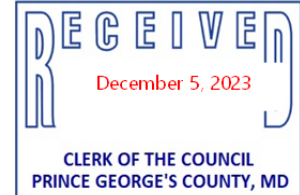


December 5, 2023

ALG Forestville, LLC
4514 Cole Avenue, Suite 1175
Dallas, TX 75205



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-89056-03
Forestville Commercial Center

Dear Applicant:

This is to advise you that, on **November 30, 2023**, 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 prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**December 5, 2023**) 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 prior 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: Te-Sheng Huang
Reviewer

Attachment: PGCPB Resolution No. **2023-122**

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

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, ALG Forestville, LLC, submitted an application for approval of a detailed site plan; and

WHEREAS, the property subject to the application (“subject property”) is within the Industrial Employment (IE) Zone; and

WHEREAS, pursuant to Section 27-1704(e) of the Zoning Ordinance, subsequent revisions or amendments to development approvals or permits grandfathered under the provisions of this Section shall be reviewed and decided under the Zoning Ordinance under which the original development approval or permit was approved, unless the applicant elects to have the proposed revision or amendment reviewed under this 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 the hearing on November 9, 2023, regarding Detailed Site Plan DSP-89056-03 for Forestville Commercial Center, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) is to amend the Development District Overlay (D-D-O) Zone use table for the following uses, subject to DSP-89056:
 - Vehicle, boat, or camping trailer sales, or boat or camping trailer rental lot, including outdoor display of the vehicles;
 - Vehicle, boat, mobile home, or camping trailer repair and service station, and the sales of parts and tires, which may include installation of parts within a wholly enclosed building;
 - Contractor’s plant or storage yard;
 - Contractors office with outdoor storage of materials or equipment;
 - Heavy motorized equipment, motor vehicles, truck, boat, camping trailer, or trailer storage yard.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	IE/MIO (Prior I-1/D-D-O/M-I-O)	IE/MIO (Prior I-1/D-D-O/M-I-O)
Gross Tract Acreage	9.4773	9.4773
Use(s)	Warehouse	Warehouse
Total Building Gross Floor Area (GFA)	140,200 sq. ft	149,200 sq. ft
Building 1	45,000 sq. ft	-
Building 2	34,200 sq. ft	-
Building 3	32,400 sq. ft	32,400 sq. ft
Building 4	28,600 sq. ft	28,800 sq. ft
Building 5	-	88,000 sq. ft

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

Parking Requirements	REQUIRED	APPROVED
Total Parking Spaces	165*	205**
On-site standard spaces (9.5 feet x 19 feet)	-	114
On-site compact spaces (8 feet x 16.5 feet)	-	81
Handicap-accessible (8 feet x 19 feet with 5 feet access aisle)	-	6
Handicap van-accessible (8 feet x 19 feet with 8 feet access aisle)	-	4

Notes: *Of which at least 110 (2/3 of the requirement) must be non-compact, in accordance with Section 27-559(a) of the prior Zoning Ordinance.

**Of which at least six must be handicap-accessible, and at least two must be handicap van-accessible, in accordance with Section 27-566 of the prior Zoning Ordinance. A condition is included herein, for correction of the technical errors regarding the total number of the provided parking spaces.

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

Loading Spaces	REQUIRED	APPROVED
Total Loading Spaces (12 feet x 45 feet)	22	25

3. **Location:** This property is known as Tax Map 82 in Grids A-4 and B-4 and is geographically located in the southeast quadrant of the intersection of Fernham Lane and Cryden Way.
4. **Surrounding Uses:** To the north and west, this subject property fronts Cryden Way and Fernham Lane, respectively; and is bounded by properties zoned Industrial, Employment (IE), formerly Light Industrial (I-1).
5. **Previous Approvals:** The subject property consists of seven lots (Lots 3–9) and one deed parcel (Parcel 73). Lots 3–9 are the subject of a Preliminary Plan of Subdivision, PPS 12-2907 titled Forestville Commercial Center, for which no records are available. These lots were platted for nonresidential use. Parcel 73 has never been the subject of a PPS or a record plat. PPS 4-88261 was filed for subdivision of Parcel 73 in 1988; however, it was withdrawn.

DSP-89056 was approved by the Prince George’s County Planning Board on July 27, 1989 (PGCPB Resolution No. 89-405), for four buildings, with a total of 147,000 square feet. Buildings 3 and 4, accessed from Parston Drive, have been constructed; however, Buildings 1 and 2, accessed from Fernham Lane, have not been constructed.

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (sector plan) retained the subject property in the I-1 Zone and superimposed a D-D-O Zone on it.

DSP-89056-01 was approved by the Prince George’s County Planning Director in 2013 to revise the footprint of Buildings 1 and 2, to add a stormwater management (SWM) pond and landscaping, for conformance to the development district standards contained in the sector plan.

DSP-89056-02 was approved as a Planning Director revision, and certified on September 13, 2022, for construction of an 88,000-square-foot single building, in lieu of Buildings 1 and 2, which were previously approved.

6. **Design Features:** This application is for the purpose of modifying the D-D-O Zone use table, to allow for the sale and rental of vehicles, boats, mobile homes, camping trailers, heavy motorized equipment, and trucks of all kinds, with outdoor display and storage. The installation of parts may occur within a wholly enclosed building. No new gross floor area is added to the site.

The site improvement for the subject application is to install 6-foot-tall sight-tight fences along the Cryden Way and Fernham Lane frontages. These sight-tight fences will connect to the 6-foot-tall chain-link fences approved with DSP-89056-02, which will be installed along the

southern and eastern property line of the subject site. The intent of this improvement is to provide sufficient buffering to screen the public view from adjacent streets and properties.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2009 Approved Marlboro Pike Sector Plan and Sectional Map Amendment and the Development District Overlay (D-D-O) Zone:** The Marlboro Pike D-D-O Zone has three character areas. Each character area has its own set of development district standards, designated to implement the development concepts and recommendations of the sector plan. The subject property is located within Character Area 3: Low Intensity Business Park. This DSP will not alter the previous findings, regarding compliance with the development district standards, that were made at the time of approval of DSP-89056-02.
8. **Prince George's County Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements of the I-1, D-D-O, and Military Installation Overlay (M-I-O) Zones, and the site design guidelines of the prior Zoning Ordinance. The following discussion is offered regarding these requirements.
 - a. The DSP will not alter the previous findings, regarding compliance with these requirements, which were made at the time of approval of DSP-89056-02.
 - b. The DSP is in conformance with the following provision, which addresses the property owner's right to request a change to the list of allowed uses, as contained in Section 27-548.26(b) of the prior Zoning Ordinance, which provides:
 - (b) **Property Owner.**
 - (1) **Notwithstanding the provisions of subsection (a), above, a property owner may request that the District Council amend development requirements for the owner's property, as follows:**
 - (A) **An owner of property in, adjoining, or separated only by a right-of-way from the Development District may request changes to the boundary of the approved D-D-O Zone.**
 - (B) **An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.**
 - (i) **A request for changes to the underlying zone or list of allowed uses may include requested amendments to the applicable Development District Standards for the applicable D-D-O Zone.**

- (ii) **In determining whether to approve such amendments to the Development District Standards, the District Council shall find that the amended standards will benefit the proposed development, will further the purposes of the applicable Development District, and will not substantially impair implementation of any applicable Master Plan or Sector Plan.**

The applicant filed this DSP to request an amendment to the D-D-O Zone use table. The DSP is also in conformance with Section 27-548.26(b)(5), which states that, in approving an application to change to allowed uses as modified by development district standards, the Prince George's County District Council must find that "the proposed development conforms with the purposes and recommendations for the development district, as stated in the Master Plan, Master Plan Amendment or sector plan, and meets applicable site plan requirement, and does not otherwise substantially impair the implementation of any comprehensive plan applicable to the subject development proposal."

As adopted, the District Council established the D-D-O Zone for Character Area 3. As provided on page 140 of the sector plan, the goal of this character area is to "redevelop existing commercial and industrial properties with low-intensity commercial and industrial uses that provide an attractive gateway to the Marlboro Pike Sector Plan Area and a functional business community that is compatible with the location under the flight path for Joint Base Andrews Naval Air Facility Washington."

The applicant provided a statement of justification, dated October 4, 2023, with information demonstrating that the requested use conforms to the purposes and recommendations for the development district, as stated in the sector plan. The Planning Board finds that the requested uses satisfy the goals of the sector plan. Although the subject site is located in Character Area 3, this site is an interior property within the character area, which does not function as a gateway to the Marlboro Pike sector plan area. As such, the subject request does not substantially impair implementation of the sector plan.

The applicant's submission shows the provision of 6-foot-tall fences, to be installed along the streets flanking the subject site, to contain the outdoor storage and display area and shield these uses from the streets. The replacement of shade trees with evergreen trees further reduces public views into the subject site. The recommendations of the D-D-O Zone, for future development of the existing commercial and industrial properties with low-intensity commercial and industrial buildings, is to facilitate low-intensity commercial and industrial uses. The requested uses qualify as low-intensity uses generating few, if any, walk-in customers. An analysis provided by the Transportation Planning Section, incorporated herein by reference, demonstrates that the requested uses are consistent with the trips associated with the warehouse approved in DSP-89056-02, and would not exceed the implied trip cap of both AM and PM peak-hour trips.

When the D-D-O Zone was established, it did not include a property-by-property analysis to understand which use restrictions should, or should not, apply to each individual property. Approval of DSP-16034 has shown that the amendment to Figure X-10 (Marlboro Pike Table of Uses Permitted – Industrial Zones) on page 200 of the sector plan, to permit the requested uses, is feasible because these uses within Accident Potential Zone 1 are compatible with the operations of Joint Base Andrews.

9. **Detailed Site Plan DSP-89056, as amended:** The site was previously approved under DSP-89056, DSP-89056-01, and DSP-89056-02. No conditions from the prior approvals are applicable to this DSP.
10. **2010 Prince George’s County Landscape Manual:** This development will be subject to the requirements of the *Prince Geore’s County Landscape Manual* (Landscape Manual). Compliance with the applicable landscaping requirements was found at time of DSP-89056-02 approval. The amendment approved by this DSP does not change those prior findings, except Section 4.2, Requirements for Landscape Strips Along Streets, for which the applicant replaces shade trees with evergreen trees, to ensure the subject site is screened from public view from adjacent streets. Section 4.2(c)(3)(B)(ii) of the Landscape Manual specifically notes that two ornamental trees, not two evergreen trees, may be substituted for one shade tree. The Planning Board finds that the 6-foot-tall sight-tight fence approved for this DSP is sufficient to screen public views of the site. A condition is included herein, requiring the applicant to revise Schedule 4.2 on the landscape plan, to provide shade trees instead of evergreen trees.
11. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This DSP will not alter the previous findings, regarding compliance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO), that were made at the time of approval of DSP-89056-02. In addition, this DSP has an approved Natural Resources Inventory Equivalency Letter (NRI-172-2021), which is valid until November 8, 2026, and an approved standard Letter of Exemption (S-205-2021) from the WCO, which is valid until November 8, 2023. A new standard exemption may be required, should the current exemption expire.
12. **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 require a grading permit. Properties in the I-1 Zone are required to provide a minimum of 10 percent of the gross tract area of TCC. Compliance with the TCC requirement was found at the time of approval of DSP-89056. The approved amendment does not impact prior findings of conformance with this ordinance.
13. **Referral Comments:** This application was referred to the concerned agencies and divisions. The referral comments are summarized and incorporated herein by reference, as follows:
 - a. **Historic Preservation and Archeological Review**—The Planning Board has reviewed and adopts the memorandum dated September 18, 2023 (Stabler, Smith, and Chisholm to Huang). The Historic Preservation Section noted that the sector plan has goals and policies related to historic preservation (pages 45-47). However, these are not specific to

the subject site or applicable to the approved development. A search of current and historic photographs, topographic, and historic maps and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. Phase I archeology survey is not recommended.

- b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated October 9, 2023 (Klein to Huang). The Community Planning Division provided an evaluation of the application stating that, pursuant to Section 27-548.25(c) of the prior Zoning Ordinance, the approved development, within Character Area 3, conforms to the purposes and recommendations for the development district, as stated in the sector plan. Community planning staff recommended that the applicant install the wooden fence and screening illustrated in the submitted site plans, especially along Fernham Lane, prior to utilization of the property for outdoor storage uses.
- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated October 9, 2023 (Patrick to Huang). The Transportation Planning Section offered the following comments:

Master Plan Compliance:

This development application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), in which Cryden Way is identified as an industrial road. The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

The submitted plans include sidewalks along the subject site's Fernham Lane and Cryden Way frontage. A pedestrian route is provided from Fernham Lane, ensuring direct access to the building, along with an associated crosswalk. There are no revisions to the site plan, and Transportation Planning staff find the submitted plans consistent with approved DSP-89056-02.

- d. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated October 6, 2023 (Vatandoost to Huang). The Subdivision Review Section provided comments and found that this DSP amendment does not make any change to the quantity of development approved under DSP-89056-02, which was determined to be exempt from filing a PPS and final plat. The DSP demonstrates that the lots and parcel are in conformance with the record plats and legal description. Therefore, a new PPS is not required at this time. In addition, Lots 3–9 have an automatic certificate of adequacy (ADQ), pursuant to Section 24-4503(a)(1) of the Prince George's County Subdivision Regulations, which became effective April 1, 2022, and is valid for 12 years from that date, subject to the expiration provisions of Section 24-4503(c). No ADQ is associated with Parcel 73.
- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated September 12, 2023 (Kirchhof to Huang). The Environmental

Planning Section offered the following:

Stormwater Management

An approved SWM Concept Plan (27186-2007-02) and associated letter were submitted with the application for this site. The approval letter was issued from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on March 31, 2022, and is valid until March 31, 2025. The approved plan includes standard SWM conditions for the site.

- f. **Permit Review Section**—The Planning Board has reviewed and adopts the memorandum dated October 9, 2023 (Jacobs to Huang). The Permit Review Section provided comments and indicated that an approved outdoor storage area is generally labeled on the plan. This application makes that slightly challenging, as the location of the outdoor storage is mobile, depending on the progress of the site development. A note should be included to indicate the allowed or designated locations of this outdoor storage, given that it is unclear from looking at the plan. Display areas for vehicle sales are also included with no clear delineation. With the outdoor storage shifting locations, there still needs to be adequate parking and loading spaces on the site.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated October 5, 2023 (Giles to Huang). DPIE offered numerous comments and recommendations on the subject application that have been provided to the applicant. These comments and recommendations will be addressed through DPIE's separate permitting process.
- h. **Prince George's County Fire/EMS Department**—In an email dated August 24, 2023 (Reily to Huang), the Fire/EMS Department had no comments on this application.
- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—The Planning Board has reviewed and adopts the memorandum dated September 11, 2023 (Adepoju to Huang). The Health Department offered comments addressing noise and dust during the construction phases, to not adversely impact adjacent properties.
- k. **Joint Base Andrews (JBA)**—In an email dated September 15, 2023 (Zimmerman to Huang), JBA noted that, per the MIO Zone and the guidelines established in the Air Force Handbook 32-7084, *Air Installations Compatible Use Zones Program Managers Guide* (dated 2 November 2017), the intended land uses (storage and warehouses) conform to the suggested land use compatibility categories. However, JBA recommends limiting the number of personnel required to work and participate in these land uses, due to the location within Accident Potential Zone 1.

1. **City of District Heights**—The subject property is located within one mile of the geographical boundary of the City of District Heights. The DSP application was referred to the City for review and comments on October 5, 2023. The City of District Heights did not offer comments on the subject application.
14. **Community Feedback:** The Planning Board did not receive any community feedback or input regarding the subject application.
15. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP approved with the condition below represents 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.
16. Section 27-285(b)(2) of the prior Zoning Ordinance does not apply to this DSP, because the subject property is not subject to a conceptual site plan.
17. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP, because it is not a DSP for infrastructure.
18. 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).**

No regulated environmental features are located on-site, and the site has already been graded.

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 Detailed Site Plan DSP-89056-03 for the above-described land, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the applicant shall revise the site plan to:
 - a. Correct the boundary bearings and distances for Lots 3–9, to be consistent with the record plat.
 - b. Remove the approval block on the approval sheet.
 - c. Note the height of the single gate on the plan.
 - d. Include the correct version of the board-on-board fence elevation for this DSP, since there are two versions included in the submission.

- e. Add labels to the plan, indicating the location where the fence and gate details can be found.
- f. Indicate the allowed or designated locations of outdoor storage and display areas on the plan.
- g. Update the total number of provided parking spaces.
- h. Update information in Schedule 4.2 to provide shade trees, instead of evergreen trees, and revise the landscape plan accordingly.


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 Doerner, with Commissioners Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, November 9, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2023.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:TH:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 11/21/23