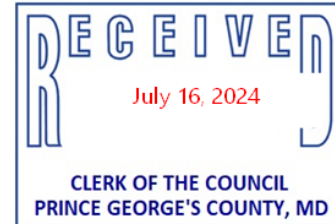




July 16, 2024



Capital Westphalia Real Estate, LLC
530 Walnut Street, Suite 1650
Philadelphia, PA 19106

Re: Notification of Planning Board Action on
Detailed Site Plan - DSP-18020-01
Capital Electric

Dear Applicant:

This is to advise you that, on **July 11, 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 27-3605 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 (**July 16, 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 27-3301(c) 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,
Sherri Conner, Acting Chief Development
Review Division

By: Joshua Mitchum
Reviewer

Attachment: PGCPB Resolution No. **2024-059**

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

PGCPB No. 2024-059

File No. DSP-18020-01

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, on April 1, 2024, the applicant, Capital Westphalia Real Estate, LLC, submitted an application for approval of Detailed Site Plan DSP-18020-01, for Capital Electric, for development of a 161,485-square-foot expansion of the existing 362,880-square-foot building used for light industrial warehousing located on the south side of Westphalia Road, approximately 353 feet west of Presidential Parkway (subject property); and

WHEREAS, the subject property is located within the Residential Multifamily-20 (RMF-20) and Military Installation Overlay (MIO) Zones; and

WHEREAS, prior to April 1, 2022, the subject property was located within the Mixed Use-Transportation Oriented (M-X-T)/Military Installation Overlay (M-I-O) Zones; and

WHEREAS, pursuant to Section 27-1900 of the Zoning Ordinance, et seq. and Prince George's County Council Resolution CR-22-2024, until April 1, 2026, the applicant can submit a Detailed Site Plan for property in the RMF-20 and M-I-O Zones for review under the requirements of the Zoning Ordinance in effect prior to April 1, 2022; and

WHEREAS, the applicant elected to have this Detailed Site Plan application reviewed under the prior Zoning Ordinance and the subject property's prior M-X-T/M-I-O zoning; 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 the subject property's prior M-X-T/M-I-O zoning; and

WHEREAS, in consideration of evidence presented at a public hearing on June 20, 2024, regarding Detailed Site Plan DSP-18020-01 for Capital Electric, the Planning Board finds:

1. **Request:** The applicant proposes a 161,485-square-foot addition of the existing 362,880-square-foot building used for light industrial warehousing, previously approved by the Prince George's County Planning Board. In addition, the applicant seeks an amendment to Conceptual Site Plan CSP-11003, to increase the permitted gross floor area (GFA) of industrial and warehousing uses from 324,480 square feet to 485,965 square feet.

2. **Development Data Summary:**

	EXISTING	EVALUATED
Zone(s)	RMF-20/M-I-O	M-X-T/M-I-O
Use(s)	Warehouse/office	Warehouse/office
Acreage (acres)	45.40	45.40
Parcels	1	1
Gross Floor Area	362,880 sq. ft.	524,365 sq. ft.
Warehouse	324,480 sq. ft.	485,965 sq. ft. (161,485sq. ft. new)
Office	38,400 sq. ft.	38,400 sq. ft.

Other Development Data:

Base parking requirements per Section 27-568(a) of the prior Prince George’s County Zoning Ordinance

	STANDARD	REQUIRED	EVALUATED
Warehouse (485,965 sq. ft.)	3.0 spaces per the first 1,500 sq. ft of GFA + 1.0 spaces per additional 1,500 sq. ft of GFA up to 100,000 sq. ft. + 0.20 spaces per additional 1,000 sq. ft. of GFA above the first 100,000 sq. ft.	3 spaces + 66 spaces + 78 spaces = 147 spaces	277 spaces • 269 spaces (Standard 9.5 feet x 19 feet) • 4 spaces (ADA 8 feet x 19 feet) 4 spaces (ADA Van-Accessible 8 feet x 19 feet)
Office (38,400 sq. ft.)	1.0 spaces per 250 sq. ft. of the first 2,000 sq. ft. of GFA + 1.0 spaces per 400 sq. ft. above the first 2,000 sq. ft. of GFA.	8 spaces + 91 spaces = 99 spaces	
Total Parking		246 spaces	

Base loading requirements per Section 27-582 of the prior Zoning Ordinance

STANDARD		REQUIRED	EVALUATED
Warehouse (485,965 sq. ft.)	1.0 spaces per the first 10,000 sq. ft. of GFA + 1.0 spaces per additional 40,000 sq. ft. of GFA	1 space + 12 spaces = 13 spaces	13 spaces
Office (38,400 sq. ft.)	1.0 spaces per 10,000 to 100,000 sq. ft. of GFA	1 space	1 space
Total Loading Spaces		14 spaces	14 spaces (12 feet x 45 feet)

3. **Location:** The subject site is a 45.40-acre property located on the south side of Westphalia Road, approximately 353 feet west of Presidential Parkway, in Planning Area 78 and Council District 06. Specifically, the site is addressed 8711 Westphalia Road, Upper Marlboro, Maryland 20774. The site is currently zoned Residential, Multifamily-20 (RMF-20) and was formally zoned Mixed Use-Transportation Oriented (M-X-T). The site is also within the Military Installation Overlay (MIO) Zone for noise and height.
4. **Surrounding Uses:** The subject property is bounded to the north by Westphalia Road, with multifamily dwelling units in the RMF-20 (prior Multifamily Medium Density Residential (R-18) Zone beyond; to the south by Deer Stream Drive, Presidential Parkway, MC-634, and vacant woodlands in the RMF-20 (prior R-18) Zone; to the east by Parkside at Westphalia, a single-family community, in the Legacy Comprehensive Design (prior Residential Medium Development) Zone; and to the west by various industrial uses in the Industrial, Employment (prior Light Industrial (I-1)) Zone.
5. **Previous Approvals:** The following applications were previously approved for the subject property:

On June 18, 1979, the Prince George’s County District Council approved Zoning Map Amendment A-9198, which introduced I-1 zoning for approximately 139 acres of land located on the south side of Westphalia Road, east of MD 4 (Pennsylvania Avenue).

On August 24, 1983, the Planning Board approved Detailed Site Plan DSP-83045. The subject property was originally Parcel C of the Penn-East Park subdivision. Parcel C was originally developed with an existing 142,500-square-foot office and industrial building that was constructed in 1983. Parcel C was later rezoned from the I-1 Zone to the M-X-T Zone through the District Council’s approval of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) on February 6, 2007.

CSP-11003 was approved by the Planning Board on October 24, 2013 (PGCPB Resolution No. 13-122), with 14 conditions. The CSP approved a square footage range for industrial and retail uses, as well as up to 325 multifamily units.

On June 5, 2014, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-11012 (PGCPB Resolution No. 14-52), to subdivide Parcel C into two parcels, Parcel 1 and Parcel 2, subject to 23 conditions.

The Planning Board approved DSP-14021 on July 30, 2015 (PGCPB No. Resolution No. 15-79), subject to eight conditions, to construct 301 multifamily dwelling units on Parcel 1.

On November 15, 2018, the Planning Board approved PPS 4-18005 (PGCPB Resolution No. 18-117), to subdivide the existing property for industrial development.

PPS 4-19036 was approved by the Planning Board on April 23, 2020 (PGCPB Resolution No. 2020-65), to create four parcels for approximately 362,880 square feet of industrial development.

The Planning Board approved DSP-18020 on May 7, 2020 (PGCPB Resolution No. 2020-74), to redevelop Parcel 1 for approximately 38,400 square feet of office space, and up to 324,480 square feet of warehouse space, in the M-X-T Zone.

On September 28, 2023, the Planning Board approved PPS 4-22056 (PGCPB Resolution No. 2023-102), to create one parcel for approximately 525,160 square feet of industrial development.

Certificate of Adequacy ADQ-2022-060 was approved by the Planning Board on September 6, 2023, for approximately 525,160 square feet of industrial development.

6. **Design Features:** The subject site is currently improved with an industrial warehouse building, paved surface parking in the northern portion of the site, and a paved truck bay in the southern portion of the site. Furthermore, the site has been previously graded and remains relatively flat with no steep slopes. This DSP is approved to construct a 161,485-square-foot addition of industrial warehousing to the existing 362,880-square-foot warehouse building.

Architecture

The architectural design of the existing building is roughly rectangular in shape, measuring 362,880 square feet and a height of approximately 45 feet. The existing building is comprised of concrete panels in a two-tone gray color on its western, eastern, and southern facades, and four tones of gray concrete panels in a mosaic pattern on the building's northern façade. The main entrance to the building is located on its northern façade, which is distinguished with an illuminated two-story metal trim in blue color. This entrance is further distinguished with floor-to-ceiling glass panels and an I-beam awning sporting the building's address in large, white, illuminated numbers mounted over the first floor.

The approved 161,485-square-foot addition is comprised of gray-colored, concrete tilt panels with accent colors, keeping in line with the design of the existing building. The concrete panels introduce dark yellow and brown accent colors to distinguish the addition from the existing building. The southern façade features twenty 5 feet by 5 feet Clerestory warehouse windows. “Clerestory” refers to a high section of wall that contains windows above eye-level, intended to admit light, fresh air, or a combination of both.

Furthermore, the southern façade will have a new loading dock area featuring 17 beige-colored dock doors, and 4 entrances with gray-colored fabric canopies covering the egress stairs. Another loading dock is approved on the north side of the addition, with five beige-colored doors, and four entrances with gray-colored fabric canopies covering the egress stairs. Of these loading docks, 14 total have been designated with companion loading spaces, which are labeled and identified on the site plan.

Access and Circulation

Vehicular access to the subject property is provided via a single driveway off Westphalia Road. Both trucks and passenger vehicles will enter the site via this curb cut. Trucks continue south via an existing service road that runs along the west side of the property to the loading area at the rear of the building. As noted, the applicant will provide two new loading areas, one at the rear (south) and one at the front (north) of the approved addition. For access to the new loading area at the front of the building, the DSP approves a new service road running along the east side of the proposed addition. The loading areas and service drive aisles are separated from pedestrian and other vehicular circulation on the property, which will be directed to the parking area and entrances on the north side of the existing building.

Signage

The subject DSP approves several ground- and building-mounted signs that denote the limited operational hours of the proposed northern loading dock and service road. The DSP also approves “Share the Road” signage that will be located at four locations on Westphalia Road, to denote that cyclists may utilize this road. A condition has been added herein requiring the applicant to delineate the location and detail of these signs on the DSP prior to certification.

Lighting

A photometric plan has been provided that demonstrates the proposed lighting fixtures. The approved lighting fixtures will be full cut-off appliances that will be directed towards the subject site to prevent light pollution into the neighboring residential community to the east.

The DSP includes removal of the pole-mounted fixtures closest to the frontage of Westphalia Road and the eastern property line, which is closest to the neighboring residential community.

Landscaping and Screening

As noted, the property abuts an existing townhouse community to its east. The DSP is approved to expand the existing industrial building within roughly 100–250 feet of this townhouse community. To mitigate noise impacts to the townhomes, the applicant will construct three separate noise barriers and a 10-foot-tall berm. According to the noise analysis submitted

with this DSP, these mitigation measures will maintain noise levels of 60 and 50 dBA during the daytime and nighttime hours, respectively, adjacent to the townhome community.

In addition, the DSP includes visual screening of the industrial building from the adjacent townhomes with a landscape buffer. The buffer will contain approximately 50 percent additional plantings than what is required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements of the M-X-T and M-I-O Zones and the site design guidelines of the prior Zoning Ordinance.

Pursuant to Section 27-283(a) of the prior Zoning Ordinance, "The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274)". The subject DSP complies with Section 27-274 of the prior Zoning Ordinance. The guidelines relevant to the review of the DSP are listed below in **bold** text, followed by the Planning Board's analysis of the findings in plain text:

Section 27-274 – Design guidelines.

(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...**

The applicant has provided a DSP that shows adequate circulation, parking, and loading facilities. There are existing surface parking lots separated into four pods in the northern area of the property. The existing lots are placed between the existing building and Westphalia Road and are screened via an existing landscape buffer that was approved with DSP-18020.

The DSP is approved to remove a portion of the existing parking on the eastern area of the property in order to convert the space to a loading area with new utility equipment for the proposed addition. Additional parking is approved to the north of the spaces to be removed to meet the parking requirements for this site. The Planning Board finds that this additional parking has been located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Specifically, the new parking will be provided adjacent to the existing parking areas, which are located adjacent to the main entrance of the existing building. In addition, as shown on the site plan, these parking areas are separated from the truck circulation areas

both by virtue of their location and by physical barriers thereby reducing the potential for conflicts. In addition, the parking spaces will provide convenient access to major destination points on site, specifically main entrance located on the north side of the of the existing building.

- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To achieve this goal, the following guidelines should be observed:**
- (i) Loading docks should be oriented toward service roads and away from major streets or public view; and**
 - (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.**

The north (front) side of the approved addition will have 5 new loading docks, and the south (rear) side of the proposed addition will have 17 new loading docks, for a total of 22 new loading docks. Of these loading docks, 14 total have been designated with companion loading spaces, which are labeled and identified on the site plan. The applicant states that the majority of loading will occur in the rear loading dock. The Planning Board finds that both new loading docks will be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.

The approved DSP will have large trucks enter the subject site from the entrance located on Westphalia Road and proceed either to the loading dock at the rear of the building, or to the loading dock at the northern side of the proposed addition via a new service road. While both passenger vehicles and trucks will utilize the entrance off Westphalia Road, on-site circulation is separated to avoid conflicts. From the driveway, passenger vehicles are directed east and into the existing parking lot. Truck circulation is directed to an existing service road leading south to the loading docks at the rear of the existing building and approved addition. Trucks may then continue to the proposed northern loading area via a new service road. These elements are also physically separated from passenger vehicles and pedestrian circulation, as shown on the site plan.

The approved northern loading dock location will have restricted access/operation between the hours of 10:00 p.m. and 7:00 a.m. This loading dock will have a gate at the entrance to its service road, along with signage denoting the limited hours of access/operation.

In addition, both loading dock locations will be screened from public view. Specifically, vegetation, including mature trees and woodland preservation areas, exists along the northern and southern property lines to screen the loading areas from view. The approved DSP has also approved a landscape buffer along the

eastern property line. These measures will ensure that the loading areas are visually unobtrusive.

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

The approved DSP provides safe, efficient, and convenient vehicular and pedestrian circulation. Employee entrances are provided at points along each elevation of the approved addition, and there will be no public entrances provided. Because of this, the approved DSP has not proposed any sidewalks that connect the employee entrance to the public (main) entrance. Existing sidewalks will remain, which will direct pedestrian traffic to the main entrance of the existing building.

Large truck traffic will enter the subject site from the existing entrance on Westphalia Road before proceeding to the rear side of the existing building via an existing service road. A new service road is approved to lead trucks from the rear of the building to the new loading docks on the north side (front) of the proposed addition. The applicant states that once trucks are loaded/offloaded at the proposed loading dock sites, the trucks will leave the site using the same service road.

(3) Lighting.

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

A photometric plan has been provided that demonstrates the proposed lighting fixtures will provide adequate illumination and enhance the site's design character. The approved lighting fixtures will be full cut-off appliances that will be directed towards the subject site in order to prevent light pollution into the neighboring residential community to the east. The photometric plan shows adequate lighting around all sides of the existing and proposed addition to ensure well-lit entrances and drive aisles.

Furthermore, the DSP is approved to use horizontally mounted cut-off fixtures for all lighting fixtures that will be attached to the north, south, and east sides of the building to minimize light pollution and glare.

(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 subject site is an infill site which has been previously graded. The applicant has stated that any additional grading that is necessary to construct the required berm will be minimized, to the greatest extent possible. Furthermore, the proposed stormwater management (SWM) system is consistent with the existing development, as analyzed by the Environmental Planning Section in Finding 13(e) below.

(8) Service areas.

(A) Service areas should be accessible, but unobstructive...

The new service areas consist of the new loading areas on the north and south sides of the approved addition. These will be accessible, but unobstructive. The approved loading docks will be attached to the building addition and will be consistent with the color and style of both the existing building and the addition.

The loading docks will be screened from Westphalia Road and the neighboring residential community to the east through a dense landscape buffer and the approved sound barriers.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may only be modified in accordance with Section 27-277.

The applicant has submitted a statement of justification (SOJ) attesting to how the proposed addition is providing a design that is harmonious to the existing building. Furthermore, the applicant has stated that the approved addition will preserve the setting of the property by paying attention to the Westphalia Road streetscape, neighboring properties, and uses. The architecture of the approved addition is described in detail in Finding 6.

The subject DSP has also been reviewed for conformance with the requirements of Section 27-546(d) of the prior Zoning Ordinance, which requires additional findings for The Planning Board to approve a DSP in the M-X-T Zone. The required findings are listed below in **bold** text, followed by the Planning Board's analysis of the findings in plain text:

Section 27-546(d) – Site plans.

(1) The proposed development is in conformance with the purposes and other provisions of this Division;

The approved development is an addition to an existing building that was approved via DSP-18020. As discussed below, this DSP is in conformance with the applicable requirements of Division 2, Part 10 of the prior Zoning Ordinance for the M-X-T Zone (Section 27-544, 27-547 and 27-548 of the prior Zoning Ordinance). In addition, the proposed addition will serve the purposes of the M-X-T Zone contained in Section 27-542(a) of the prior Zoning Ordinance. Specifically, the development contributes to the walkability of the surrounding area by providing trail improvements along the eastern boundary that connects the adjacent Parkside development to Westphalia Road. In addition, the approved addition permits a flexible response to the market and promotes economic vitality and investment. In particular, the approved industrial development has the potential to provide new employment opportunities near the major intersection of Westphalia Road and Pennsylvania Avenue.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The subject property was placed in the M-X-T Zone by the Westphalia Sector Plan and SMA. However, pursuant to Prince George's County Council Bill CB-10-2019 (effective August 5, 2019), the approved light industrial warehouse use is defined as a permitted use in the M-X-T Zone under specific circumstances. As discussed below, the sector plan makes certain recommendations for industrial areas. Specifically:

- Separate industrial areas from residential areas by use of buffering designed and placed to minimize sight, sound, and dust; and
- Enclose, buffer, or otherwise modify business activities to reduce noise, traffic, or unattractive views (page 32)

The applicant proposes to expand the existing industrial development located at the subject property to within roughly 100–250 feet of the rear yards of existing townhomes. Based on the proposed layout of the addition, operational areas of the proposed industrial development, including a service road and loading docks, will be located closer to the rear yards of the townhomes. The Planning Board finds that the 50 percent additional landscaping proposed by the applicant, in conjunction with the noise wall and berm, should be sufficient to screen these activities from the adjacent residential use. Accordingly, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the sector plan, as applicable, given the industrial development proposed.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The existing site has a layout that has an outward orientation that fronts Westphalia Road. The approved addition is designed in a way that compliments the existing building and is comprised of context-sensitive architecture to further compliment the surrounding community. Furthermore, temporary fencing, the sound barriers, and landscape plantings, beyond what is required per Section 4.7 of the Landscape Manual, will be installed prior to on-site construction to prioritize screening and sound mitigation between the subject site and the surrounding community. Accordingly, the proposed addition will be physically and visually integrated with existing adjacent development.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The subject site is bordered to the west by an existing industrial use (a recycling facility), to the south by a vacant industrial building, and to the east by a residential community. The DSP is approved for supplemental landscape buffering, in addition to the existing buffering that was approved with DSP-18020.

All existing landscape buffers approved with DSP-18020 have been maintained (and certified with the submitted Certification of Landscape Maintenance). Additional plantings are provided within the new parking lots and the portion of the Section 4.7 buffer where existing trees were removed along the east property line closest to the Parkside community. The approved supplemental landscape plantings include Leland Cypress evergreens and other native species to provide a denser tree buffer between the existing building, the approved addition, and the adjacent townhomes.

- (5) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The property is developed with a single building housing industrial warehouse and office uses, which the applicant proposes to expand. The arrangement and design of the addition reflects a cohesive development capable of sustaining an independent environment of continuing quality and stability through the use of high-quality and sustainable materials.

- (6) If the development is staged, each building is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The approved development will not be phased.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

The existing pedestrian system approved with DSP-18020 will remain largely unchanged and was previously found to meet this standard. In addition, there is an existing trail on the property that connects to the sidewalks on the Parkside community property that connects to the 150-acre central park for the greater Westphalia community.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering spaces for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping, and screening, street furniture, and lighting (natural and artificial); and**

The approved development has been designed to be integrated with both the existing and future development in the surrounding area. The approved addition will not affect the existing trail, and the DSP is approved for additional landscaping to provide better screening for the adjacent community.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development, The findings by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

This application is for a DSP, not a CSP. Therefore, it is not subject to this requirement.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

Certificate of Adequacy ADQ-2022-60 was approved on September 6, 2023, subject to seven conditions. As of the writing of this resolution, six years have not elapsed since its approval; therefore, this requirement has been satisfied.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two-hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject site contains approximately 45.40 acres. Therefore, it is not subject to this requirement.

This DSP is in conformance with the requirements of Section 27-544 – Regulations, as applicable. The applicable requirements are replicated below in bold text. The requirements of Section 27-544 that are not reprinted here do not apply to the subject DSP.

Section 27-544 – Regulations

- (a) **Except as provided in Subsections (b) and (c) of this Section, additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The DSP complies with all applicable requirements of Divisions 3 (Section 27-547) and 4 (Section 27-548) of this Part, as discussed below. Compliance with the Off-Street Parking and Loading standards of Part 11 are discussed in Finding 2. The DSP complies with the requirements for Signs (Part 12), as discussed in Finding 6. Compliance with the Landscape Manual is detailed in Finding 11 below.

- (b) **Except as otherwise specified in this Division, where an approved Conceptual Site Plan imposes certain regulations related to the location, density, coverage, and height of improvements that are intended to implement recommendations for mixed-use development within a comprehensive master plan or general plan, such standards shall provide guidance for the development regulations to be incorporated into the Detailed Site Plan.**

The DSP has been designed to comply with the regulations related to the location, density, coverage, and height of improvements imposed in CSP-11003, except that this DSP amends CSP-11003 to allow for additional industrial development. Compliance with CSP-11003 is discussed below in Finding 8.

This DSP is in conformance with the requirements of Section 27-547 – Uses Permitted of the Zoning Ordinance, which governs uses in the M-X-T Zone. The approved industrial warehouse use is a permitted use in the M-X-T Zone, subject to Footnote 10, which is replicated below in bold text:

Section 27-547 – Uses permitted.

Where not otherwise specifically permitted, any use allowed in the I-1 Zone (excluding those permitted by Special Exception)

Footnote 10 of Section 27-547 – Uses Permitted

- (A) The property was rezoned from the I-1 Zone to the M-X-T Zone through a sectional map amendment approved after January 1, 2007; and**
- (B) All or part of the property is located within an airport noise zone subject to noise measuring a minimum of 70 dBA pursuant to an approved M-I-O (Military Installation Overlay) Zone.**

The subject property was rezoned to M-X-T from I-1 through the Westphalia Sector Plan and SMA, which was approved in February 2007. The property is located within the M-I-O Zone and is subject to noise measuring a minimum of 70 dBA. As noted, the DSP is approved to expand the existing building on the property to allow for additional warehousing use at the site. Warehousing is permitted in the I-1 Zone per Section 27-473(b) of the prior Zoning Ordinance.

Section 27-547(d) and (e) of the prior Zoning Ordinance replicated below in bold text provides standards for the required mix of uses:

- (d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone...The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quality to serve the purpose of the zone:**
 - (1) Retail business;**
 - (2) Office, research, or industrial uses;**
 - (3) Dwellings, hotel, or motel.**
- (e) For any property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.**

In accordance with Section 27-547(e), through the prior approved DSP-18020, the associated CSP-11003 was amended to remove the original residential use and replace it with a single industrial use.

Section 27-548 – Regulations, M-X-T Zone

This DSP is in conformance with the requirements of Section 27-548, as applicable. The applicable requirements are replicated below in bold text. Requirements of Section 27-548 not reprinted here do not apply to the subject DSP.

(a) Maximum floor area ratio (FAR):

- (1) Without the use of the optional method of development—0.40 FAR; and**
- (2) With the use of the optional method of development—8.00 FAR.**

With the approved addition, the floor area ratio will be 0.2651.

(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

The approved building addition will be located on a single parcel/lot.

(c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

The site plan included with the approved DSP shows all required information.

(d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

The approved DSP will have buffering that has approximately 50 percent more plant units than what is required by the Landscape Manual. In particular, a purpose of the M-X-T Zone is to “implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses” (Section 27-542(a)(2) of the prior Zoning Ordinance). In this vein, the Westphalia Sector Plan and SMA recommends the following for industrial areas such as the subject property:

- Separate industrial areas from residential areas by use of buffering designed and placed to minimize sight, sound, and dust; and

- Enclose, buffer, or otherwise modify business activities to reduce noise, traffic, or unattractive views (page 32)

The DSP is approved to expand the existing industrial development located at the subject property to within roughly 100–250 feet of the rear yards of existing townhomes. Based on the approved layout of the addition, operational areas of the industrial development to include a service road and loading docks will be located closer to the rear yards of the townhomes. The Planning Board finds that the 50 percent additional landscaping provided by the DSP, in conjunction with the noise wall and berm, should be sufficient to screen these activities from the adjacent residential use.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The GFA of the building, including the approved addition, has been calculated according to these requirements.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

The improvements for the approved development do not interfere with either the air space above or the below-ground public rights-of-way.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The property has a frontage along and access to Westphalia Road. This will not change as a result of the approved addition.

Military Installation Overlay (M-I-O) Zone: The subject site is located within the prior M-I-O Zone, specifically within Height Surface D (Inner Horizontal Surface). Height Surface D has a height limit of 150 feet. The maximum height of the proposed addition is 45 feet, which, in addition to being in-line with the existing building, is far below the maximum height limit that Height Surface D imposes.

Furthermore, the subject site is also within the prior M-I-O Zone noise contour. The subject site is within the 60 to 74 dBA noise contours.

Both the height and noise requirements of the M-I-O Zones have been satisfied and are listed and shown on the approved DSP.

8. **Conceptual Site Plan CSP-11003:** CSP-11003 was approved on October 24, 2013, via PGCPB Resolution No. 13-122, with 14 conditions. As amended by DSP-18020, the CSP approved a square footage range for industrial and retail uses. The applicant requests to amend CSP-11003 via this DSP, as allowed by Section 27-282(g) of the prior Zoning Ordinance. The amendment request is to allow for the increase of the permitted GFA of industrial/warehousing uses from 324,480 to 485,965 square feet.

The conditions relevant to the review of the DSP are listed below in bold text, followed by the Planning Board's analysis of the conditions in plain text:

- (6) **At the time of detailed site plan, the following issues shall be addressed, or information shall be provided:**

- a. **The applicant shall propose and provide a written description of the proposed green building development techniques for evaluation by staff and the Planning Board.**

The applicant has provided an SOJ with a summary of the types of green building design and environmentally sensitive techniques to reduce overall energy consumption. These techniques include light emitting diode lighting, white roofing, energy management systems, high-efficiency mechanical systems, low-flow plumbing fixtures, and structural insulated panels.

- b. **The final landscape treatments for the frontage of Westphalia Road shall be determined. The landscape treatment shall provide an equivalent or better streetscape appearance than would be achieved under the strict application of Section 4.6, Buffering Development from Special Roadways.**

Compliance with this condition was found at the time of DSP-18020. This DSP has been designed in compliance with the Landscape Manual. The approved warehouse addition neither impacts nor increases the Section 4.6 buffering requirements.

- (8) **Total development within the subject property shall be limited to uses which generate no more than 279 (129 in; 150 out) AM peak hour trips and 303 (142 in; 161 out) PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

A traffic impact study was submitted on July 23, 2023, alongside the most recent PPS (4-22056). The study noted that the approved site improvement would generate 272 AM peak hours and 266 PM hours, which is within the trip limit of the prior approved CSP.

(9) A comprehensive and safe pedestrian network shall be provided. A pedestrian and bikeway facilities plan shall be provided with the preliminary plan or detailed site plan that demonstrates how these pedestrian connections can be provided for the entire area of the CSP and provide a timeline for the implementation of those connections. The following items shall be addressed in the pedestrian and bikeway facilities plan:

- a. Pedestrian connectivity to recreation facilities and amenities on the subject site and adjacent sites.**
- b. Additional consideration shall be paid to providing safe pedestrian routes across Westphalia Road.**
- c. Pedestrian connectivity from the existing industrial building to Westphalia Road and the proposed multifamily development.**
- d. Connections to transit facilities including but not limited to bust stops.**

A comprehensive pedestrian network has been provided pursuant to the subject site's prior approvals. This network was found to meet this condition, as conditioned, at the time of DSP-18020. No recreational facilities will be provided, as no residential development is being proposed with the approved DSP.

9. **Preliminary Plan of Subdivision 4-22056:** PPS 4-22056 was approved on September 28, 2023, via PGCPB Resolution No. 2023-102. The PPS approved 525,120 square feet of industrial development (362,880 square feet of existing space) that was previously approved via PPS 4-19036.

PPS 4-22056 was approved subject to 11 conditions. The conditions relevant to the review of the DSP are listed below in bold text, followed by the Planning Board's analysis of the conditions in plain text:

(2) Development of this site shall be in conformance with approved Stormwater Management Concept Plan 32693-2019-00 and any subsequent revisions.

Copies of the approved SWM Concept Plan 32693-2019-00 and subsequent approval letter were submitted with the subject DSP application. The approved development and the SWM concept plans have been reviewed by the Environmental Planning Section for conformance to this condition. As discussed in Finding 14(e) below, the DSP shows a noise berm that was not shown on the approved SWM concept plan. Accordingly, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) may require that the SWM concept plan be amended.

- (9) **Prior to acceptance of a detailed site plan (DSP), the applicant shall provide an exhibit which delineates the existing woodland and wildlife habitat conservation easements. If this development proposal changes the recorded woodland and wildlife habitat conservation easements, revisions to the easements shall be recorded, prior to certification of the Type 2 tree conservation plan.**

A Type 2 Tree Conservation Plan (TCP2-002-2025-02) has been submitted with the approved DSP application and has been reviewed by the Environmental Planning Section for conformance to this condition. Additional analysis of the conformance to this condition is found below in Finding 12.

- (10) **At the time of detailed site plan, the applicant shall provide a noise study demonstrating the extent of noise generated by the movement of heavy vehicles on the property, and details of the buffering that may be determined necessary to mitigate the additional noise impacts to the adjacent residential community, that would exceed the residential noise standards.**

A noise study has been submitted with the approved DSP. The results of the study show that the installation of a noise barrier is required to mitigate the noise generated by heavy vehicle movement. Three sound barriers of varying heights and one 10 foot berm are provided on the DSP in accordance with the recommendations of the noise study.

- (11) **In accordance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities. The applicant shall show the following facilities on the DSP, prior to its acceptance:**

- a. **A minimum 8-foot-wide concrete or asphalt side path, along the subject site frontage of Westphalia Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**

The approved DSP has provided the referenced 8-foot-wide concrete side path along the Westphalia Road frontage, thereby satisfying this condition.

- b. **A minimum 8-foot-wide concrete or asphalt side path, along one side of master plan road MC-634, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**

The approved DSP has provided the referenced 8-foot-wide concrete side path along one side of MC-634, thereby satisfying this condition.

- c. **Standard Americans with Disabilities Act (ADA) accessible sidewalks along the property's frontage of Deer Stream Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**

The approved DSP has provided Americans with Disabilities Act sidewalks along the property's frontage of Deer Stream Drive, thereby satisfying this condition.

- d. **A minimum of three inverted U-shaped bicycle racks, placed at a location convenient to the entrance of the proposed building.**

The approved DSP has provided three U-shaped bicycle racks that are located on the western side of the proposed warehouse addition, at the employee entrance, thereby satisfying this requirement.

- e. **A continental-style crosswalk (crossing Westphalia Road) that connects the sidewalk on the north side of Westphalia Road and the trail along the eastern side of the subject site, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement with written correspondence.**

The approved DSP has provided a continental-style crosswalk that connects the sidewalk on the north side of Westphalia Road and the existing trail along the east side of the property. Therefore, this condition has been satisfied.

10. **Detailed Site Plan DSP-18020:** DSP-18020 was approved on May 7, 2020, via PGCPB Resolution No. 2020-74, to redevelop Parcel 1 for approximately 38,400 square feet of office space and up to 324,480 square feet of warehouse space in the M-X-T Zone.

DSP-18020 was approved subject to 30 conditions. The conditions relevant to the review of the DSP are listed below in bold text, followed by the Planning Board's analysis of the conditions in plain text:

- (1) **Prior to certificate approval of this detailed site plan (DSP), the applicant shall:**

- (d) **Label the building materials on the architectural elevations.**

Architectural elevations have been submitted, with the approved DSP application, that label the color and building materials used for the approved warehouse addition. Further analysis of the architectural elevations can be found in Finding 6. Therefore, this condition has been satisfied.

- (g) **Provide sign details for the freestanding and building-mounted signs. The details must include size, profile, building materials, and method of illumination for each sign.**

Sign details for the approved signage denoting the limited access and operation of the north loading dock area, and the “Share the Road” signage have been provided with the subject DSP. A condition has been included herein requesting that the location of “Share the Road” signs be added to the DSP prior to certification.

- (h) **Provide the Military Installation Overlay (M-I-O) Zone details and restrictions in the general notes of the DSP, including height restrictions and noise levels, demonstrating that this proposal meets those restrictions.**

The approved DSP has provided M-I-O Zone details in General Note 12, demonstrating conformance with the requirements of the overlay zone.

- (i) **Provide a detail for the inverted U-shaped bike racks and all proposed fence types, which are to be pedestrian-friendly where adjacent to the proposed trail.**

The approved DSP has provided a detail sheet for its existing and proposed inverted U-shaped bike racks. No fencing was proposed or approved with the DSP.

11. **2010 Prince George’s County Landscape Manual:** The application is subject to Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The required schedules have been provided on the landscape plan, demonstrating conformance to the requirements. As discussed above, the DSP will be providing approximately 50 percent more plant units than what is required by Section 4.7 of the Landscape Manual, in the eastern bufferyard.
12. **2010 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 because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP2-002-2015-02 was submitted with the subject DSP. The total site contains approximately 45.03 acres of woodland in the net tract area, with 3.63 acres of woodland in the floodplain. The woodland conservation threshold for the prior M-X-T Zone is 9.70 acres, or 15 percent. These requirements are met as shown on the submitted TCP2.
13. **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 for more than 5,000 square feet of disturbance. The requirement for the prior M-X-T Zone is 10 percent, which is 4.54 acres, or approximately 197,762.4 square feet for this property. A TCC schedule has been provided which shows conformance with this requirement.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and incorporated herein by the Planning Board by reference:

- a. **Historic Preservation**—In a memorandum dated May 15, 2024 (Smith, Chisholm, and Stabler to Mitchum), the Historic Preservation Section provided an evaluation of the subject application.

The Westphalia Sector Plan and SMA includes goals and policies related to historic preservation (pages 66–68). However, these are not specific to the subject site or applicable to the proposed development. A Phase I archeology survey was conducted on the subject property, in January 2013. Based on the results of the Phase I survey, no cultural material was identified, and no archeological sites were delineated. Due to the lack of cultural material or identified archeological sites, no further work was recommended on the subject property. Staff concurred that no further archeological investigations are necessary on the property. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.

- b. **Community Planning**—In a memorandum dated May 20, 2024 (Calomese to Mitchum), the Community Planning Division provided an evaluation of the subject application. Community Planning staff note that, pursuant to Part 3, Division 9, Subdivision 3 of the prior Zoning Ordinance, master plan conformance is not required for the application. However, pursuant to Section 27-546(d), a required finding for approval of this DSP is as follows:

“For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan.”

This finding is addressed in Finding 7.

- c. **Transportation Planning**—In a memorandum dated May 16, 2024 (Shaw to Mitchum), the Transportation Planning Section provided an evaluation of the subject application. Transportation Planning staff note that the traffic impact study that was included with the prior approved PPS-22056 was analyzed and determined that the traffic and circulation facilities will be adequate for the proposed addition. A condition has been added herein that, prior to certification of the subject DSP, the applicant shall revise the DSP to provide additional signage and information.
- d. **Subdivision**—In a memorandum dated March 20, 2024 (Bartlett to Mitchum), the Subdivision Section provided an evaluation of the subject application. Subdivision staff note that the subject DSP must show and label the Westphalia Road right-of-way

dedication and the public utility easement, to show consistency with the future final plat. A condition has been provided herein to revise the DSP to show and label the above referenced right-of-way.

- e. **Environmental Planning**—In a memorandum dated May 20, 2024 (Kirchhof to Mitchum), the Environmental Planning Section provided an evaluation of the subject application.

Natural Resources Inventory Plan/Existing Features

A Natural Resources Inventory Plan (NRI-016-11-01) was approved on January 14, 2020, and was provided with this application. The TCP2 and DSP show the existing conditions of the property. While the NRI does not show the current site conditions regarding the existing conditions of the building and parking area, the site has a previously approved TCP2 which has been implemented and supersedes the NRI.

Soils

The predominant soils found to occur according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey include the Beltsville-Urban land complex, Croom gravelly sandy loam, Croom-Urban land complex, Marr-Dodon complex, Potomac-Issue complex, Sassafras-Urban land complex, and Udorthents reclaimed clay and gravel pits. Marlboro and Christiana clays are not mapped on this property.

Stormwater Management

A SWM Concept Plan and approval letter (32693-2019-00) was approved by DPIE on October 25, 2019, and is valid until October 25, 2025. The DSP and TCP2 show a proposed noise berm feature on the eastern boundary of the development, which is not reflected on the approved SWM concept plan. If DPIE requires a revised SWM concept plan to account for the noise berm, then the revised approved SWM concept plan shall be submitted prior to signature approval of the TCP2. At the time of permitting, the TCP2 shall be in conformance with an approved SWM concept plan.

The Environmental Planning Section recommends approval of the subject DSP, subject to several conditions being met prior to certification of the plans. The conditions have been added herein.

- f. **Permit Review**—In a memorandum dated April 22, 2024 (Jacobs to Mitchum), the Permit Review Section offered no comments on the subject application.
- g. **Maryland State Highway Administration (SHA)**—At the time of the writing of this resolution, SHA did not provide comments on the subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this resolution, DPIE did not provide comments on the subject application.

- i. **Prince George’s County Health Department**—In a memorandum dated April 12, 2024 (Adepoju to Mitchum), the Health Department offered no comments on the subject application.
 - j. **Prince George’s County Department of Parks and Recreation (DPR)**—At the time of the writing of this resolution, DPR did not provide comments on the subject application.
 - k. **Prince George’s County Police Department**—At the time of the writing of this resolution, the Police Department did not provide comments on the subject application.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated April 23, 2024 (Hall to Diaz-Campbell), WSSC offered comments on the subject application. WSSC notes that existing sewer mains should be labeled with correct pipe size, material, and WSSC contract number.
 - m. **Prince George’s County Fire/EMS Department**—At the time of the writing of this resolution, the Fire/EMS Department did not provide comments on the subject application.
15. **Community Feedback:** The subject DSP originally proposed a 6-foot-tall, black chain link fence along the site’s east property line, to further screen the building from the Parkside community.

One email has been received from a resident of the Parkside community supporting the installation of a 6-foot, black chain link security fence on the property line that separates the subject site and the Parkside development. This email purported that the proposed chain link fence would adequately address residents’ concerns about the safety of those using the existing trail.

Eleven emails from residents of the adjacent residential community of Parkside at Westphalia have been received opposing the installation of a 6-foot, black chain link security fence on the property line that separates the subject site and the Parkside community. The consensus among these emails was that the chain link fence would diminish the green space that Parkside homeowners desired when purchasing their homes, in addition to finding the fence’s design aesthetically unappealing.

Furthermore, the emails of opposition suggested two alternatives: (1) the continuation of the existing 4-foot-tall safety fence located on an existing retaining wall, or (2) the removal of the proposed chain link fence all together. The applicant was made aware of the community feedback regarding the proposed chain link fence and has elected to remove it from the DSP entirely.

16. **Planning Board Public Hearing:** A public hearing was held on June 20, 2024. Several members of the community spoke neither in support nor opposition of the DSP, and one community member spoke in opposition. In addition, a representative of the Prince George’s County Economic Development Corporation spoke in support of the DSP. Community members speaking neither in support nor opposition made several requests for changes to the DSP and asked clarifying questions, as follows:

- Community members requested that proposed noise mitigation measures be installed in the first phase of construction. The applicant proffered a condition that “[p]rior to the issuance of fine grading permits, the applicant shall submit a construction schedule to the Urban Design staff of the Planning Department. This construction schedule shall demonstrate the landscape buffer, and noise barriers along the eastern boundary of the property shall be installed in an early phase of construction, but not to impede the installation of footers.” Such a condition has been included herein.
- Community members requested that the Planning Board prevent further expansion of the building towards the east-adjacent townhome community. The applicant testified that there was no more space for further development on the subject property.
- Community members requested further information regarding the density and type of trees proposed, as well as maintenance, for the buffer between the proposed addition and the east-adjacent townhomes. The applicant’s civil engineer explained that fast-growing trees would be installed within the 40-foot-wide buffer. With respect to maintenance, per Section 1.6 of the Landscape Manual: “All required landscaping, buffering, and screening shall be maintained in a healthy condition and in accordance with the approved landscape plan. Failure to maintain or to replace dead, diseased, or removed material shown on an approved landscape plan shall constitute a zoning violation.”
- Community members requested a covenant or other similar restriction be placed on the subject property, to ensure that the hours for the loading dock and service road closest to the east-adjacent townhome community be limited in perpetuity. The applicant noted that the limited hours for the loading dock would be on the certified DSP.
- Community members asked whether the applicant’s noise analysis demonstrated that its proposed mitigation measures would mitigate third floor noise for the east-adjacent townhomes. The applicant’s acoustical engineer explained that the computer noise model used for the noise study accounted for third floor noise. She testified that the proposed noise barriers would mitigate noise to 37 dBA at the third floor, at nighttime.

One community member spoke in opposition to the DSP. The community member raised concerns regarding removal of trees, noise, and shaking that occurred during the initial construction of the existing warehouse on the subject property, as well as noise attributable to ongoing operations at the warehouse. With respect to operational issues, operations generally are not before the Planning Board at DSP, which approves only the physical site elements necessary for the applicant’s proposed use. Finding 9 of this resolution and the acoustical engineer’s testimony address the noise concerns. In addition, as noted above, the applicant has proffered to provide a construction schedule demonstrating that the noise barriers will be installed during an early phase of construction. The planting of trees within the buffer between the proposed development and east-adjacent townhomes is addressed in Finding 7 above, as well as by the applicant’s civil engineer’s testimony (summarized above).

Prior to the June 20, 2024 public hearing, the applicant submitted an exhibit, Applicant's Exhibit 1, requesting technical corrections to the technical staff report, as well as revisions to proposed Condition 2.b. Technical staff indicated their agreement with the requested revisions. The Planning Board voted to incorporate the technical corrections and revised condition in Applicant's Exhibit 1 into this resolution.

17. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the approved development for its intended use.
18. As required by Section 27-285(b)(2) of the prior Zoning Ordinance, the DSP is in general conformance with the approved CSP-11003, as amended, via this DSP.
19. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply because this is not a DSP for infrastructure.
20. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, for approval of a DSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations.

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 002-2015-02, and APPROVED an amendment to Conceptual Site Plan CSP-11003, and further APPROVED Detailed Site Plan DSP-18020-01 for the above-described land, subject to the following conditions:

1. Prior to the certification of this detailed site plan, the applicant shall revise the site plan to:
 - a. Show and label the right-of-way dedication along Westphalia Road, and a 10-foot-wide public utility easement along the new right-of-way alignment, consistent with the approved preliminary plan of subdivision.
 - b. Provide four "Share the Road" sign locations and sign detail.
 - c. Provide a detailed exhibit of the prior approved off-site bicycle and pedestrian adequacy improvements (bicycle repair station and establishment of the final paved connection between Deer Stream Drive and the on-site trail).
 - d. Correct Schedule 4.7-1 on the landscape plan as follows:
 - (1) Show the required building setback as 50 feet.

- (2) Show the required landscape yard width as 40 feet.
 - (3) Show the provided building setback and landscape yard width, in conformance with the 2010 *Prince George's County Landscape Manual*.
2. Prior to certification of the detailed site plan (DSP), the Type 2 tree conservation plan (TCP2) shall meet all the requirements of Subtitle 25, Division 2, of the Prince George's County Code and the Environmental Technical Manual, and shall be revised as follows:
 - a. Within the Environmental Planning Section approval block, add "Parking lot expansion and noise berm" as the reason for revision on each sheet.
 - b. Correct the worksheet to indicate that the area within MC-634 that is not being constructed shall be counted as "Retained – Assumed Cleared".
 - c. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 32693-2019-00, and any subsequent revisions.
 - d. Revise the TCP2, as applicable, to be consistent with any other revisions required by the DSP.
 - e. The existing woodland conservation easement which was established by TCP2-002-2015, and further modified by TCP2-002-2015-01, shall be vacated and restated to account for the modifications of TCP2-002-2015-02.
 - f. Replace the recordation numbers on the woodland preservation note under the woodland conservation worksheet with the newly recorded easement Liber/folio.
 - g. On the feature capture TCP2, provide the Forest Conservation Act reporting table. This table shall be consistent with the woodland conservation worksheet shown on TCP2-002-2015-02.
3. Prior to the issuance of fine grading permits, the applicant shall submit a construction schedule to the Urban Design staff of the Planning Department. This construction schedule shall demonstrate the landscape buffer, and noise barriers along the eastern boundary of the property shall be installed in an early phase of construction, but not to impede the installation of footers.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, June 20, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of July 2024.

Peter A. Shapiro
Chairman

Jessica Jones
By Jessica Jones
Planning Board Administrator

PAS:JJ:JM:tr

Laura Tallero
Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel