submittal. The Planning Board finds that the submitted photometric plan shows adequate light for users on-site and is sufficient for illuminating drive aisles, building entries, and walking pathways throughout the site.

Loading and trash facilities

This approved DSP includes five loading spaces, located on the south side of the building, separated from the parking area for the distribution warehouse, which is to the north of the building. Trash facilities were not shown on the submitted site plan. A condition has been included herein requiring the applicant to show the location of any proposed trash facilities.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements of the I-3 Zone, site design guidelines, and the variance requirements of the prior Zoning Ordinance. The following discussion was offered, regarding these requirements:
 - a. The subject application is in conformance with the applicable requirements of Section 27-471 (I-3 Zone) of the prior Zoning Ordinance, which governs development in industrial zones. This includes the design requirements associated with the warehouse use.

Section 27-471 – I-3 Zone (Planned Industrial/Employment Park).

 - (b) **Landscaping, screening, and buffering of development in the I-3 Zone shall be provided as set forth in the Landscape Manual.**
 - (1) **Additional buffering and screening may be required to protect the park-like setting of the Planned Industrial/Employment Park from adjoining or interior incompatible land uses.**

A landscape plan was submitted with the application showing the landscaping, buffering, and screening approved for the site. The 2010 *Prince George's County Landscape Manual* (Landscape Manual)

categorizes uses based on potential impacts to adjoining properties. Based on Table 4.7-1, Use Impact Categories, the use of a distribution warehouse is assigned High-Impact. The site is bordered to the north by warehouses and to the south by a hotel. The hotel use is considered Medium-Impact. Based on Table 4.7-2, Minimum Bufferyard Requirements, no buffer is required when a High-Impact use adjoins another High-Impact use. Therefore, no buffer is required between the approved distribution warehouse and the existing warehouses to the north. A Type B bufferyard is required when a High-Impact use adjoins a Medium-Impact use. Therefore, a Type B bufferyard is required between the approved distribution warehouse and the existing hotel to the south. This bufferyard was shown on the submitted landscape plan and conforms to the requirements. The Planning Board does not approve additional screening, as the approved bufferyard is more than what is required by the Landscape Manual.

Conformance with the Landscape Manual is analyzed further in Finding 9 of this resolution.

(c) Outside uses.

- (1) With the exception of off-street parking and loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), vehicle rental lots, and public utility uses, all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.**

The distribution warehouse use will be located wholly within the approved building. No outdoor storage is approved with this development.

(d) Site plans.

- (1) A Conceptual Site Plan and a Detailed Site Plan shall be approved for all uses and improvements, in accordance with Part 3, Division 9, of this Subtitle.**

CSP-22003 was approved by the Planning Board on March 2, 2023, for the development of a 152,080-square-foot distribution warehouse on the subject property. The subject DSP approves the same development.

- (2) In addition to the requirements of Part 3, Division 9, the Detailed Site Plan shall show the design and size of lettering, lighting, and all other features of signs proposed (except those for directional or informational purposes containing not more than four (4) square feet).**

These signs shall be reviewed and approved or disapproved at the same time the Detailed Site Plan is acted upon.

A signage plan was submitted with the application that shows the details for two freestanding signs, which complies with the signage regulations found in Subtitle 27, Part 12 of the prior Zoning Ordinance. The Planning Board approves the signage.

(e) Uses.

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

A distribution warehouse is a permitted use in the I-3 Zone, subject to the requirements of section 27-471(g), as analyzed below.

(f) Regulations.

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 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.**

The subject application demonstrates conformance to the building setbacks, net lot area, lot frontage, building coverage, green area, parking, loading, signage, and Landscape Manual regulations. Conformance with the Landscape Manual is analyzed in Finding 9 of this resolution.

- (2) Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.**

The applicant is seeking a variance to this requirement, which is analyzed in the following subsection (b).

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

The loading dock will be located on the south side of the building, which does not face a street.

(g) Warehousing.

- (1) Warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises may be permitted, subject to the following:**
 - (A) Not more than twenty percent (20%) of the net tract area of the entire Planned Industrial/Employment Park shall be devoted to these uses (including accessory uses such as off-street parking and loading areas).**
 - (B) More than twenty percent (20%), but not more than thirty percent (30%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if at least five percent (5%) of the net lot area (of the lot on which the use is proposed) is devoted to green area. This green area shall be in addition to any other green area required by this Part. This additional green area shall either serve to preserve irreplaceable natural features, be designed so that the visual impact of the facility will be relieved (either by natural features or changes in grade), or provide distinctive furnishings (such as sculptures, fountains, and sidewalk furniture).**
 - (C) More than thirty percent (30%), but not more than fifty percent (50%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if, in addition to meeting the requirements of (B), above, the Planning Board finds: (i) That the tract is suited for these uses because of its accessibility to railways or highways that readily accommodate warehousing; (ii) That the traffic generated by the uses is not directed through residential neighborhoods; (iii) That the use is compatible with surrounding existing land uses and those proposed on the Master Plan. In determining compatibility, the Planning Board shall consider architectural or physical features of the facility and may require that these features be compatible with surrounding land uses.**
 - (D) The remainder of the park shall be devoted to other uses, in the case of (A), (B), or (C), above.**

- (E) Notwithstanding the provisions of Subsections (g)(1)(A) through (D) of this Section, above, the development restrictions on warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises shall not apply to property which lies entirely within the I-95/I-495 (Capital Beltway), contains less than 15 acres, is vacant at the time of filing of a Conceptual Site Plan application, and was originally classified in the I-3 Zone pursuant to a Sectional Map Amendment approved before January 1, 1978.**

The subject property lies entirely within I-95/495, contains 12.04 acres, is currently vacant, and was originally classified in the I-3 Zone by the Model Neighborhood Sectional Map Amendment, in 1977. As a result, the development restrictions on warehouse uses contained in Section 27-471(g)(1)(A) through (D) are not applicable to the subject property.

(h) Required Access.

- (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

Access to the property is provided from Brightseat Road via two driveway entrances.

(i) Minimum area for the development.

- (1) The minimum area for the development of any Planned Industrial/Employment Park shall be twenty-five (25) gross acres.**
- (2) If the area is less than twenty-five (25) acres but not less than fifteen (15) acres, the property may be classified in the I-3 Zone when the property adjoins property in the C-O Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (3) If the area is less than twenty-five (25) acres, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (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 property conforms to the requirements of 27-471(i)(4), as it was classified in the I-3 Zone by the 1977 Model Neighborhood Sectional Map Amendment, and the owner does not own any abutting undeveloped land in the I-3, E-I-A (Employment and Institutional Area), or C-O (Commercial Office) Zones, that could be used to comply with the provisions of paragraph (1), (2), or (3), above.

- b. The applicant has requested one variance to the following section of the Zoning Ordinance:
- Section 27-471(f)(2), that prohibits “Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building’s main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.”

The applicant requested 100 percent of the parking area to be located in the same yard as the building’s main entrance, compared to the 25 percent allowed. The parking area will be located to the north of the building. The truck loading area and SWM will be located to the south of the building. Visitors to the site will access the building through the main entrances, which are to be located along the northern façade of the building, facing the parking area. Section 27-230 of the prior Zoning Ordinance contains required findings [text in **bold**] to be made before a variance can be granted. The plain text is the Planning Board’s analysis of the applicant’s variance request.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
- (1) **A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);**

The topography of the site, lot dimensions, and surrounding developments present unique challenges to the specific parcel, that dictate the orientation of the approved building. The subject property is an existing rectangular-shaped, undeveloped, parcel with access only

available on the shortest side facing Brightseat Road. The three remaining sides consist of developed properties and I-95/495, making it a through-lot. A through-lot is defined as either an interior lot fronting on two or more streets or a corner lot fronting on three or more streets.

Two access driveways are approved along Brightseat Road, with no access provided to I-95/495. Therefore, the shorter side of the property, along Brightseat Road, provides vehicular and pedestrian access, requiring the wider areas of the site for parking and loading. Section 27-471(f)(3), I-3 Zone Regulations, prohibits loading docks from being on the side of a building facing a street. This eliminates the option of locating the loading area in the yards fronting Brightseat Road or I-95/495. The site design guidelines also state the loading areas should be oriented away from major streets and public view. The approved design adheres to these requirements by placing the rectangular building in the middle of the site, to separate the parking and truck loading areas. This building orientation allows customer and employee parking to be separated, to avoid any potential circulation conflicts. This design leads to the approved variance by locating the parking area in the same yard in which the building's main entrance is located.

In addition, the site contains an exceptional number of steep slopes, defined as slopes with a 15 percent or greater incline, throughout the property. In the northwest corner of the subject property, Brightseat Road is at an elevation of 192 feet. In the southeast corner of the subject property, Brightseat Road is at an elevation of 150 feet, a drop of more than 40 feet. Orienting the building to face Brightseat Road would place the main entrance far below the roadway, by approximately 15–20 feet. Placing multiple entrance doors and parking toward the side of the slope between Brightseat Road and the western building façade is not viable, for safety reasons. The safest design option is to place both the main entrances and the parking area along the northern side yard of the property. This design results in 100 percent of the parking area to be located in the same yard as the building's main entrance, compared to the 25 percent allowed.

The site restraints mentioned above limit the design options available that would comply with both the I-3 Zone regulations and DSP site design guidelines.

- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;**

Approval of this variance will allow 100 percent of the parking area to be located in the same yard as the building's main entrance, compared to the 25 percent allowed by code. The physical uniqueness of the property includes topography challenges and the site being considered a through-lot, with roadways facing the front and rear of the property.

The zoning provision aims to limit the amount of parking area in front of a building's main entrance. This code regulation is based on a typical lot layout, in which the front of the lot/building façade faces the street. The intent of this zoning provision is to limit the amount of parking visible from the street, which is consistent with the DSP site design guidelines.

Shifting parking to the Brightseat Road frontage, to reduce parking in the side yard where the main entrances are to be located, would be contrary to the intent of the zoning provision to limit the amount of parking that is visible from the street. Locating the parking in the front yard would place the parking spaces on a steep slope, which would lead to a variety of safety concerns. Further geotechnical analysis would need to be done to see if the slope could hold the parking lot. Further analysis would also be needed, from a transportation standpoint, to ensure adequate circulation flow and the safety of pedestrians as they move from the vehicles or sidewalk to the building.

With the approved design, the building will be oriented so the widest façade (containing the main entrances) is oriented toward the northern or side lot line due to the topography of the property. This area will include the customer and employee parking area. Due to the elevation difference (of approximately 15–20 feet) between the parking lot and the street, the parking will be minimally visible from the road. The approved landscaping would also further screen the parking lot. There will be no parking in the front yard, between the building and Brightseat Road.

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

Section 27-471(f)(2) limits the percentage of parking spaces that can be located in the yard to which the building's main entrance is oriented. Buildings in the I-3 Zone are typically oriented toward the street or front yard. The approved building is designed to accommodate multiple tenants and will not have a single main entrance. Instead, the building will have multiple entrances, oriented toward the side yard, where the longest façade would face. Parking will also be located in the side yard, instead of the front yard, which faces Brightseat Road. If the front of the building faced Brightseat Road, and the maximum 25 percent parking lot area was adhered to, the remaining parking and loading spaces would need to be distributed on either side of the building. This would create

the potential for traffic conflicts, as the building would have parking located on three sides. In addition, orienting multiple entrance doors toward the front yard or western property boundary would not be feasible due to the site topography. The first floor elevation of the approved building will be approximately 16 feet below Brightseat Road.

Furthermore, the subject property is a through-lot, which presents another extraordinary condition peculiar to the site, as it forces a design that is inconsistent with the design guidelines. Site design guidelines for a DSP note surface parking lots should be generally located to the rear and sides of structures, and loading docks should be oriented away from major streets or public view. If the front of the building faced Brightseat Road, the loading would be in the rear, facing I-95/495, which does not align with the design guidelines. The approved building orientation also allows the customer and employee parking to be separated, to avoid circulation conflicts. This is consistent with site design guidelines that loading areas should be clearly marked and should be separated from parking areas to the extent possible.

The existing lot configuration would best accommodate a rectangular building, due to the longer side of the site facing north. The main driveway entrance would align with Jericho City Drive and curve with the slope to access the parking lot situated to the north of the approved building. Due to the existing vegetation, within the right-of-way (ROW) of I-95/495 and the topography of the site being elevated above I-95/495, the surface parking and loading areas will not be visible. The Applicant has also designed the façade, which faces Brightseat Road, to appear as the front of an office building with a faux main entrance.

By placing the parking in the side yard, the design is consistent with the intent of Section 27-471(f)(2) and allows the parking to be as near as possible to the uses they serve. The building layout places no parking between the building and Brightseat Road, and completely separates the employee/customer parking from the loading area. For the reasons outlined above, the approved variance is the minimum necessary to overcome the exceptional physical conditions.

- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and**

The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) places this application within the Established Communities Growth Policy Area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer

outside of the regional transit districts and local centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development.

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan) recommends Industrial land use for the subject property and most of the surrounding area, only recognizing the City of Praise Church, across Brightseat Road, as an institutional land use. (Map 4-3: Proposed Land Use Plan, page 62). The master plan states that “the accessibility and proximity of the area to the highway system provides an ideal location for office, flex (lightly zoned industrial or office space where the building provides its occupants the flexibility of utilizing the location for office or showroom space in combination with manufacturing, laboratory, warehouse, etc.), and industrial uses to occur” (page 78). Given the purpose of the I-3 Zone, to provide for a mixture of industrial, research, office, and, in certain instances, specific retail commercial uses, the approved development will add additional industrial development between existing industrial development to the north and the existing commercial development to the south.

The approval of the subject application will be context-sensitive infill, expanding warehousing and distribution in the immediate vicinity of a beltway interchange. Based on the analysis provided, the variance was granted without substantial impairment to the intent, purpose and integrity of Plan 2035 or the master plan.

(5) Such variance will not substantially impair the use and enjoyment of adjacent properties. (multiple tenants, page 20)

The property abuts a developed warehouse to the north, a developed hotel with a proposed gas station/food and beverage store to the south, and developed industrial uses to the west, across Brightseat Road. I-95/495, along the eastern boundary, forms a substantial barrier such that the approved development will have no impact on properties across I-95/495. The abutting service commercial uses will serve the tenants of the development, creating the type of synergy of uses encouraged in the I-3 Zone. Therefore, the granting of the variance will not substantially impair the use and enjoyment of adjacent properties.

(6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

The practical difficulty resulting in the need for the variance was not self-inflicted. The subject property has never been developed and the topographical issues occurred long before the current owner acquired the

property. The subject property is also impacted by the built environment which surrounds it, including the roadways that form the eastern and western boundaries, classifying the property as a through-lot. All of these features add to the physical uniqueness of the site.

Locating the parking in the side yard, where the tenant entrances are oriented, better serves the efficiency of the use. By locating the parking spaces in the side yard, closer to the building entrances, customer and employee traffic are segregated from the loading area. Increasing the parking in the side yard also improves the views from both Brightseat Road and I-95/495, an interstate highway.

- c. The DSP is in conformance with the applicable site design guidelines, as required in Section 27-283 and contained in Section 27-274 of the prior Zoning Ordinance.

Section 27-283. – Site design guidelines.

- (a) **The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**
- (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 27-286.**

The approved development conforms with the design guidelines indicated in the following analysis of Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283. The development promotes the intended purposes of a DSP. This DSP application approves the development of a 152,080-square-foot distribution warehouse building.

Section 27-274. - Design Guidelines

- (a) **The Conceptual Site Plan shall be designed in accordance with the following guidelines:**
 - (1) **General.**
 - (A) **The Plan should promote the purposes of the Conceptual Site Plan.**

The approved development is the same development approved by the CSP and promotes the purposes of the CSP.

Section 27-281. - Purpose of Detailed Site Plans.

(b) General purposes.

- (1) The general purposes of Detailed Site Plans are:**
 - (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
 - (B) To help fulfill the purposes of the zone in which the land is located;**
 - (C) To provide for development in accordance with the site design guidelines established in this Division; and**
 - (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) Specific purposes.

- (1) The specific purposes of Detailed Site Plans are:**
 - (A) To show the specific location and delimitation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**
 - (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;**
 - (C) To locate and describe the specific recreation facilities proposed,**

architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and

- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The approved development promotes the intended purposes of the DSP. The subject property was retained in the I-3 Zone, through the adoption of the Subregion 4 Sectional Map Amendment (SMA). As a result, the approved development implements the vision of the SMA and helps fulfill the purposes of the I-3 Zone by providing a use which will expand the tax base and provide employment opportunities to residents within the County. Vehicular and pedestrian access is provided to the site from Brightseat Road, a public ROW. The architecture is comprised of a variety of high-quality features, such as colors, and façade types.

In addition, the approved SWM features are shown on the site plan. The approved SWM Concept Plan (22460-2022) and associated letter were submitted with the subject application. Approved SWM features include five micro-bioretenion facilities, two submerged gravel wetlands, and underground storage pipes.

(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...**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...

The approved development demonstrates adequate parking and circulation throughout the site. The subject application approves access to the site via Brightseat Road.

Parking is encouraged to be located as near as possible to the uses they serve, generally placing parking on the side or rear of any structures, orienting loading docks away from major streets and from public view, and separating loading areas from parking areas.

The approved building orientation complies with each of these guidelines. Employee and customer parking areas are separated from the loading area and will not be located in the yards facing either Brightseat Road or I-95/495. This minimizes the visual impact of cars from public view, allows parking to be located convenient to the building entrances, ensures that loading areas are visually unobtrusive, and eliminates conflicts between trucks and pedestrians. Five-foot-wide sidewalks and striped crosswalks are provided along the northern and western perimeters of the building to facilitate safe pedestrian movement.

This DSP encompasses the necessary infrastructure to facilitate future industrial development.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...

A photometric plan was provided with this application and the approved light fixtures will provide adequate lighting levels for safe vehicular and pedestrian movements, while minimizing light pollution to the adjacent properties.

(4) Views.

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

The subject property fronts on two major roadways, Brightseat Road and I-95/495. Adequate landscape buffering has been provided along both road frontages. The loading area is located adjacent to a tree save area on the abutting property to the south,

which will be enhanced by a landscape buffer. This will ensure that the area is screened from view.

The western façade of the building is enhanced to mimic an office building façade, in order to improve the streetscape views. No parking will be located between the building and the Brightseat Road ROW.

(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...

The applicant will be dedicating 36 percent, or approximately 4.33 acres, of open space within the site, which exceeds the requirement of 25 percent in the I-3 Zone. An adequate variety of landscaping has been provided within the site, in compliance with the Landscape Manual.

(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...

The site has been designed to contribute to an attractive, coordinated development, which will enhance the use and enjoyment of the site. Specifically, the applicant will be providing the landscape strip, as required by the Landscape Manual, to supplement the existing street trees located along Brightseat Road. This includes the addition of 17 Red Sunset Maple shade trees and 90 Northeastern Bayberry shrubs. Sidewalks provided along the northern and western perimeters of the building will be 5 feet wide to enhance pedestrian circulation. As noted previously, the western façade of the building is enhanced to improve the streetscape views, and no parking is located between the building and the Brightseat Road ROW.

Bicycle racks are provided, at each of the entrances, for employees who elect to bike to work. Lighting will be provided within the parking lot, which will ensure adequate site lighting, to promote employee and customer safety. Finally, handicap-accessible parking spaces will be provided at each of

the building entrances. Each of these amenities is depicted on the site plan.

(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...**

The site exhibits substantial topography. Brightseat Road climbs in elevation approximately 30 feet from the southern boundary to the northern boundary, and the site drops in elevation from Brightseat Road to I-95/495. This DSP application approves grading that minimizes environmental impacts and disruption to existing topography. SWM and sediment control plans will be provided, as required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive.**

The approved design separates the loading and service areas from the employee and customer parking. The service areas are adequately screened and conveniently located, to serve the use.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

The approved development does not include any large-scale commercial, mixed-use, or multifamily uses.

(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 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.**

Architectural elevations were included with this application. The building materials including steel, aluminum, painted concrete, glass, and brick veneer are harmonious with the approved building design.

Extensive glass and brick veneer are used to enhance the western façade, and a storefront door is provided to depict a main entrance oriented toward Brightseat Road. While this entrance will likely not be functional as a daily building entrance, it will appear as the main entrance to the extent that it is visible from the roadway. This design is intended to improve the appearance of the building from the road, allow the loading to be segregated from the employee and customer parking area, and allow the loading to not back up to I-95/495.

(11) Townhouses and Three-Story Dwellings.

- (A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.**
- (B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.**
- (C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.**

- (D) **To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.**
- (E) **To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.**
- (F) **Attention should be given to the aesthetic appearance of the offsets of buildings.**

No townhouses or three-story dwellings are approved with the subject application.

8. **Preliminary Plan of Subdivision 4-22046** This DSP is consistent with PPS 4-22046, which was approved by the Planning Board on March 30, 2023 (PGCPB Resolution No. 2023-37). PPS 4-22046 was approved subject to seven conditions, of which the conditions relevant to the review of this approved DSP are listed below, in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

2. **Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, 22460-2022, and any subsequent revisions.**

A copy of approved SWM Concept Plan 22460-2022-0 and an associated approval letter were submitted with the application. The approval is dated October 4, 2022, and expires on October 4, 2025.

3. **Prior to approval, the final plat of subdivision shall include the grant of a 10-foot-wide public utility easement along the abutting public right-of-way of Brightseat Road, as delineated on the approved preliminary plan of subdivision.**

This public utility easement (PUE) is shown on the DSP as required. A variation from Section 24-122(a) of the prior Subdivision Regulations was granted with the approval of

4-22046 to omit a PUE along I-95/495. A condition has been included herein requiring the applicant to correct general Note 15 to reflect that a PUE is provided along Brightseat Road, but not along I-95/495.

5. Prior to acceptance of the detailed site plan, a geotechnical analysis shall be included in the application package.

A geotechnical analysis dated August 29, 2023, was submitted with the application package as required.

6. The following facilities shall be shown on the detailed site plan:

- a. A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency, with written correspondence.**
- b. A minimum of 6-foot-wide sidewalks along the perimeter of all buildings.**
- c. Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.**
- d. Crosswalks along all site access driveways.**

The intention of condition 6a was to meet the bikeway recommendations for Brightseat Road as outlined in the 2009 *Countywide Master Plan of Transportation* (MPOT), while deferring to the guidance of the operating agency. The applicant has received written correspondence from DPIE to install shared-lane markings (sharrows) in lieu of a bicycle lane. As such, the condition has been met. The applicant's submission displays 6-foot-wide sidewalks along the north and west perimeter of the main building, adjacent to Brightseat Road and the employee parking lot. These sidewalks accomplish the goal of pedestrian access, as set forth in condition 6b. Similarly, the plan displays crosswalks along all site access driveways.

7. At the time of detailed site plan, an operational and queuing analysis using the Highway Capacity Manual methodology for the proposed site access driveways along Brightseat Road shall be submitted, which demonstrates compliance with Prince George's County access management standards.

At the time of acceptance, the applicant submitted a memorandum dated May 25, 2023, which included the requested operational and queuing analysis. The analysis has been reviewed by DPIE and has been found to be in compliance with Prince George's County access management standards.

ADQ-2022-032 was approved subject to three conditions, of which the conditions relevant to the review of this approved DSP are listed below, in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

1. **Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 132 AM peak-hour trips and 182 PM peak-hour vehicle trips.**

Because the approved development under this DSP is consistent with the development evaluated under the PPS, this trip cap is met.

3. **Prior to issuance of a use and occupancy permit for any nonresidential development on the site, the applicant and the applicant's heirs, successors, and/or assignees shall:**
 - a. **Install and maintain of sprinkler system that complies with the National Fire Protection Association (NFPA) 13 standards for the installation of Sprinkler Systems. The installation of sprinklers shall not be waived by any party; and**
 - b. **Install and maintain automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, including a requirement for a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.**

This condition requires that, prior to issuance of a use and occupancy permit for any nonresidential development on the site, the applicant shall install and maintain sprinkler systems and automated external defibrillators (AEDs). These requirements shall be noted on the DSP, to ensure that they are included on the permit plans for the development. At the Planning Board's request, General Note 39 was added on the cover sheet of this DSP. However, this note simply states that, prior to issuance of a use and occupancy permit for any nonresidential development on the site, the applicant shall install and maintain sprinkler systems and AEDs, without listing the additional requirements of the above condition. A condition has been included herein requiring the note on the plan to state the condition language verbatim.

9. **2010 Prince George's County Landscape Manual:** The relevant requirements of the Prince George's County Landscape Manual have been adequately demonstrated for the proposed development. The DSP 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 of the Landscape Manual.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland.

Based on the Type 2 Tree Conservation Plan TCP2-043-2023 submitted with the subject application, the site is 12.04 acres, contains 6.24 acres of woodland in the net tract, and has a

woodland conservation threshold of 1.81 acres (15 percent). The woodland conservation worksheet indicates the removal of 5.88 acres of woodland, for a woodland conservation requirement of 4.36 acres. According to the TCP2 worksheet, the requirement will be met with 0.24 acre of woodland preservation, 0.84 acre of landscape credits, and 3.28 acres of off-site woodland conservation credits.

Section 25-122(c)(1) of the Prince George's County Code prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification on November 8, 2023, requesting approval of off-site woodland conservation, as reflected on the TCP2 worksheet. A portion of the woodland conservation requirement of 4.36 acres will be met with 0.24 acre of woodland preservation and 0.84 acre of landscape credits on-site. The applicant states that on-site preservation cannot be fully utilized due to meeting SWM requirements, access requirements, and the Washington Suburban Sanitary Commission easement that runs along the northeastern boundary of I-95/495. Hence, the remainder of the woodland conservation requirement cannot be met on-site and will be met off-site, at an approved woodland mitigation bank.

11. **Prince George's County Tree Canopy Coverage Ordinance:** The subject site is located in the IE Zone. Per Section 25-128(b) of the Prince George's County Code, there is a 10 percent tree canopy coverage (TCC) requirement. This amounts to approximately 1.204 acres, or 52,446 square feet, to be provided in TCC. A prior submittal includes a landscape plan, dated April 2023, that provides the appropriate schedule and shows an adequate number of plants on-site, in compliance with the requirements. A condition has been included herein requiring the applicant to add the TCC schedule to the updated landscape plan.
12. **Referral Comments:** This 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 are summarized, as follows:
 - a. **Historic Preservation and Archeological Review**—The Planning Board has reviewed and adopts the memorandum dated November 1, 2023 (Stabler, Smith, and Chisholm to Lockhart), which notes that the site was surveyed for archeological resources in 1996. One archeological site, 18PR507 - a prehistoric lithic scatter, was identified on the subject property. No further investigations were recommended. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.
 - b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated October 31, 2023 (Nair to Lockhart). The Community Planning Division provided an evaluation of the application stating that the master plan recommends industrial land use for the subject property (Map 4-3: Proposed Land Use Plan, page 62). The subject property is in the Landover Metro Center Industrial area (page 121). The master plan states that “the accessibility and proximity of the area to the highway system provides an ideal location for office, flex (lightly zoned industrial or office space where the building provides its occupants the flexibility of utilizing the location for office or showroom space in combination with manufacturing, laboratory, warehouse, etc.), and industrial

uses to occur” (page 78). The approved distribution warehouse conforms with these recommendations.

- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated November 22, 2023 (Daniels to Lockhart). The Transportation Planning Section provided the following comments on this DSP:

Master Plan Right-of-Way

The site is subject to the MPOT and the master plan. The property fronts Brightseat Road and is identified as a four-lane collector road, with an 80-foot ROW. Because the road is currently built to its ultimate master plan cross section, no further widening is anticipated and consequently, no additional ROW is required.

Master Plan Pedestrian and Bike Facilities

The Complete Streets element of the MPOT reinforces the need for multimodal transportation, and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The planned bike lane at the frontage of the subject property, along Brightseat Road, was omitted from this application and instead replaced with sharrows, per DPIE.

Access to the subject site will be provided by two driveways along Brightseat Road. The site circulation allows vehicles, bicycles, and pedestrians to enter and exit the site, which the Planning Board finds acceptable.

The site will be served by 151 surface parking spaces, which is more than the required 80 parking spaces. Six loading spaces will be provided, which meets the zoning code requirement. In addition, six inverted U-style bicycle parking racks will also be provided near the main building entrance and two additional inverted U-style bicycle racks will be provided at the south side of the building.

- d. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated November 9, 2023 (Diaz-Campbell to Lockhart). The Subdivision Review Section noted the property is subject to PPS 4-22046 and ADQ-2022-032. A final plat application will be required following approval of the DSP, prior to the issuance of permits. Final plats for the property shall be accepted, prior to the expiration of the PPS, which is April 20, 2025.
- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated November 14, 2023 (Rea to Lockhart). The Environmental Planning Section offered the following:

Natural Resources Inventory

Natural Resources Inventory (NRI-068-2022) was approved on May 26, 2022, and is provided with this application. This site is not associated with any REF, such as streams, wetlands, or associated buffers. No specimen or historic trees are associated with this site. The TCP2 and the DSP show all the required information correctly, in conformance with the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Based on the TCP2 submitted with this application, the site is 12.04 acres, contains 6.24 acres of woodland in the net tract, and has a woodland conservation threshold of 1.81 acres (15 percent). According to the TCP2 worksheet, the requirement is approved to be met with 0.24 acre of woodland preservation, 0.84 acre of landscape credits, and 3.28 acres of off-site woodland conservation credits.

Regulated Environmental Features

No REF were found on the subject property.

Soils

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Collington-Wist complex and Collington-Wist-Urban land complex. Marlboro clay and Christiana complexes are not found on or near this property.

A report of geotechnical exploration, titled Proposed Warehouse, 9911 Brightseat Road, prepared by Geo-Technology Associates, Inc. and dated August 29, 2023, was submitted with the DSP application. The document was reviewed by The Maryland-National Capital Park and Planning Commission's geotechnical expert. Four sections of global stability analysis, on the retaining wall and grades, were performed. The results of the analysis appear to meet the minimum required 1.5 factor of safety. The following are the additional comments on the global stability analysis, and the retaining walls:

The retaining walls shall be designed in conformance with the geotechnical recommendations, such as wall type, type and dimensions of reinforcement, materials, and compaction requirements of backfill, etc., as specified in the geotechnical report.

The design package of the retaining walls, i.e., plans, drawings, calculations, global stability analysis, etc., shall be reviewed and approved by DPIE, at the time of the retaining wall building permit.

Stormwater Management

Approved SWM Concept Plan 22460-2022 and associated letter were submitted with the subject application. Approved SWM features include five micro-bioretenion facilities, two submerged gravel wetlands, and underground storage pipes.

- f. **Permit Review Section**—The Planning Board has reviewed and adopts the memorandum dated November 13, 2023 (Jacobs to Lockhart). The Permit Review Section offered two comments on the subject application regarding the signage. Both comments have been addressed.
 - (1) The setback of the monument sign from the street shall be shown on the detailed site plan sheet.
 - (2) If the size of the individual tenant signs is fixed, it shall be dimensioned on the monument sign detail.
 - g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated October 25, 2023 (Branch to Lockhart). DPIE noted that the 2018 *Water and Sewer Plan* designates the subject property in “Dormant” Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act. A “Dormant” Category 3 is considered a Category 4 designation, although the maps have not been amended (2018 *Water and Sewer Plan*, Section 2.1.2). Renewal of Category 3, obtained via the administrative amendment process, must be approved before recordation of a final plat.
 - h. **Prince George’s County Fire/EMS Department**—At the time of the writing of this resolution, the Fire/EMS Department did not offer comments on the subject application.
 - i. **Prince George’s County Police Department**—At the time of the writing of this resolution, the Police Department did not offer comments on the subject application.
 - j. **Prince George’s County Health Department**—At the time of the writing of this resolution, the Health Department did not offer comments on the subject application.
13. **Community Feedback:** As of the writing of this resolution, the Planning Board did not receive any community feedback or input regarding the subject application.

14. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP will, as approved with the noted conditions below, represent a most 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 costs and without detracting substantially from the utility of the approved development for its intended use.
15. Section 27-285(b)(2) of the prior Zoning Ordinance applies to this DSP because the subject property is subject to CSP-22003, which was approved by the Planning Board on March 2, 2023, for the development of a 152,080-square-foot distribution warehouse on the subject property, subject to four conditions of approval. The subject application is in conformance with the approved CSP.
16. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
17. As required by 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 in accordance with the requirement of Subtitle 24-130(b)(5).

NRI-068-2022 was approved on May 26, 2022, and is provided with this application. This site is not associated with any REFs, such as streams, wetlands, or associated buffers.

18. At the public hearing held on December 14, 2023, the Planning Board heard a presentation on the subject application. There were no members of the public signed up to speak.

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 TCP2-043-2023 and APPROVED a Variance to Section 27-471(f)(2), and further APPROVED Detailed Site Plan DSP-22020 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
 - a. Revise General Note 39 on the cover sheet to list all of the requirements stated in Condition 3 of Certificate of Adequacy ADQ-2022-032.
 - b. Revise General Note 15 on the coversheet to state that a 10-foot-wide public utility easement shall be provided along Brightseat Road, and that a variation from Section 24-122(a) of the prior Subdivision Regulations was approved with Preliminary Plan of Subdivision 4-22046, to omit a public utility easement along I-95/495 (Capital Beltway).

- c. Show and label the location of all trash facilities and their associated screening.
 - d. Provide the tree canopy coverage schedule on the landscape plan.
2. 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 Prince George’s County Planning Department, Environmental Planning Section, for review by the Office of Law, and submission to the Prince George’s County Land Records office for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:
- a. “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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, December 14, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:DL:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 12/26/23