



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

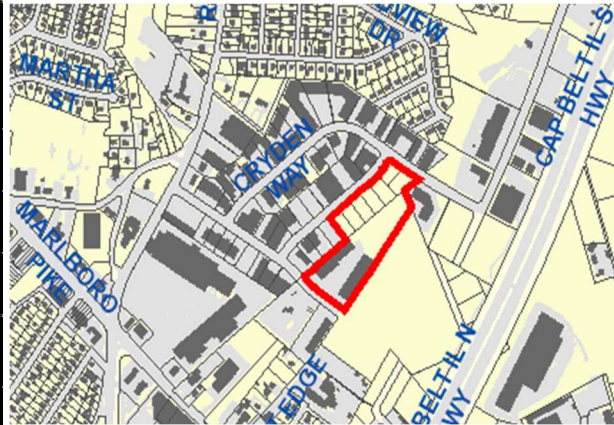
Detailed Site Plan

DSP-89056-03

Forestville Commercial Center

REQUEST	STAFF RECOMMENDATION
To amend the DDO Zone use table, to allow additional industrial uses to occupy the property, subject to DSP-89056.	• APPROVAL with conditions

Location: Located in the southeast quadrant of the intersection of Fernham Lane and Cryden Way.	
Gross Acreage:	9.4773
Zone:	IE/MIO
Zone Prior:	I-1/D-D-O/M-I-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(e)
Dwelling Units:	N/A
Gross Floor Area:	149,200 sq. ft.
Planning Area:	75A
Council District:	06
Municipality:	District Heights
Applicant/Address: ALG Forestville, LLC 4514 Cole Avenue, Suite 1175 Dallas, TX 75205	
Staff Reviewer: Te-Sheng (Emery) Huang Phone Number: 301-952-4534 Email: tesheng.huang@ppd.mncppc.org	



Planning Board Date:	11/09/2023
Planning Board Action Limit:	11/09/2023
Staff Report Date:	10/26/2023
Date Accepted:	08/23/2023
Informational Mailing:	04/27/2023
Acceptance Mailing:	08/10/2023
Sign Posting Deadline:	10/10/2023

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-89056-03
Forestville Commercial Center

The Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

This property is located within the Industrial Employment (IE) Zone. It was previously located within the Light Industrial (I-1) and Development District Overlay (D-D-O) Zones. The entire property is also subject to the Military Installation Overlay (MIO) Zone for height, noise, and safety, formerly labelled as the M-I-O Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(e) of the Zoning Ordinance, which allows a previously approved detailed site plan application to be amended under the prior Zoning Ordinance. Staff has considered the following in reviewing this DSP:

- a. The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*;
- b. The prior Prince George's County Zoning Ordinance Light Industrial (I-1), Development District Overlay (D-D-O), and Military Installation Overlay (M-I-O) Zones;
- c. The requirements of Detailed Site Plan DSP-89056, as amended;
- d. The 2010 *Prince George's County Landscape Manual*;
- e. The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The Prince George's County Tree Canopy Coverage Ordinance;
- g. Referral comments; and
- h. Community feedback.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommend the following findings:

1. **Request:** This detailed site plan (DSP) is proposing 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	EVALUATED
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	EVALUATED
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	-	6

(8 feet x 19 feet with 5 feet access aisle)		
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 27-556 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	EVALUATED
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, including installation of parts, within a wholly enclosed building. No new gross floor area is proposed for 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 with the purposes and recommendations for the development district, as stated in the sector plan. Staff find 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 proposed by this DSP does not change those prior findings, except Section 4.2, Requirements for Landscape Strips Along Streets, for which the applicant proposes to replace 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. Staff finds that the 6-foot-tall sight-tight fence proposed 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 proposed 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**—In a 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 proposed 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**—In a 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 proposed development, within Character Area 3, conforms with the purposes and recommendations for the development district, as stated in the sector plan. 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**—In a 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 proposed from Fernham Lane, providing direct access to the building, along with an associated crosswalk. There are no proposed revisions to the site plan, and staff find the submitted plans consistent with approved DSP-89056-02.

- d. **Subdivision Review**—In a memorandum dated October 6, 2023 (Vatandoost to Huang), the Subdivision Review Section provided comments and found that this DSP amendment does not propose 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**—In a 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 proposes standard SWM conditions for the site.
- f. **Permit Review Section**—In a memorandum dated October 9, 2023 (Jacobs to Huang), the Permit Review Section provided comments and indicated that a proposed 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 proposed 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)**—In a 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**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- j. **Prince George’s County Health Department**—In a 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.
- l. **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. At the time of the

writing of this technical staff report, the City of District Heights did not offer comments on the subject application.

14. **Community Feedback:** As of the writing of this technical staff report, staff have not received 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 will, if approved with the proposed condition below, represent a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed 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.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Prince George's County Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-89056-03 for Forestville Commercial Center, subject to the following condition:

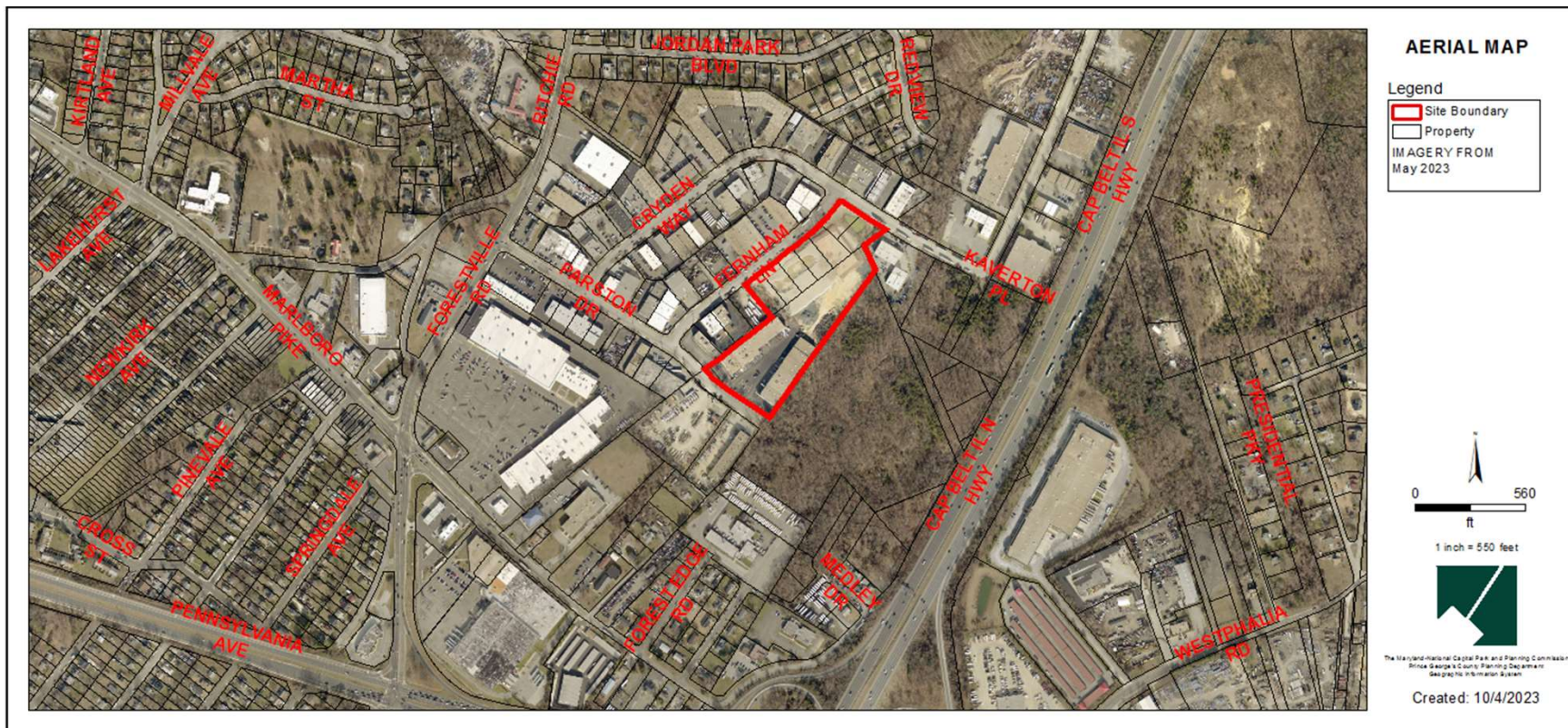
1. Prior to certification of this detailed site plan (DSP), the applicant shall revise the site plan to:
 - a. Correct the boundary bearings and distances for Lots 3–9, to be consistent with the record plat.
 - b. Remove the approval block on the approval sheet.
 - c. Note the height of the proposed 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.

FORESTVILLE COMMERCIAL CENTER

Detailed Site Plan

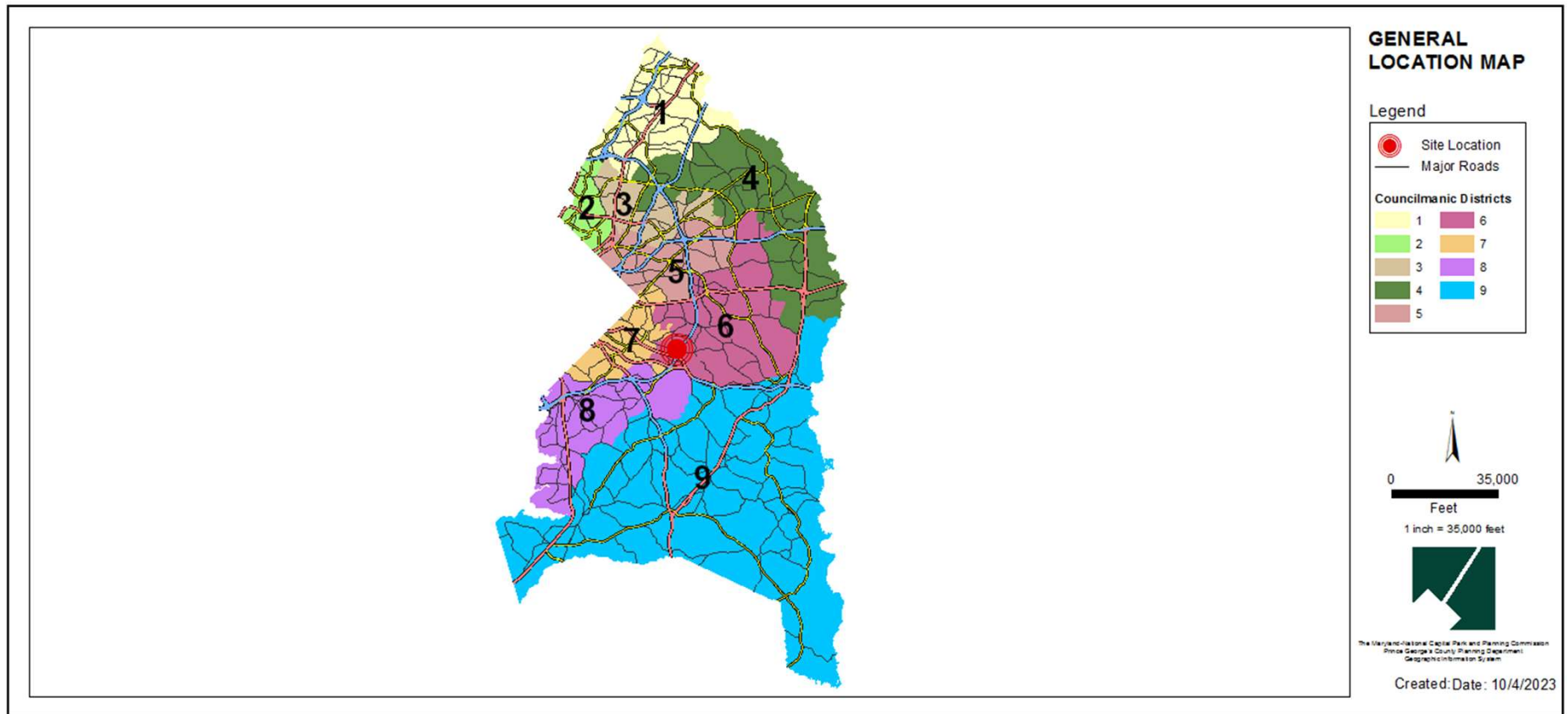
Staff Recommendation: APPROVAL with conditions



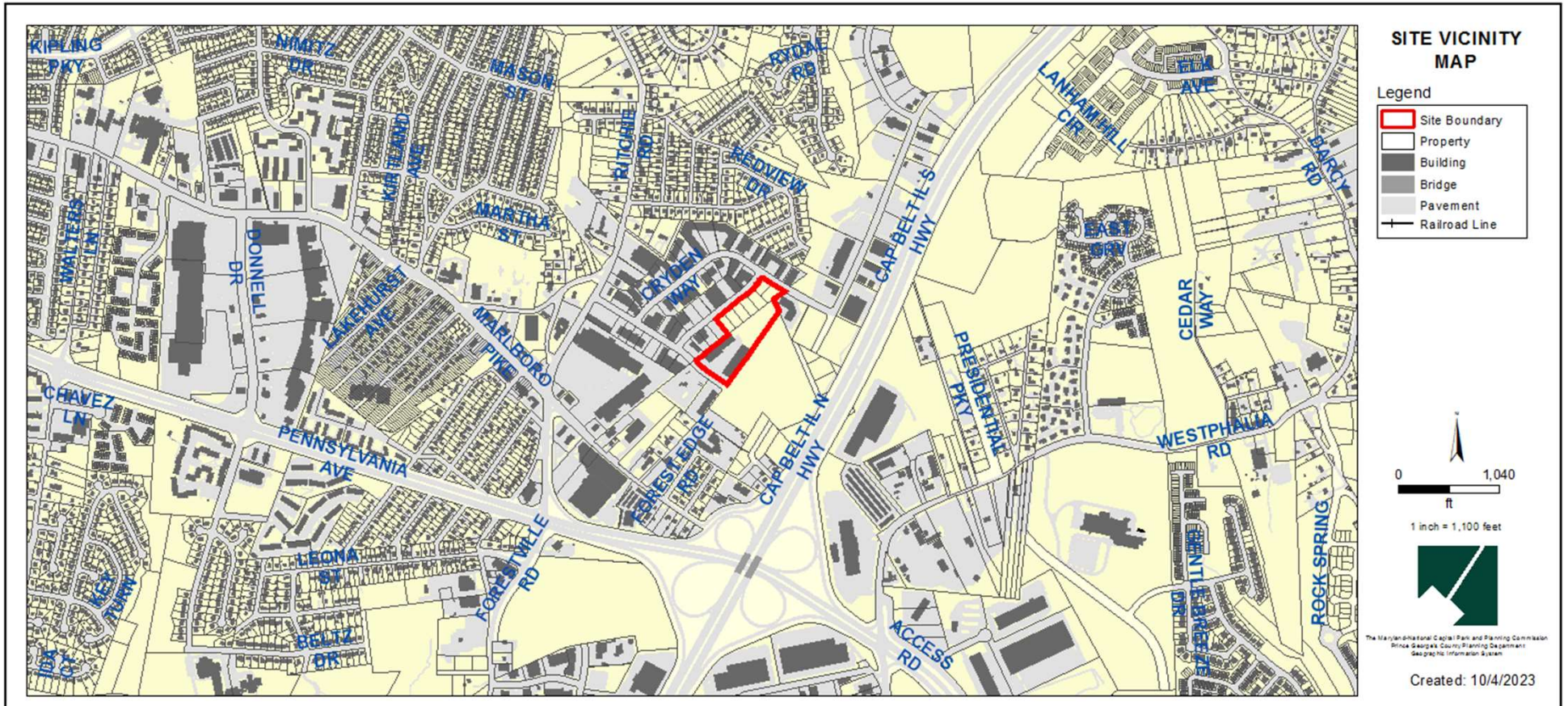
GENERAL LOCATION MAP

Council District: 06

Planning Area: 75A



SITE VICINITY MAP

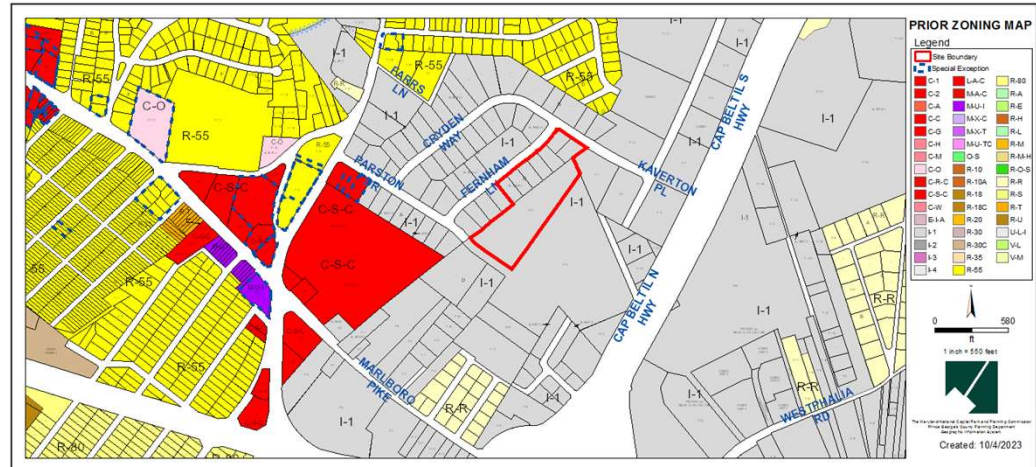
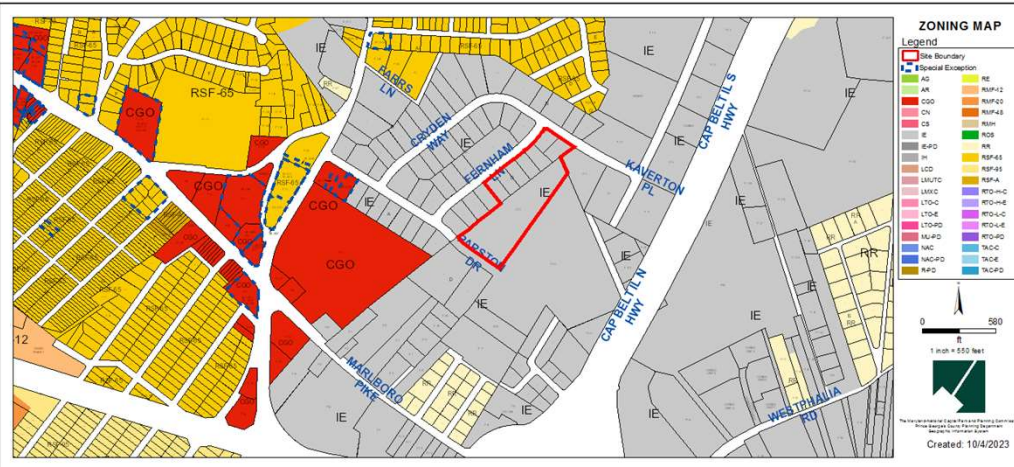


ZONING MAP (CURRENT AND PRIOR)

Property Zone: IE
 Prior Property Zoning: I-1

CURRENT ZONING MAP

PRIOR ZONING MAP



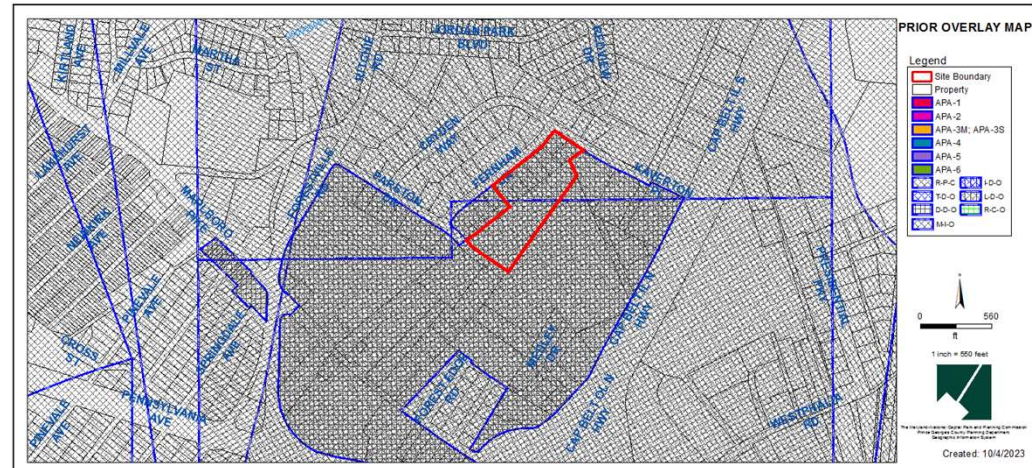
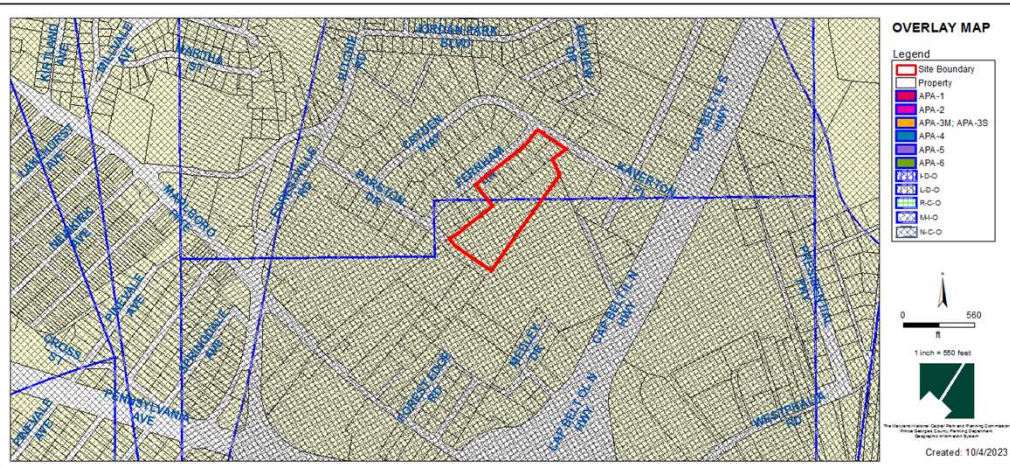
OVERLAY MAP (CURRENT AND PRIOR)

Overlay Zone: MIO

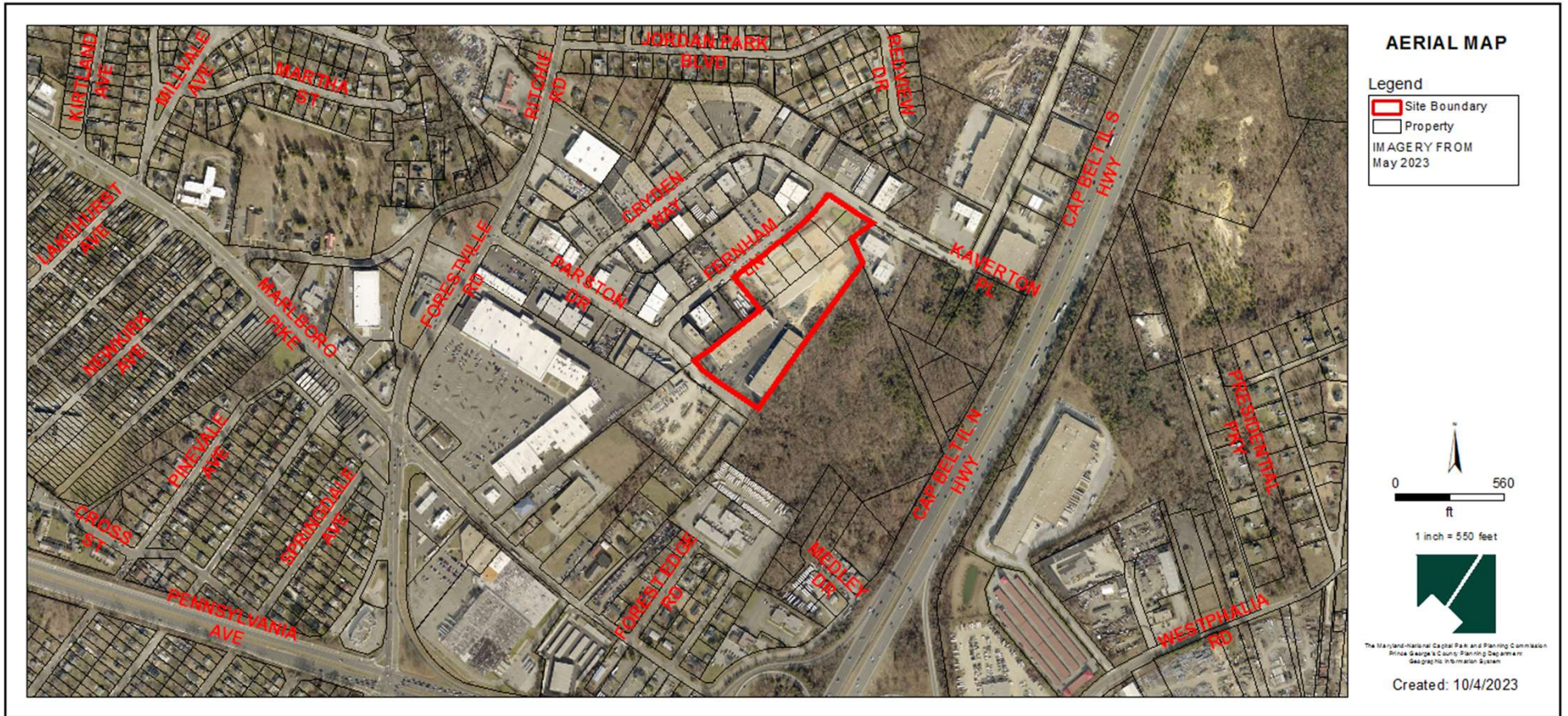
Prior Overlay Zone: M-I-O/D-D-O

CURRENT OVERLAY MAP

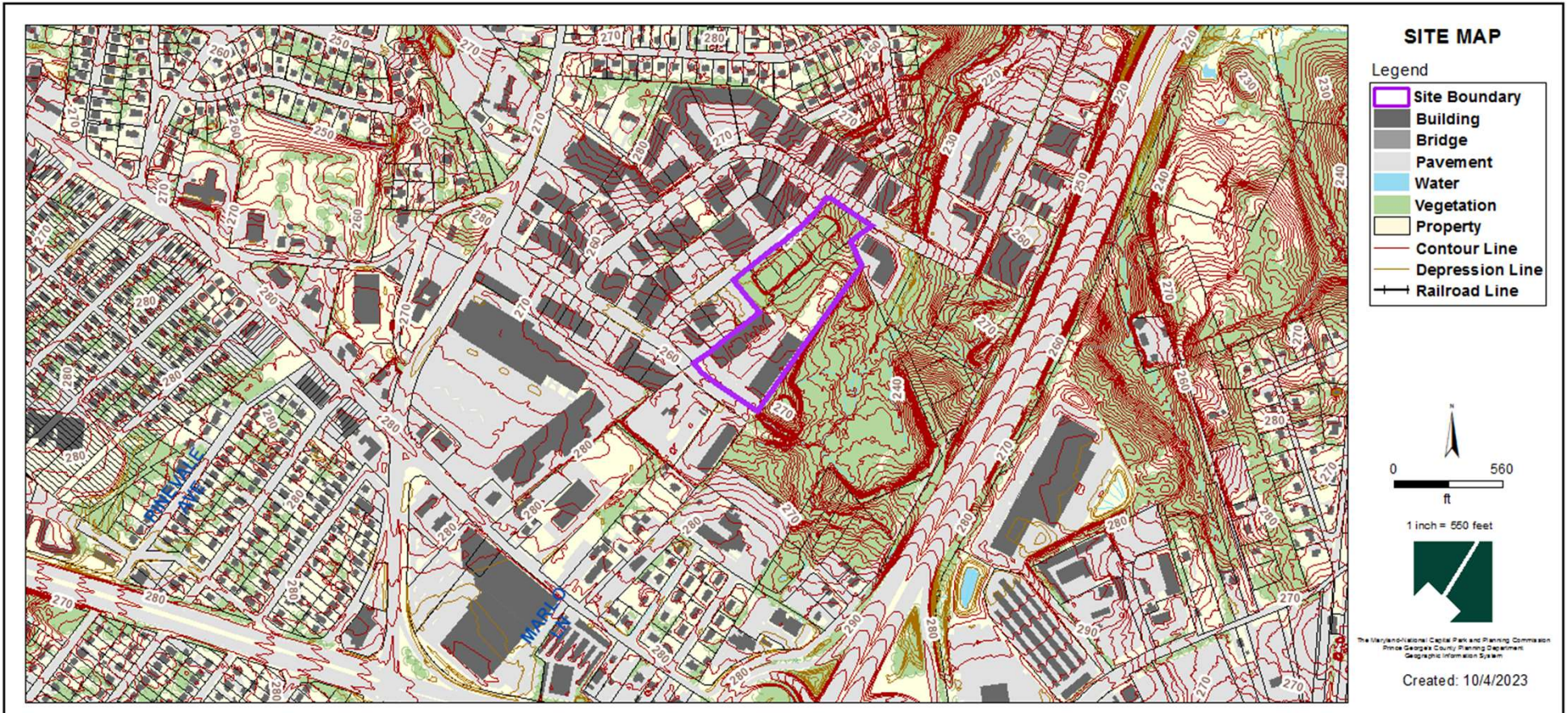
PRIOR OVERLAY MAP



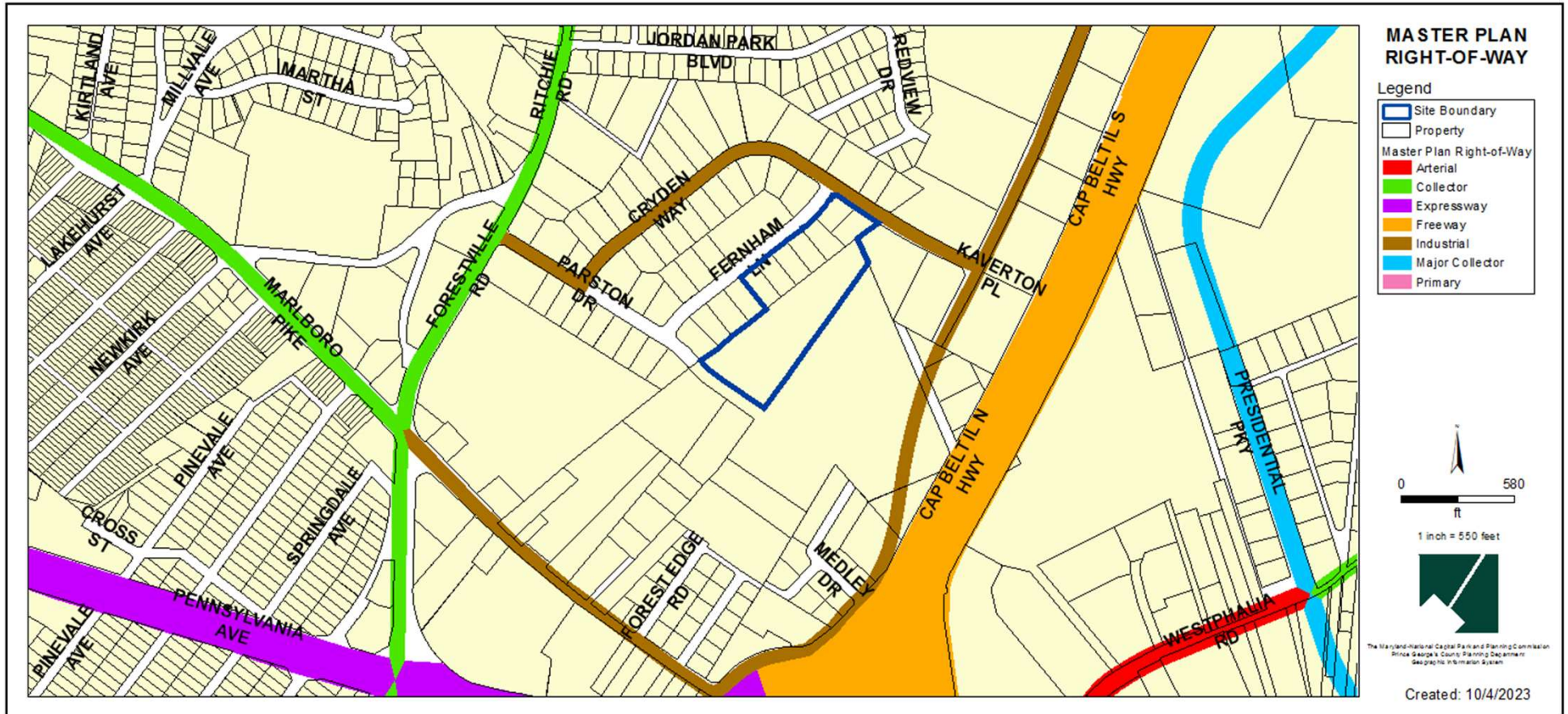
AERIAL MAP



SITE MAP



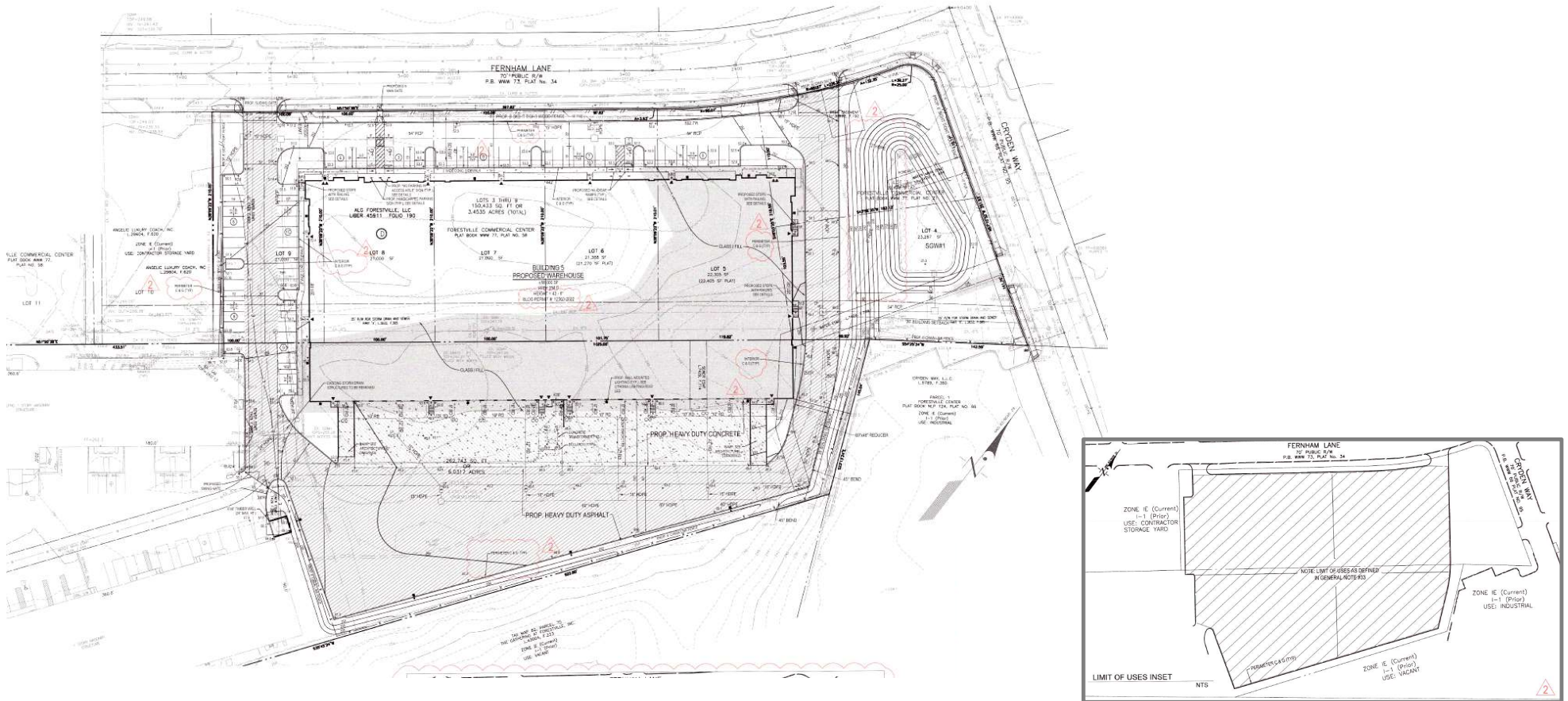
MASTER PLAN RIGHT-OF-WAY MAP



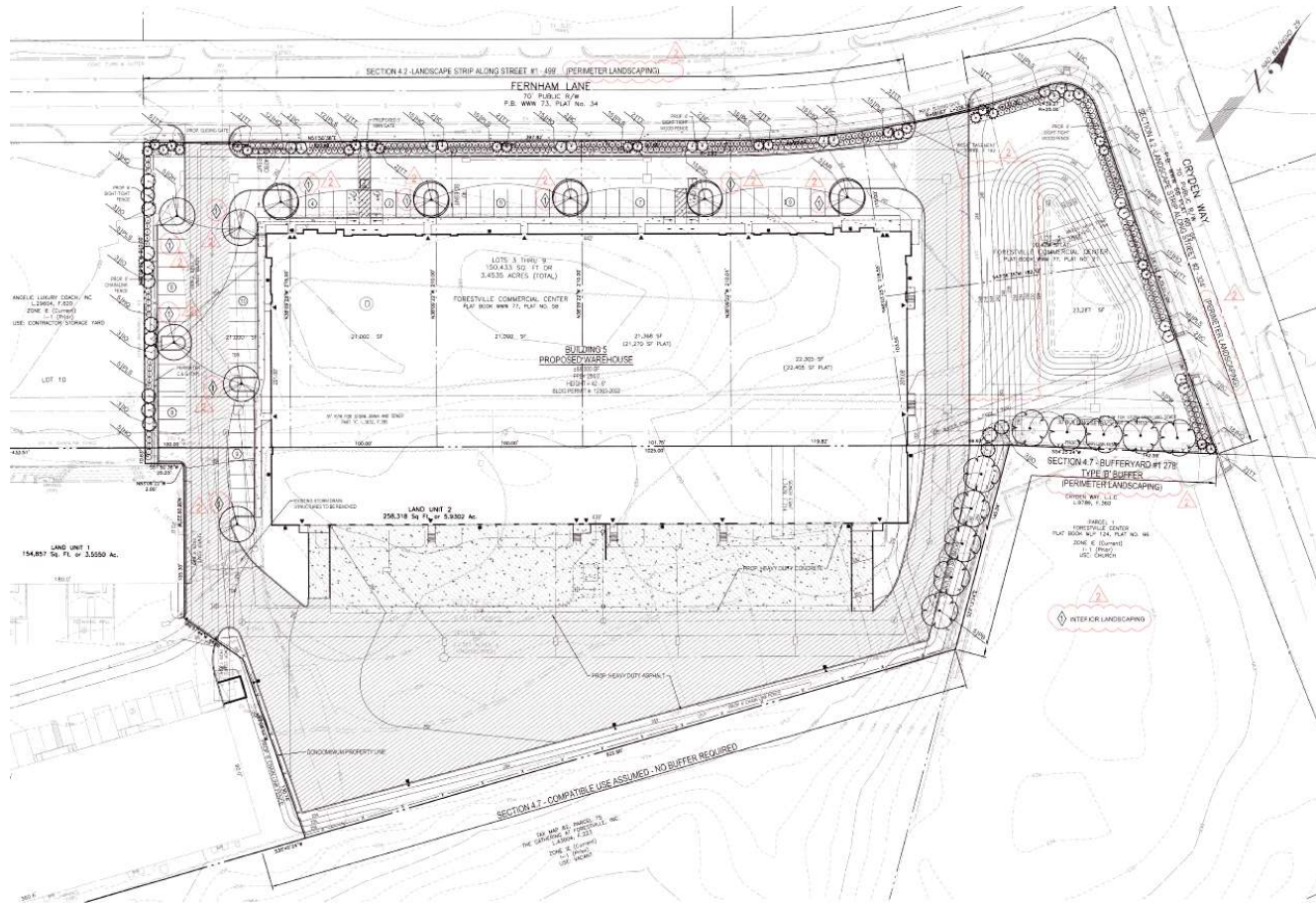
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



DETAILED SITE PLAN



LANDSCAPE PLAN



STAFF RECOMMENDATION

APPROVAL with conditions

- DSP-89056-03

[Major/Minor] Issues:

- None

Applicant Required Mailings:

- Information Mailing: 04/28/2023
- Acceptance Mailing: 08/10/2023

STATEMENT OF JUSTIFICATION
FORESTVILLE COMMERCIAL CENTER
DETAILED SITE PLAN NO. DSP-89056-03
2/15/2023
REVISED 5/17/2023
REVISED 8/7/2023
REVISED 10/4/2023

Applicant:

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1.0 INTRODUCTION/OVERVIEW

The Applicant, ALG Forestville, LLC, ("Applicant") is the owner of 9.4773 acres of land located on Fernham Lane in Forestville, Maryland 20747. The property is more particularly described as Parcel 73, Tax Map 82, Lots 4-9 depicted on a plat of subdivision entitled "Forestville Commercial Center", which plat is recorded among the Land Records of Prince George's County at Plat Book WWW 77 Plat No. 58 and Lot 3 depicted on a plat of subdivision entitled "Forestville Commercial Center", which plat is recorded among the Land Records of Prince George's County at Plat Book WWW 77 Plat No. 21 ("Subject Property"). The Subject Property is currently improved with two industrial buildings containing a total of 61,200 square feet which were constructed on Parcel 73 pursuant to building permit number 1655-1989-CGU. The Subject Property is also approved for the construction of an additional warehouse containing 88,000 square feet on Lots 3-9 and a portion of Parcel 73. The Applicant is seeking additional flexibility to place industrial uses on the Subject Property as discussed in greater detail below.

2.0 SUBDIVISION AND APPROVAL HISTORY

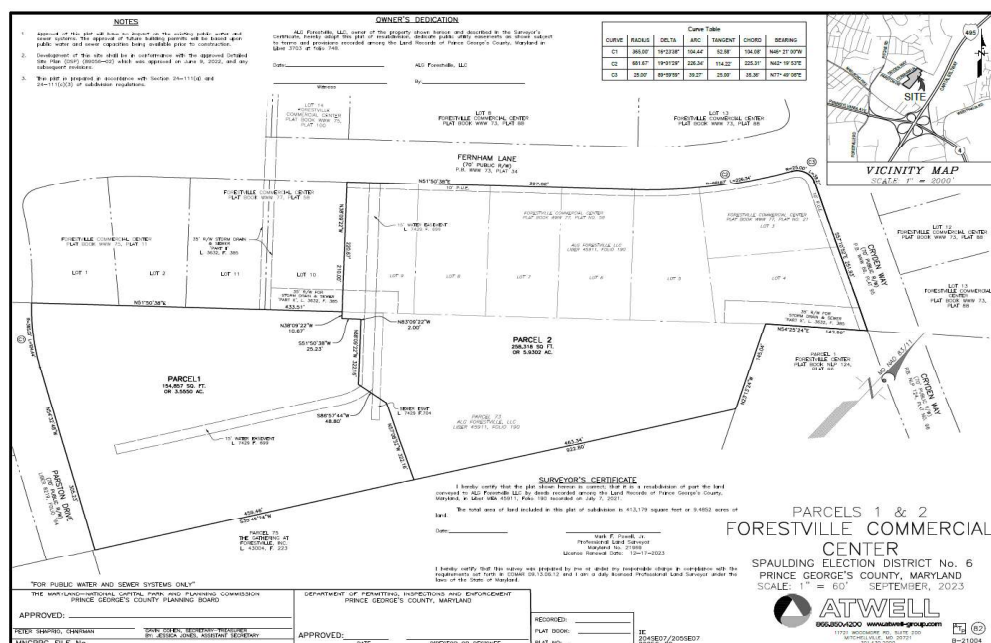
The Subject Property is zoned IE/MIO. Under the prior Zoning Ordinance, the Subject Property was zoned I-1/DDO/MIO. The portion of the property consisting of Lots 5-8 was placed in the I-1 zone pursuant to a rezoning application referenced as A-9328-C. The Subject Property was made subject to a DDOZ pursuant to the Adoption of the Marlboro Pike Sector Plan in 2009. The property was made subject to the Military Installation Overlay Zone pursuant to the adoption of the MIOZ in 2016.

The property included on the approved DSP consists of one deed parcel and seven recorded lots. The deed parcel is referenced as Parcel 73 on Tax Map 82. This parcel was legally created by deed prior to January 1, 1982 and contains a total of 6.034 acres of land. Specifically, the property was created by a deed dated April 16, 1980, which deed is recorded among the Land Records of Prince George's County at liber 5419 folio 52. Subsequently, after the approval of DSP-89056, right-of-way was deeded to Prince George's County for the extension of Parston Drive from this property. That deed is dated February 20, 1992 and is recorded at Liber 8219 folio 764. This conveyance was a legal conveyance to a governmental agency for public use pursuant to Section 24-107(c)(5).

The two existing buildings on Parcel 73 were build pursuant to the 1989 permits referenced above. The total square footage of the two buildings constructed is 61,200 square feet, constituting 23% of the total area of the site. Thus, Parcel 73 is exempt from the requirement to file a preliminary plan of subdivision pursuant to Section 24-107(c) (7) (D) because more than 5,000 square feet of gross floor area, constituting at least 10% of the of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991. Therefore, the additional development proposed pursuant to DSP-89056-01, and now proposed pursuant to this revision, is exempt from the requirement to obtain approval of a preliminary plan of subdivision.

The remaining lots included in the Detailed Site Plan each consist of parcels created by an approved subdivision plat recorded after October 27, 1970. No information is available regarding the underlying subdivision approval, but the parcels have been the subject of a vested Detailed Site Plan since the construction of the first two buildings.

It is noted that the Applicant has prepared a minor plat of subdivision to consolidate the lots to more closely reflect the existing and proposed buildings. A copy of the plat is reproduced below:



The proposed plat will reconfigure the land area included in the Detailed Site Plan to create two lots—one lot for the two existing buildings and a second lot for proposed building. This plat will be processed concurrently with the DSP such that the certified DSP will reflect the revised lotting pattern.

A comment requesting additional details regarding vehicular trips generated by the requested uses was received at SDRC. As noted above, the portion of the land where the existing buildings are located is exempt from subdivision pursuant to Section 24-107(c)(7)(D) and is not subject to a trip cap. The remainder of the lots included in the application were subdivided after 1970 and are not subject to a trip cap. At the time the project was originally approved in the I-1 zones, the additional uses which are being requested were permitted by right on the property and permitting such properties to have such uses would be consistent with all prior approvals and would not exceed any anticipated light-industrial trip generation. In the event that the approved 88,000 square foot building is not initially constructed and an outdoor storage yard is established, it is anticipated that such use will be primarily storage with limited vehicular trips generated. Thus, permitting the proposed uses would not generate traffic in excess of what was anticipated or permitted at the time the project was initially approved.

The Subject Property was the subject of DSP-89056, which was approved on July 27, 1989 pursuant to Prince George's County Planning Board Resolution PGCPB No. 89-405. The Detailed Site Plan depicted four buildings--two buildings with access to Parston Drive and two buildings with access to Fernham Lane and Cryden Way. The total square footage approved by the DSP was 147,000 square feet. Permits #1652-1655-1989-CGU were issued for the construction of four (4) warehouse buildings in accordance with DSP-89056. However, only the two buildings accessed from Parston Drive, which bear a street address of 7931 Fernham Lane, have been constructed. One of these buildings contains 32,400 square feet while the other contains 28,800 square feet, for a total of 61,200 square feet. The construction of these buildings in conformance with the approved DSP vested the detailed site plan. The two buildings accessed from Fernham Lane were not constructed at the same time as the first two buildings.

In 2013, DSP-89056-01 was approved as a Planning Director Revision. This Detailed Site Plan revised building footprints,

added a stormwater management pond, added landscaping and addressed conformance with the requirements of the 2009 Marlboro Pike Sector Plan DDOZ. This revision modified the two buildings originally depicted and approved the development of one building with 45,000 square feet and another with 34,200 square feet.

In 2022, the current owner of the Subject Property filed an additional revision to the DSP, referenced as DSP-89056-02. The purpose of the revision was to construct a single building in lieu of the two buildings previously approved. The reason for this change was that the two buildings previously approved included multiple small tenant spaces ranging in size from 1,804 square feet to 3,680 square feet. However, the market for industrial buildings in this area had shifted away from small tenant spaces with low ceiling heights to larger buildings with higher ceilings capable of serving distribution type industrial tenants. Thus, the Applicant proposed to construct a single building containing 88,000 square feet with a clear ceiling height to 30 feet. The revision to the detailed site plan was certified on September 13, 2022. Subsequent to the approval of the DSP revision, site grading permits were issued and the grading of the property has proceeded, as can be seen on the May, 2023 aerial photograph:



As now approved on the DSP, there are two points of access on Fernham Lane and traffic circulation will allow vehicles to drive to the rear of the single building to access loading and service areas. Employee parking will exist along the front and side of the building. The revised layout allows for a more efficient use of the property in that there is now a single, large truck court serving the building rather than two small truck courts serving two separate buildings. The expanded truck court also provides more flexibility in attracting tenants, as it also provided the opportunity for a tenant to occupy space which may want to have outdoor storage.

Notwithstanding the visible construction progress, as 2022 progressed, construction costs increased dramatically and the cost of constructing the approved building also increased dramatically. This increase in cost does not allow the building to be currently constructed and leased at a rent that the market can bear. As a result, while the Applicant has proceeded with the site construction, it has delayed the construction of the building to allow for construction costs to decline. Unfortunately, there is no way to know the length of this delay and the applicant is seeking alternative uses that can allow the property to generate revenue to offset the ongoing development costs and property taxes. In addition, in the process of marketing both the existing buildings and the proposed building, certain tenants have expressed interest in located on the Subject Property but cannot do so because of restrictions on uses contained in the approved DDOZ use list. For the reasons stated below, the Applicant submits that the uses requested are appropriate for the property and can be accommodated consistent with the goals and purposes of the Sector Plan.

3.0 SUMMARY OF DEVELOPMENT PROPOSAL

As noted above, the Applicant is marketing both the existing and proposed buildings for lease. Among the uses which have expressed interest in the property are EV car companies. EV car companies do not typically occupy a showroom and leasing industrially zoned properties accommodates their needs. However, the use list adopted by the DDOZ does not permit vehicle sales or service uses. In addition, there is an existing tenant which modifies emergency vehicles for public safety agencies, including Prince George's County. This company would like to expand its business by obtaining a dealers license and be able to service vehicles as well. Again, the use list has prohibits such an expansion. The Applicant does not want to

lose an existing tenant and also wants to be competitive in attracting new tenants.

In addition to the above, the Applicant has received interest from contractors interested in locating in the property. The proposed truck court is of sufficient size to accommodate some outdoor storage and is located such that it is completely screened by the proposed building. In addition, since the Applicant has placed the building construction on hold, the opportunity to utilize the property on an interim basis as a contractor's storage yard, which could include the storage of trucks or heavy machinery, would greatly benefit the Applicant given the cost already invested in preparing the site for construction. Such uses could utilize the property until the approved building is constructed, provided such uses are adequately screened from the street. Permitting these additional uses will not require substantial modifications to the site plan. However, the Use Table adopted with the Development District Overlay Zone prohibits such uses. As a result, the Applicant must request an amendment to the Table of Uses to allow such uses to potentially occupy the Subject Property. As such, the Applicant now proposes to amend the Table of Uses to provide greater use flexibility. Specifically, Note 33 has been added to the Detailed Site Plan as follows:

33(a) The following uses are proposed in addition to the approved warehouse.

- 1. Vehicle, boat, or camping trailer sales, or boat or camping trailer rental lot, including outdoor display of the vehicles;**
- 2. 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;**
- 3. Contractors Plant or Storage Yard;**
- 4. Contractors Office with outdoor storage of materials or equipment;¹**

¹ The initial request did not include a Contractor's Office with Outdoor Storage as it was assumed that a contractors storage yard would include a contractors office with outdoor storage. However, since contractors office with outdoor storage is listed as a separate use, the Applicant is including this as a permitted use.

5. Heavy motorized equipment, motor vehicle, truck, boat, camping trailer, or trailer storage yard;

(b) For a contractor storage yard, a 6' high sight tight fence shall be installed along the frontage of all public street rights-of-way.

(c) The perimeter curb and gutter, and driveway entrances shall be constructed for all uses proposed.

(d) All perimeter landscaping shall be installed for all uses proposed.

(e) The limit of the proposed use shall be within the limit of the perimeter curb and gutter.

(f) The minimum and maximum grade in all paved areas shall be 1% and 10%, respectively. The minimum and maximum grades in areas that are not paved shall be 2.5% and 50% (2:1), respectively.

(g) All paving shall have a dust-free surface.

As of the filing of this application, no new tenant or use has been identified as the site is still under construction, but the Applicant is seeking to provide flexibility by permitting use types that would be appropriate to occupy the property once the site work is completed and which could possibly be accommodated in the other existing buildings on the site.

4.0 JUSTIFICATION FOR UTILIZING PRIOR ZONING ORDINANCE

The Applicant has elected to utilize the provisions of the prior zoning ordinance as expressly permitted by Section 27-1900 et. seq. For the reasons set forth below, the proposed development cannot conform to the requirements of Subtitle 27 set forth in the Zoning Ordinance but can conform to the requirements of the prior Zoning Ordinance.

As noted above, the property is zoned IE. Although each of the additional uses requested to be permitted in this application are permitted by right in the IE zone, the current Detailed Site Plan approved the construction of a distribution warehouse, which is not permitted by right. Instead, a distribution warehouse requires the approval of a special exception application. CB-73-2023, which is currently pending, would remove the requirement

for a special exception. However, since the proposed third building is greater than 25,000 square feet, a detailed site plan would still be required, which would trigger the application of the Industrial Form and Design Standards to the entire property. The approved DSP, including the approved architecture, was not evaluated for conformance with the requirements of the new Zoning Ordinance. Being required to apply for a special exception or to revise the proposed building and layout as part of a new detailed site plan would create undue delay and add cost on the project, particularly since the building proposed to be constructed is already approved and fully designed. The Industrial Form and Design Standards prohibit more than 60 percent of surface parking spaces from being located between the building façade and the street it faces. The existing buildings which front Parston Drive have more than 60% of the parking spaces between the building façade and the street they face. Further, the approved (but not yet constructed) building does not conform to the articulation requirements set forth in Section 27-61102(b). Since there is no ability to obtain a departure from the Industrial Form and Design Standards, the Applicant has no option but to pursue this approval under the provisions of the prior Zoning Ordinance.

5.0 SUMMARY OF ZONING HISTORY AND APPLICABILITY OF DDOZ STANDARDS

As noted above, the Subject Property is within the boundaries of a Development District Overlay Zone ("DDOZ") established by the 2009 Marlboro Pike Sector Plan. The Preliminary Marlboro Pike Sector Plan did not propose to establish a DDOZ applicable to the area that includes the Subject Property. With the adoption of CR-90-2009, however, the District Council established a DDOZ known as the "Low Intensity Business Park Character Area." The provisions governing the DDOZ were contained in Attachment C-1 through C-6 of CR-90-2009, which have now been incorporated into the published Sector Plan.

Some history as to how the DDOZ was created is relevant to demonstrating that the instant request conforms to the goals and purposes of the DDOZ. The recommendation for the DDOZ relates to two key factors. The first goal was to encourage the redevelopment of certain existing commercial and industrial properties with low intensity commercial and industrial uses that would "provide an attractive gateway to the Marlboro Pike Sector Plan area". The second was the impact of flight operations from Air Base Andrews. The Sector Plan sought to

create "a functional business community that is compatible with the location under the flight path for Andrews Air Force Base."

In the Preliminary Sector Plan, a 20-acre area, which included the Forestville Plaza Shopping Center, was identified as Priority Area 7. This area was proposed to be rezoned to the I-1 Zone and recommended for redevelopment as the Forestville Flex Space Campus. As noted in the Sector Plan, it was thought that the shopping center's condition (it was described as "nearly vacant" "with a large unkept parking lot in front") made it a good candidate for redevelopment. The concept plans for this area envisioned the existing structures being completely razed and replaced with one story industrial buildings lining the public right of way. Priority Area 7 and the vision for redevelopment included in the Sector Plan are depicted below:

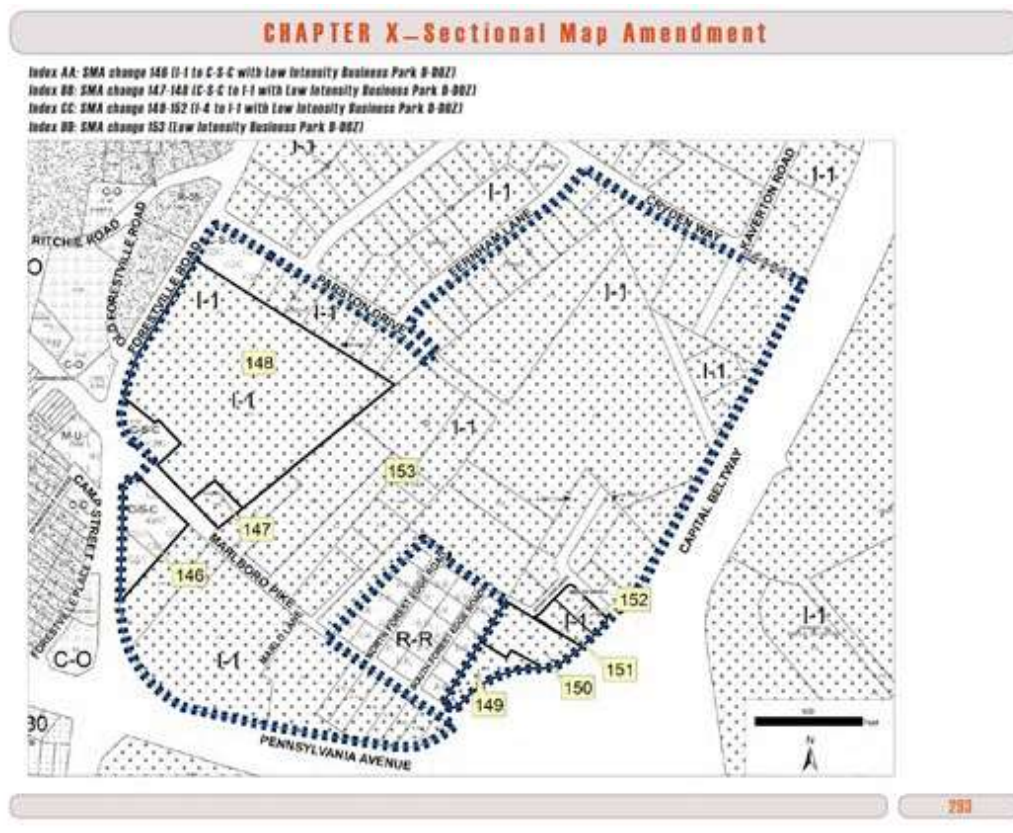
**Figure III-31:
Priority Area 7
Concept Plan**



During consideration of the Sector Plan by the District Council, concerns arose as to how the property would be used in the I-1 zone. While the concept plan envisioned the razing of the existing structures and buildings being constructed close to the street, it was not realistic to think that would happen. Since there was no requirement to raze the existing structures, rezoning the property to the I-1 zone could result in the property being converted into contractor storage yards and other types of uses that were not consistent with the vision to create

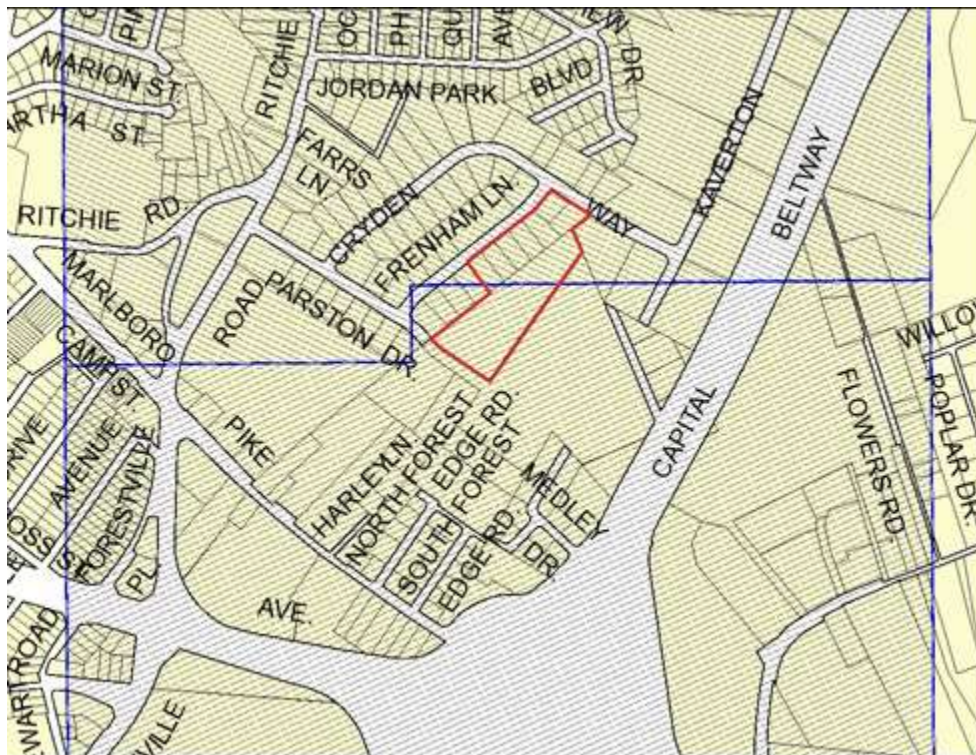
a gateway use along the Marlboro Pike Corridor. In addition, there were concerns with impact of air traffic from Andrews Air Force Base.

Ultimately, the District Council approved the rezoning to the I-1 zone, but also established a Development District Overlay Zone ("DDOZ"). In addition to the land identified as Priority Area 7, the DDOZ included land bounded by Pennsylvania Avenue/Marlboro Pike/Forestville Road, as well as the industrially zoned land south of Cryden Way and east of Fernham Lane, including the Subject Property. Essentially, the DDOZ included the gateway properties and the area impacted by APZ 1. The boundaries of the DDOZ are shown on the map contained on Page 293 of the Sector Plan, which is reproduced below:



The additional area included in the DDOZ was predominantly the area impacted by Accident Potential Zone 1 ("APZ 1") associated with the operations of Air Base Andrews, which is depicted on the image below. The DDOZ helped the County achieve its goals in that it provided site plan review over any future redevelopment of the gateway properties included in Priority Area 7, but also allowed for the implementation of use

limitations. This was important to limiting certain uses which could locate on the gateway properties, but also allowed for the implementation of use limitations associated with Air Base operation. Thus, the Table of uses was modified to remove uses which were thought to be incompatible with the activities of Andrews Air Force Base.² The boundaries of APZ 1 can be seen on the map below. The Subject Property (outlined in red) is partly located within APZ 1 and partly located within APZ 2.



Typically, DDOZ's contain an extensive list of Development District Standards. Given the purpose of the Low Intensity Business Park DDOZ, the DDOZ contains relatively few Development District Standards. Each of the applicable Development District Standards will be addressed in greater detail below.

After the adoption of the Sector Plan, Prince George's County established the Military Installation Overlay Zone ("MIOZ") in 2015. The MIOZ contains use restrictions which resulted from community outreach and interaction with local business owners. There are fewer restrictions on permitted uses

² The Forestville Plaza Shopping Center was subsequently rezoned back to the C-S-C zone pursuant to DSP-13014 after the adoption of the MIOZ regulations and restored as a community serving shopping center. However, the use list restrictions adopted to prevent unsightly uses at a gateway location remained in the DDOZ.

than were adopted in the Sector Plan, where the restrictions were based upon the Air Installation Compatibility Use Zone ("AICUZ") Study. In the case of the Subject Property, the proposed uses are consistent with both the AICUZ Study as well as the MIOZ use restrictions.

6.0 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 27-548.26(b)

As indicated above, the Subject Property lies within the boundaries of a DDOZ established by the Marlboro Pike Sector Plan. Section 27-548.26(b) of the Prince George's County Zoning Ordinance (the "Zoning Ordinance") contains provisions which address amendments to approved DDOZ's which can be requested by a property owner. Section 27-548.26(b) provides as follows:

(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.³

In addition to the above, Section 27-548.26(b) (5) states that in approving an application to change the underlying zoning, the 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, meets applicable site plan requirements, and does not otherwise substantially impair the implementation of any comprehensive plan applicable to the subject development proposal."

Section 27-548.26(b) (2) also provides that any application for such a change must include "a statement showing 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 "a site plan, either the Detailed Site Plan required by Section 27-548.25 or a Conceptual Site Plan." The application submitted herewith includes a Detailed Site Plan. Set forth below is an analysis for conformance with the purposes and recommendations for the Development District as stated in the Marlboro Pike Sector Plan.

STATEMENT OF CONFORMANCE WITH PURPOSES AND RECOMMENDATIONS FOR THE DEVELOPMENT DISTRICT AS STATED IN THE MARLBORO PIKE SECTOR PLAN

As noted above, the Subject Property is improved with two existing industrial buildings constructed in accordance with DSP-89056. The remaining development was approved with DSP-89056-02. As discussed above, this application has two purposes. First, there are uses typically permitted in the IE/I-1 zones that are appropriate for the Subject Property and can be accommodated consistent with the purposes and recommendations of the Sector Plan. Second, the applicant desires to delay construction of the remaining proposed building because of current economic conditions and to expand the list of permitted uses to allow interim uses to occupy the Subject Property until construction of the building can proceed. Both

³ It should be noted that Section 27-1903(b) of the current Zoning Ordinance provides that development proposals within a Development District Overlay Zone (DDOZ) may not include requests to change the boundary of the approved TDOZ or DDOZ or change the underlying zones. This application does not include a request to change the boundary of the DDOZ or a request to change the underlying zoning category.

of these use list modifications will generally provide greater flexibility in the uses permitted on the Subject Property. Thus, a change in the list of permitted uses is requested.

The purposes of the DDOZ established in this area of the Sector Plan are set forth on Page 140 of the Sector Plan, as set forth below:

Character Area 3: Business Park (P. 140)

Goal: 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.

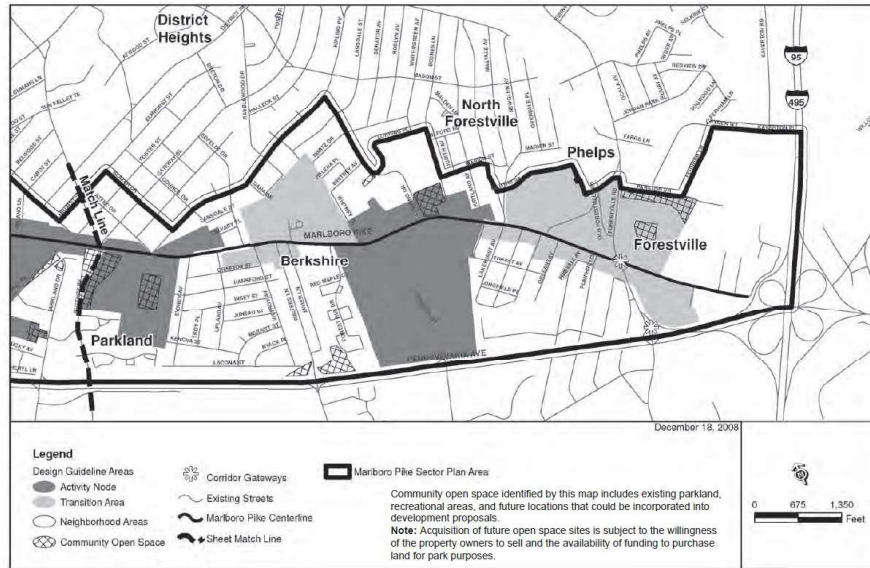
LAND USE CHARACTERISTICS:

This character area promotes a combination of land extensive, low-intensity business buildings including flex space for business services, limited retail services, manufacturing, wholesaling, warehousing and distribution. This character area requires high standards for site design and operations to ensure that business uses in this area are attractive as well as functional. Low-scale, one-story buildings constructed of durable materials with interior noise attenuation features to mitigate the high noise impacts of flight operations near the end of the runways for Joint Base Andrews Naval Air Facility Washington. Close attention will be paid to installation and restoration of landscaping and screening along public roads and on interior open spaces. Land uses that attract children, the elderly or the infirm, or large gatherings of people should be prohibited.

The proposal to amend the list of permitted uses conforms with the goal and purposes of the Sector Plan and the DDOZ. The DDOZ encompassed properties located at the gateway to the Marlboro Pike corridor and in APZ 1. The Sector Plan highlighted specific areas of concern—those areas within the eastern end of the corridor are shown on Figure IX-1b, reproduced below:

CHAPTER IX—Design Guidelines

Figure IX-1b: Design Guidelines



This Figure clearly identifies that the intersection of Marlboro Pike and Forestville Road was a gateway to the corridor. Regarding this gateway, Priority Area 7 was specifically identified in the Sector Plan as an area designated for redevelopment as an industrial use. In addition, properties where specific design guidelines were applicable were identified as "transition Areas." Priority Area 7 (as well as the Marlo property) were designated as Transition Areas. Since the adoption of the Sector Plan, Priority Area 7 was renovated as a retail use and now forms a more attractive gateway than the proposed industrial. An empty furniture store at the corner of Marlboro Pike and Forestville Road was replaced with a Royal Farms Store. Finally, the former Marlo warehouse is the subject of a proposed DSP which will implement the requirement to install trees along the ramp from MD 4 onto Forestville Road to screen the existing parking lot and loading spaces.

What is notable regarding the above figure is that the Subject Property was not designated as part of Priority Area 7 or as a Transition Area. While it is included in the DDOZ, the Applicant submits that the primary reason for doing so was its location in APZ 1. In APZ 1, the primary concern was the compatibility of the uses with the operations of Joint Base Andrews. In this instance, the approved Detailed Site Plan is compatible with the Joint Base Andrews as the approved development consists of low scale, one-story buildings

constructed of durable materials. The proposed additional uses, while restricted by the Sector Plan due to the concern about such uses in Priority Area 7, are permitted uses under the MIOZ, are compatible uses in the Air Installation Compatibility Use Zone and are permitted uses in the IE zone. Thus, Applicant's request conforms to and is consistent with the primary purpose for which the Subject Property was included in the DDOZ.

Besides compatibility with Joint Base Andrews, the other primary purpose of establishing the DDOZ was to encourage the construction of low-intensity industrial uses that provide an attractive gateway to the Marlboro Pike Sector Plan Area and a functional business community. As discussed above, the Subject Property is not at the designated gateway to the Marlboro Pike Corridor and the proposed development will not be visible from the major roadways serving the area. Notwithstanding, the restriction on certain uses in the DDOZ use list clearly apply to all properties in the DDOZ. Thus, to modify the list of permitted uses for the Subject Property, it is necessary to demonstrate that the proposed uses benefit the proposed development and will not substantially impair implementation of the Sector Plan. The existing buildings currently house low-intensity industrial uses. These buildings were constructed prior to the DDOZ and had access to the uses traditionally permitted in the I-1 Zone. The adjoining uses on Parston Drive and across Fernham Lane are not in the DDOZ and thus not subject to these use limitations. This places the Subject Property at a disadvantage to other properties within the same industrial area. The new building will be attractive and provide a modern building for prospective tenants. Again, the Applicant is precluded from pursuing certain tenants typically allowed in the I-1 zone and allowed on adjoining properties. The Applicant is seeking to expand the list of permitted uses with uses which have expressed interest in the property and which provide the flexibility to lease the building. Providing this flexibility clearly benefits the proposed development. Given the current inflationary climate, allowing certain outdoor storage uses as an interim use until the building is constructed also benefits the proposed development. If the Applicant simply ceased construction, the property would become the site of illegal dumping. This is not only a detriment to the Applicant but to the area in general.

As referenced on Note 33 of the DSP, the following five uses prohibited in the DDOZ are requested to be permitted on the Subject Property:

1. **Vehicle, boat, or camping trailer sales, or boat or camping trailer rental lot, including outdoor display of the vehicles;**
2. **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;**
3. **Contractors Plant or Storage Yard;**
4. **Contractors Office with Outdoor Storage of Materials and Equipment;**
5. **Heavy motorized equipment, motor vehicle, truck, boat, camping trailer, or trailer storage yard;**

Each of these uses is typically permitted in the I-1 Zone, but are not permitted within the Low Intensity Business Park DDOZ. Approving the uses requested by the Applicant will not substantially impair implementation of the Sector Plan. As set forth in great detail above, the primary goal and purpose of the DDOZ was to create an attractive gateway to the Marlboro Pike Corridor and to create a functional business community that is compatible with the operations at Joint Base Andrews. Neither of those goals is impaired by permitting the proposed uses on the Subject Property. The Subject Property is not a gateway property, and the uses are compatible with Air Base Operations. Allowing the proposed uses will also not impair adjoining properties or the neighborhood in which the Subject Property is located. The properties on the north side of Parston Drive, the west side of Fernham Lane and the north side of Cryden Way are not in the DDOZ and are not subject to these use restrictions. These properties are occupied in large measure by contractor service uses, vehicle repair uses, and vehicle storage uses, all of which are compatible with the uses proposed. To the east of the Subject Property, adjoining the existing buildings, is vacant land in the IE zone.

To the extent that the proposed uses occupy either the existing buildings or the proposed buildings, there will be no issues related to compatibility or viewshed. The buildings have all been reviewed and approved as part of prior detailed site plan approvals. If the final building is constructed and a

future contractor occupies the building and proposes outdoor storage, that storage will be completed screened by the building from all surrounding streets. However, in the event that the portion of the Subject Property fronting on Fernham Lane is utilized for outdoor storage prior to the construction of the building, the goal of the Sector Plan to ensure that business uses in the area are attractive as well as functional must be observed. In this instance, Section 27-469(c) (1) provides that, in the I-1 zone, outdoor storage shall not be visible from a street. As a result, screening of the property prior to construction of the building will be required. Due to the topography the useable area of the Subject Property will not be visible from Cryden Way. A stormwater management pond has been installed along Cryden Way and a tall retaining wall will be constructed, screening any use on the Subject Property from view. From Fernham Lane, the Applicant is proposing to construct a solid wood fence with ample landscaping to screen the outdoor storage area. Since the elevation of the Subject Property at finished grade is slightly lower than Fernham Lane, the proposed fence will adequately screen any outdoor storage which may occur on the Subject Property. A section of the property from Fernham Lane showing the existing condition and the proposed screening fence is included with the revised DSP and is reproduced below:



EXISTING CONDITIONS



PROPOSED

At SDRC, staff question the composition of the fence. As noted by Staff, Page 143 of the Sector Plan contains a design guideline that states "Fences, walls, or screening required by the Landscape Manual shall be constructed of durable materials that include masonry, stucco, decorative metal, landscape berms or vegetation." This design standard then lists materials which are prohibited from being used for ANY type of required fencing or screening: barbed wire, unclad cinder block, vinyl cladding, corrugated metal, corrugated fiberglass, sheet metal, wire mesh, or chain link." The fencing proposed in this instance is not required by the Landscape Manual, but rather by the Zoning Ordinance. This fencing is subject to the list of prohibited materials. A wood fence is permitted. In response to Staff's concern, however, the Applicant has added additional landscaping to soften the fence. While it is intended that the fence will only exist for a relatively short period of time, should circumstances dictate that the building cannot be constructed in the near future, the landscaping will mature to accomplish the goal of the Sector Plan—ensure that business uses in the area are attractive as well as functional. The Applicant submits that, as revised, the DSP achieves that purpose.

With the landscaping and screening enhancements included with the proposed Detailed Site Plan, the District Council can find that the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Sector Plan, meets applicable site plan requirements, and does not otherwise substantially impair the implementation of any comprehensive plan applicable to the subject development proposal.

7.0 CONFORMANCE WITH THE PURPOSES OF THE I-1 ZONE

The purposes of the I-1 Zone are set forth in Section 27-469 of the prior Zoning Ordinance. The purposes are as follows:

- (a) Purposes.**
 - (1) The purposes of the I-1 Zone are:**
 - (A) To attract a variety of labor-intensive light industrial uses;**
 - (B) To apply site development standards which will result in an attractive, conventional light industrial environment;**

(C) To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and

(D) To provide for a land use mix which is designed to sustain a light industrial character.

The proposed modification to the list of permitted uses conforms with the purposes of the I-1 Zone. The DDOZ restricted the variety of uses permitted in the I-1 zone for two specific purposes. The first purpose was to ensure that gateway properties were redeveloped in an attractive way and not used for purposes that could detract aesthetically from the corridor. The second purpose was to ensure compatibility with the operations of Air Base Andrews. The proposed expansion of the list of permitted uses requested by the Applicant does not conflict with either of these purposes for the reasons stated above. Increasing the variety of light industrial uses consistent with the uses typically permitted in the I-1 zone is consistent with the stated purposes of the zone. Further, the specific uses requested by the applicant are not particularly labor intensive, but that is consistent with the goal of reducing labor intensive uses near Air Base Andrews. Any outdoor storage uses will be screened as required by Section 27-469(c), which prohibits outdoor storage from being visible from a street. This will ensure that the use of the Subject Property maintains a light industrial character.

8.0 CONFORMANCE WITH GENERAL PURPOSES OF DETAILED SITE PLANS

The general and specific purposes of Detailed Site Plan (DSP) are contained in §27-281(b) and (c) of the Zoning Ordinance, and are expressed as follows:

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

(A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plans;

(B) To help fulfill the purposes of the zone in which the land is located;

(C)To provide for development in accordance with the site design guidelines established in this Division; and

(D)To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

COMMENT: The Subject Property is zoned IE (formerly I-1) within a historically industrial area. The area was retained in the I-1 zone during the most recent SMA but subjected to a Development District Overlay Zone to address unique features of the area. As it relates to the Subject Property, the primary issue was compatibility with operations at Air Base Andrews. The restrictions on uses which prompted this application was primarily intended to ensure that Priority Area 7 was appropriately redeveloped with uses compatible with its location at a gateway to the Marlboro Pike Corridor. As noted above, the proposed development and uses are consistent with and fulfill the purposes of the I-1 Zone. Approval of the additional uses requested in this application will benefit the Subject Property and will have no negative impact on the Development District.

9.0 CONFORMANCE WITH SPECIFIC PURPOSES OF THE DETAILED SITE PLAN

Sec. 27-281 (c) lists the specific purposes of a detailed site plan. There are four specific purposes listed, each of which is addressed below:

Sec. 27-281 (c) (1)(A): To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site.

COMMENT: The submitted Detailed Site Plan demonstrates the location of the existing buildings, structures and parking on site. The only modification to the approved Detailed Site Plan is the addition of a fence should screening be required for any of the proposed uses.

Sec. 27-281 (c) (1) (B): To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site.

COMMENT: The Applicant is currently grading the site in conformance with the approved site plan. No additional grading other than that already approved is proposed in this application.

Sec. 27-281 (c) (1) (C): To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site.

COMMENT: The proposed use is industrial in nature, thus there are no recreational facilities proposed. The architectural form of the building as well as the other site elements have been approved and the two of the three approved buildings were constructed. No modification to the approved architecture is proposed.

Sec. 27-281 (b) (1) (D): To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

COMMENT: No such documents are required to assure that the Plan is implemented in accordance with the requirements of this subtitle.

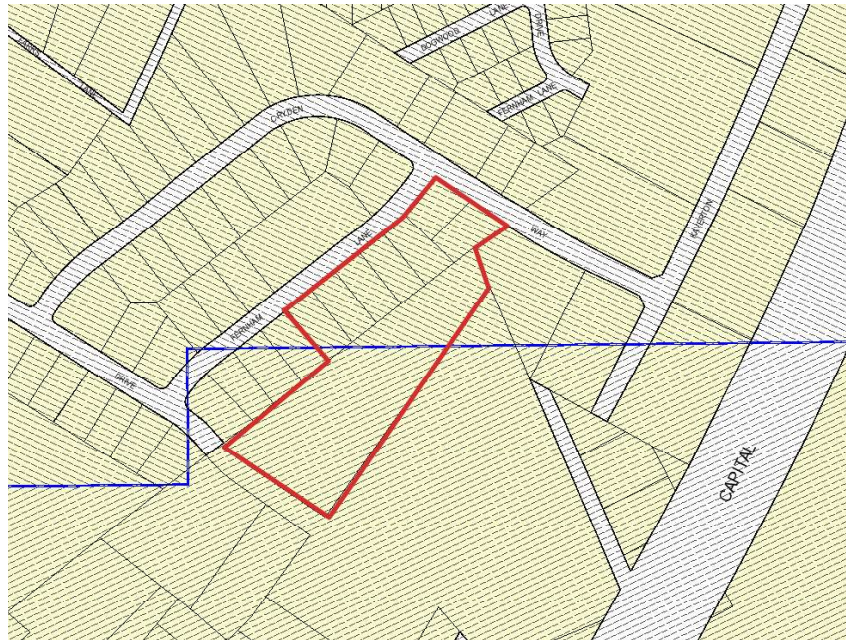
10.0 CONFORMANCE WITH THE REQUIREMENTS OF THE MILITARY INSTALLATION OVERLAY ZONE

The Subject Property is located within the limits of the Military Installation Overlay Zone ("MIOZ"). The regulations applicable to properties impacted by the MIOZ are set forth in Part 10C of the Zoning Ordinance. The MIOZ contains regulated related to the height of structures, noise exposure and safety. The Subject Property is subject to all three of the exposures, each of which is addressed below.

REQUIREMENTS FOR HEIGHT: The requirements for height are contained in Section 27-548.54. The Subject Property is located in Surface B. Per Section 27-548.54(e) (2) (b), structures in

Surface B "shall not exceed a height (in feet) equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50." In this instance, the nearest boundary of the Subject Property is approximately 7,200 feet from Surface A. Thus, structures on the Subject Property must be no higher than 144 feet. As stated in Note 32 of the DSP, the proposed building height is 42 feet. The two existing buildings, constructed in 1989, are 25 feet and 26 feet in height. Thus, the existing and proposed development conform to the requirements for height set forth in the MIOZ.

REQUIREMENTS FOR SAFETY: The requirements for height are contained in Section 27-548.56. The MIOZ establishes three zones—the Clear Zone and Accident Potential Zones 1 and 2. Subject Property is partly located in Accident Potential Zones 1 and 2, as shown in the image below:



Section 27-548.56(a) lists certain uses which are prohibited. None of the listed prohibited uses are currently either located on the Subject Property or are proposed. Section 27-548(b) lists "limited permitted uses." These uses are churches or similar places of worship; eating and drinking establishments; and office uses. The existing uses are light industrial uses and do not fall under this list. The proposed building is a

distribution warehouse, which may include an office component. The MIOZ notes that "new office uses accessory to a permitted use in the M-I-O/I-1 shall not exceed 0.15 F.A.R." Any accessory office component will not exceed an FAR of 0.15. None of the uses which the applicant seeks to have permitted by this application fall within the list of limited permitted uses.

REQUIREMENTS FOR NOISE: The requirements for height are contained in Section 27-548.55. The Subject Property is exposed to noise between 60-74 dBA, which is not considered a high intensity noise area. The restrictions on uses established by the MIOZ only apply to high intensity noise area. As a result, use restrictions based on noise exposure are not applicable to the Subject Property.

**11.0 CONFORMANCE WITH THE DEVELOPMENT DISTRICT
OVERLAY ZONE STANDARDS APPLICABLE TO THE BUSINESS
PARK CHARACTER AREA OF THE APPROVED MARLBORO PIKE
SECTOR PLAN**

DEVELOPMENT DISTRICT STANDARDS

The Development District Standards for Character Area 3 are described below in five sections. Except as specified in tables below, the development standards and regulations of the Prince George's County Zoning Ordinance, including the Landscape Manual, shall be followed.

Section 1: Building Envelope and Site

Intent: To provide a location for attractive, low-intensity business uses that are compatible with flight operations at Joint Base Andrews Naval Air Facility Washington.

1.1 Intensity Floor Area Ratio (FAR) -

Commercial Office and Other Uses - 0.22 FAR maximum

Industrial Uses-0.6 FAR maximum

(Note: Existing buildings in excess of these FAR standards are exempt and not considered non-conforming)

COMPLIES/COMMENT: The total area of the Subject Property is 9,4773 acres. The existing buildings contain a total of 61,200 square feet and the proposed building will contain 88,000 square

feet, for a total of 149,200 square feet. Upon total buildout, the FAR will be .36. This is well below the maximum 0.6 FAR permitted for industrial development.

Section 2: Streetscape

Intent: To create a pleasant, inviting streetscape that provides an attractive gateway to the Marlboro Pike corridor.

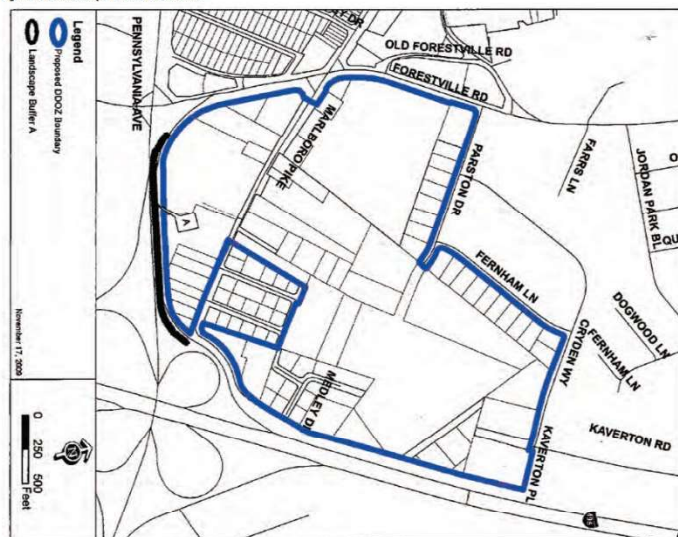
2.1 Landscaping/Buffering- Additional Requirements. All development shall be subject to the design guidelines, requirements and standards of the Landscape Manual. Additional requirements for buffer/screening areas on private properties located along the public rights-of-way identified in Figure X-6 are as follows: Area A (MD 4 including the exit ramp from I-95):

-Minimum 20-foot-wide vegetative screen with or without fencing

Figure X-6 Locations for additional landscaping and screening along roadways per Sections 2.1 and 2.2 of the Development District Standards for Streetscape in Character Area 3:

APPROVED MARLBORO PIKE SECTOR PLAN AND SMA

Figure X-6: Landscape Buffer Illustration



1. Locations for additional landscaping and screening along roadways per section 2.1 and 2.2 of the Development District Standards for Streetscape in Character Area 3.
2. See Appendix B. Properties Proposed for the Marlboro Pike Development District Overlay Zone - Character Area - 3 Business Park on page 302

COMPLIES/COMMENT: The approved DSP was evaluated for conformance with the requirements of the Landscape Manual and found to conform. No physical changes are proposed to the site plan, other than the addition of a sight tight fence for any use which is required to provide screening from abutting roadways in accordance with the provisions of the I-1 zone. The Subject Property does not abut the Beltway ramp and thus the requirements of Section 2.1 of the Development District Standards are not applicable.

2.2 Fence/wall/screening materials. Fences, walls or screening required by the Landscape Manual shall be constructed of durable materials that include masonry, stucco, decorative metal, landscape berms or vegetation. The following materials shall NOT be used for any type of required fencing, walls or screening in this DDOZ area: Barbed wire, razor wire, unclad cinder block, vinyl cladding, corrugated metal, corrugated fiberglass, sheet metal, wire mesh, or chain link.

COMPLIES/COMMENT: This provision is addressed in greater detail above. No fence or screening material is proposed which is composed of the prohibited materials. The screening which is proposed will consist of an attractive wood fence fronted with landscaping. A detail depicting the proposed fence is included with the revised DSP. Therefore, the proposed screening conforms to the requirements of the Sector Plan.

2.3 Lighting. Parking lot, building and any decorative lights shall have cut-off type lighting fixtures to direct glare downward.

COMPLIES/COMMENT: All proposed lighting was approved with the Detailed Site Plan and will utilize full cut-off lighting fixtures that direct glare downward. A photometric plan was approved with the most recent revision to the detailed site plan and no revisions to the photometric plan are proposed with the proposed revision.

Section 3: Architecture and Materials

Intent: To establish and maintain an attractive business park environment.

3.1 Building Facades. All buildings shall have facades made of high-quality materials such as brick, stone, stucco, tilt-up masonry construction or some combination of these materials.

COMPLIES/COMMENT: The architecture of the building to be constructed conforms to this development district standard. The architecture approved with DSP-89056-02 features tilt-up masonry with an attractive entrance, as depicted below:



The existing buildings are also tilt up construction.

Section 4: Parking and Loading

Intent: To provide safe, easily accessible, parking and loading for business operations and customers.

4.1 Standards. All parking and loading shall comply with standards of the zoning ordinance.

COMPLIES/COMMENT: All parking and loading complies with the requirements of Part 11 of the prior Zoning Ordinance as noted on Detailed Site Plan.

Section 5: Landscape Manual Applicability

Intent: To bring existing development and redevelopment up to current standards of the Landscape Manual including the following modifications:

5.1 Permits. Issuance of a Building Permit or a Use and Occupancy Permit for a change in ownership for any property with frontage along a public street shall require restoration or installation of landscape strips, buffering and screening in accordance with Sections 4.2 and 4.4 of the Landscape Manual, as modified by Section 2.1 and 2.2 of this DDOZ, or in accordance with modified standards as determined by the Planning Board in review of a detailed site plan per Section 27-548.25(c), or as determined under an Alternative Compliance procedure per Section 1.3 of the Landscape Manual.

COMPLIES/COMMENT: The Subject Property will be landscaped in accordance with the approved Detailed Site Plan, which was found to conform to the Landscape Manual.

12.0 CONFORMANCE WITH CRITERIA OF APPROVAL--DETAILED SITE PLANS

The Planning Board must also find that the Detailed Site Plan satisfies the criteria of approval set forth in Section 27-285(b) of the Zoning Ordinance. These criteria are set forth below.

(b) Required findings.

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

COMMENT: The proposed development does represent a reasonable alternative for satisfying the site design guidelines. The Detailed Site Plan has already been approved and found to conform to all of the applicable requirements. The

request to allow additional uses permitted in the underlying zone provides additional flexibility to the property owner when leasing the property and further allows for interim use of the land area where the final building is to be constructed until the economic conditions improve and allow construction to proceed. In addition, the existing buildings are suitable for some of the requested additional uses and a modification of the permitted uses will provide more opportunity to lease the existing buildings.

The design guidelines are set forth in Sections 27-283 and 27-274 of the Zoning Ordinance. Section 27-283 applies to Detailed Site Plans, and states that the site design guidelines are the same as those required for a Conceptual Site Plan, which are contained in Section 27-274. However, the guidelines shall only be used in keeping with the character and purpose of the proposed type of development. The proposed improvements were found to conform to the site guidelines when the detailed site plan was approved. No changes are proposed which would alter the final development proposal.

Section 27-276(b) (4) provides as follows:

"The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b) (5)."

In this case, no regulated environmental features exist on the site.

13.0 CONCLUSION

Based on the above, the Applicant submits that the request to permit additional uses on the Subject Property conforms with the purposes and recommendations for the Development District, as stated in the Marlboro Pike Sector Plan. Further, no modifications to the Development District Standards are requested to accommodate the addition of these uses. Finally, the minor modification to the Detailed Site Plan to permit these uses represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'THaller', with a long horizontal flourish extending to the right.

Thomas H. Haller, Esq.
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Countywide Planning Division
Historic Preservation Section

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Upper Marlboro, Maryland 20772
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301-952-3680

September 18, 2023

MEMORANDUM

TO: Emery Huang, Urban Design Section, Development Review Division

VIA: Thomas Gross, Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

SUBJECT: DSP-89056-03 Forestville Commercial Center


The subject property comprises 9.48 acres and is located in the southeast quadrant of the intersection of Fernham Land and Cryden Way. The subject property is zoned IE and located within the 2009 *Approved Marlboro Pike Sector Plan* area. The subject revision proposes to amend the table of uses applicable to the DDO zone to allow additional industrial uses to occupy the property.


The 2009 *Approved Marlboro Pike 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 proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites. Phase I archeology survey is not recommended. Historic Preservation Section staff recommend approval of DSP-89056-03, Forestville Commercial Center without conditions.

10/9/2023

MEMORANDUM

TO: Emery Huang, Planner III, Urban Design Review, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long Range Planning Section Community Planning Division 

FROM: Connor Klein, Planner II, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: DSP-89056-03 FORESTVILLE COMMERCIAL CENTER (PB)

FINDINGS

Community Planning Division staff finds that, pursuant to Section **27-548.25(c)** of the Prior Zoning Ordinance, this Detailed Site Plan application meets the applicable standards of the Low Intensity Business Park Development District Overlay Zone. The applicant has demonstrated that the requested amendment conforms with the purposes and recommendations for the Development District, as stated in the *2009 Approved Marlboro Pike Sector Plan* by providing on-conceptual viewsheds and adequate analysis of the applicable Development District Standards.

BACKGROUND

Application Type: Detailed Site Plan in a Development District Overlay Zone requesting a change of permitted Use Table

Location: 7931 Fernham Lane, District Heights, MD 20747

Planning Area: 75A

Community: District Heights & Vicinity

Size: 9.48 Acres

Existing Uses: The subject property is currently improved with two industrial buildings containing a total of 61,200 square feet.

Proposal: An amendment to the use table to allow for additional outdoor industrial storage and sales uses such as:

1. Vehicle, boat, or camping trailer sales, or boat or camping trailer rental lot, including outdoor display of the vehicles;
2. 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;
3. Contractor's plant or storage yard;
4. Contractors' office with outdoor storage of materials and equipment;
5. Heavy motorized equipment, motor vehicles, truck, boat, camping trailer, or trailer storage yard.

GENERAL PLAN, MASTER PLAN, AND ZONING

General Plan: This application is located in the Established Communities Growth Policy Area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

Master Plan: 2009 *Approved Marlboro Pike Sector Plan*

Planning Area: 75A Suitland, District Heights, & Vicinity

Community: Forestville

Aviation/MIOZ: This application is located within Safety Military Installation Overlay Zone Accident Potential Zone 1, Noise Intensity Zone (60 db – 74.99 db), and Height Zone Surface B (Approach-Departure Clearance Surface: Structures shall not exceed a height (in feet) equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50).

SMA/Zoning: The 2009 *Approved Marlboro Pike Sectional Map Amendment* established the Low Intensity Business Park Development District Overlay zone over the subject property.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment ("CMA") which reclassified the subject property from I-1 (Light Industrial) to IE (Industrial Employment) effective April 1, 2022.

DEVELOPMENT DISTRICT MANDATORY STANDARDS

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Sector Plan) established the Low Intensity Business Park Development District Overlay (DDO) Zone over the subject property. The DDO Zone Use Table prohibits Outdoor Storage uses.

FORESTVILLE COMMERCIAL CENTER (PB)

10/6/2023

Pursuant to Sec. 27-548.26(b), the applicant has requested an amendment to the use table to permit outdoor storage uses on the subject property. Pursuant to Section. 27-548.26(b)(2): The owner's application shall include: A statement showing 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.

“The goal of the Low Intensity Business Park Development District Overlay Zone 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” (p. 140).

Additional information and justification have been provided to show the requested use conforms with the purposes and recommendations for the Development District as stated in the Sector Plan. The applicant's submission includes a conceptual plan and on-street viewsheds that demonstrate adequate conformance with the standards of the Development District. Community Planning recommends that the applicant should install the wooden fence and screening illustrated in the submitted site plans, especially along Fernham Lane, prior to the utilization of the property for outdoor storage uses.

The proposed uses on the subject property within Accident Potential Zone 1 are compatible with the operations of Joint Base Andrews.

c: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division

October 18, 2023

MEMORANDUM

TO: Emery Huang, Urban Design Section, Development Review Division

FROM: *BHP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

VIA: *CH* Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: DSP-89056-03: Forestville Commercial Center

Proposal:

The subject site is located at the southwest corner of Fernham Lane and Cryden Way in District Heights, Maryland on 9.48-acres. The subject application proposes to amend the table of uses to include outdoor storage. The subject property is zoned I-1/DDO/MIO.

Prior Conditions of Approval:

The site was previously approved under DSP-89056, DSP-89056-01 and DSP-89056-02. There are no prior approvals that include conditions related to this application.

Master Plan Compliance:

This development case is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and 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.

Comment:

The submitted plans include sidewalks along the subject site's frontage along Fernham Lane and Cryden Way. A six-foot fence is proposed along the entire perimeter of the site. A pedestrian route is proposed from Fernham Lane providing direct access to the building along with an associated crosswalk. There are no proposed revisions to the site plan and staff finds the submitted plans consistent with the approval of DSP-89056-02.

Transportation Planning Review:

Site access is provided via two gated entrances on Fernham Lane and no direct access is provided on Cryden Way. Drive aisles are proposed around the entire building providing adequate vehicular circulation within the site. A total of 165 parking spaces are required and 195 parking spaces are provided which is consistent with the previously approved plans. The loading operation will occur

in the rear of the building and 25 loading spaces are proposed which is more than the required 22 loading spaces.

In addition to the sidewalks provided along Fernham Lane and Cryden Way a five-foot sidewalk is provided on site along the north and west of the building adjacent to the standard parking spaces. As previously mentioned, pedestrian access is provided from Fernham Lane to the sidewalk surrounding the proposed building. Pedestrian access and circulation is acceptable by staff.

The applicant is seeking approval for various uses as listed in general note 33 of the DSP, one of which includes the potential for a contractor storage yard as an interim use prior to the construction of the approved warehouse. The Transportation Review Guidelines (TRG) and Institute of Transportation Engineer (ITE) Trip Generation manual do not include trip generation rates for a contractor storage yard; however, the applicant submitted a trip generation memo to address the trips generated by the proposed use for the site.

As indicated in the trip generation memo, the contractor storage yard would primarily be for the storage of vehicles, equipment and materials and does not anticipate any permanent on-site employees. Given the lack of information for this type of use, the memo goes further to evaluate the peak hour trips as calculated by the rates provided in the TRG.

Based on the trip generation rates provided in the 2022 Supplement Transportation Review Guidelines it is anticipated that 85,675 square feet of warehouse would generate 34 AM and 34 PM peak hour trips. Using ITE 11th Edition Trip Generation Manual under Land Use Code 150- Warehousing, it is estimated that a warehouse with 50 employees would have a similar trip generation to that of 85,675 square feet of warehouse. Being that there will not be any permanent employees on-site for a storage yard staff agrees with the applicant's assessment that the use would not generate trips in excess of 34 AM and 34 PM peak hour trips.

As defined in the ITE Trip Generation Manual under Land Use Code 150 a warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas. The proposed uses with this application generally fit the definition as provided by the ITE manual. Staff believes that approving these uses would be consistent with the trips associated with the 85,975 square foot warehouse and would not exceed the implied trip cap of 34 AM and 34PM peak hour trips.

Conclusion:

In consideration of the scope of this application, the Transportation Planning Section recommends approval of DSP-89056-03 Forestville Commercial Center with no conditions.

October 6, 2023

MEMORANDUM

TO: Te-Sheng (Emery) Huang, Planner III, Urban Design Section
VIA: Mridula Gupta, Planner IV, Subdivision Section *MG*
FROM: Mahsa Vatandoost, Planner II, Subdivision Section *MV*
SUBJECT: DSP-89056-03; Forestville Commercial Center

The subject property is located on Tax Map 82 in Grids A-4 and B-4, and consists of seven lots (Lots 3-9) and one deed parcel (Parcel 73). Lot 3 is recorded among the Prince George's County Land Records in Plat Book WWW 77 page 21 titled Forestville Commercial Center and dated August 24, 1971; Lots 4-9 are recorded in Plat Book WWW 77 page 58 titled Forestville Commercial Center and dated October 21, 1971; and Parcel 73 is recorded by deed in Liber 45911 at folio 190. The property is located within the Industrial Employment (IE) Zone and it is also subject to Military Installation Overlay (MIO) Zone for height, noise, and safety. However, this detailed site plan amendment (DSP-89056-03) has been filed pursuant to the prior Zoning Ordinance and prior Light Industrial (I-1) and Military Installation Overlay (M-I-O) zones. This application was accepted for review on August 23, 2023, and comments were provided at the SDRC meeting on September 15, 2023. This referral is based on revised plans received on October 05, 2023.

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 non-residential use. Parcel 73 has never been the subject of a PPS or a record plat. A PPS 4-88261 was filed for subdivision of Parcel 73 in 1988; however, it was withdrawn.

This DSP amendment proposes uses to the subject property in addition to the warehouse use approved with the original DSP-89056. The original DSP-89056 (PGCPB Resolution No. 89-405) approved development of 147,000 square-feet of warehouse space in four buildings. DSP-89056-01 approved a reduced building size, addition of a stormwater management pond, and landscaping. Specifically, the -01 amendment reduced the total gross floor area (GFA) approved for the subject site from 147,000 square feet to 140,400 square feet. DSP-89056-02 was approved to replace two buildings approved with DSP-89056-01 with one warehouse building totaling 88,000 square feet, bringing the overall development total to 149,200 square feet of GFA. The development approved under prior DSP's was found consistent with the existing final plats for Lots 3-9, and found to meet an exemption available from Subtitle 24 requirements at that time.

This DSP amendment does not propose 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 shows the lots and parcel in conformance with the record plats and legal description. A new PPS is therefore not required at this time.

Additional Comments:

1. Lots 3 to 9 have an automatic certificate of adequacy (ADQ) pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, which became effective April 1, 2022, and is valid for twelve years from that date subject to the expiration provisions of Section 24-4503(c). No ADQ is associated with Parcel 73.
2. The bearings and distances for Lots 4-9 on the site plan (Sheet 3 of 9) are not in conformance with the record plat 77-58.

Recommended Conditions:

1. Prior to signature approval of the detailed site plan (DSP), the DSP shall be revised as follows:
 - a. Correct the Lots 4-9 property boundary bearings and distances to be consistent with the record plat.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the DSP, and must be consistent with the record plats and legal description of the property, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

September 12, 2023

MEMORANDUM

TO: Emery Huang, Planner II, Urban Design Section, DRD

VIA: Tom Burke, Supervisor, Environmental Planning Section, CWPD

FROM: Alexander Kirchhof, Planner I, Environmental Planning Section, CWPD *ANK*

SUBJECT: **Forestville Commercial Center; DSP-89056-03**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan (DSP-89056-03) received on August 23, 2023. Comments were delivered to the applicant at the Subdivision Development Review Committee (SDRC) meeting on September 15, 2023. Revised plans were not requested. The EPS recommends approval of DSP-89056-03.

Environmental Review

The DSP application proposes to amend the use table of the Development District Overlay Zone (DDOZ) to allow for additional industrial uses to occupy the site. The project is subject to the current regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and prior Subtitle 27 (Zoning Ordinance). The application has an approved Natural Resource Inventory Equivalency Letter (NRI-172-2021), which is valid until November 8, 2026, and an approved standard letter of exemption from the Woodland Conservation Ordinance (S-205-2021) which is valid until November 8, 2023. A new standard exemption may be required, should the current exemption expire.

Stormwater Management

A Stormwater Management Concept Approval Letter (#27186-2007-02) and associated plan were submitted with the application for this site. The approval letter was issued from the Department of Permitting, Inspection and Enforcement (DPIE) on March 31, 2022, and is valid until March 31, 2025. The approved plan proposes standard stormwater management conditions for the site.

Summary of Recommended Findings and Conditions


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

The Environmental Planning Section recommends approval of DSP-89056-03.

October 9, 2023

MEMORANDUM

TO: Emery Huang, Planner III, Urban Design Section

FROM: Alice Jacobs, Principal Planning Technician, Permit Review Section 

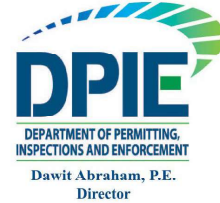
SUBJECT: DSP-89056-03 – Forestville Commercial Center

1. This project proposes outdoor storage, per the Statement of Justification, in the truck court, parking lot and within the footprint of the future industrial building until the building is constructed. Post construction, outdoor storage will be in the existing truck court area. Typically, the proposed outdoor storage area is shown and labeled on the plan. This circumstance 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 that indicates 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 proposed with no clear delineation. Also, with the outdoor storage shifting locations, there still needs to be adequate parking and loading spaces on the site.
2. The Permit Review Section offers no further comments on this application.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

October 5, 2023

TO: Emery Huang, Subdivision and Zoning Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director *Mary Giles*
Site/Road Plan Review Division, DPIE

Re: Forestville Commercial Center
DSP-89056-03

This is in response to the Detailed Site Plan DSP-89056-03 referral. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The site is zoned IE and located on the southern corner of the Fernham Lane and Cryden Way intersection.
- The purpose of this Detailed Site Plan (DSP) revision is to develop additional uses to include outdoor storage (as indicated in DSP General Note 33) and amend the table of uses.
- In the permitting stage, the applicant shall provide frontage improvements along Cryden Way, Fernham Lane, and Parston Drive. This is to include but is not limited to 5' sidewalks, street trees, and LED street lighting.
- In the permitting stage, the applicant shall provide a commercial driveway entrance for the access points per the Department of Public Works and Transportation (DPW&T) STD. 200.03.
- In the permitting stage, the applicant shall provide driveway entrances on Fernham Lane aligned with existing driveways across the street, if possible.
- This DSP is consistent with the intent of the approved SDCP 27186-2007-02 except the orientation of SGW is different and the forebay is not shown on the DSP plan.
- DPIE has no objection to DSP-89056-03.

This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

- a) Final site layout, exact impervious area locations are not shown on plans.
- b) The exact acreage of impervious areas has not been provided.
- c) Proposed grading is not shown on plans.
- d) Stormwater volume computations have been provided with the concept submittal. These computations shall be further updated with site development fine grading permit submission.
- e) Erosion/sediment control plans that contain the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion, and sediment control practices are not included in the submittal.
- f) A narrative in accordance with the code has not been provided.
- g) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

MG: NF:ag

cc: Rey de Guzman, P.E, Chief Engineer, S/RPRD, DPIE
Rene Lord-Attivor, Chief Traffic Engineer, S/RPRD, DPIE
Nanji Formukong, District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
ALG Forestville, LLC, 4514 Cole Avenue, Suite 1175 Dallas, TX 75205
Ben Dyer Associates, Inc. (Atwell LLC), 11721 Woodmore Rd., Suite 200 Mitchellville, MD 20721

From: [Reilly, James V](#)
To: [Huang, Te-sheng \(Emery\)](#)
Cc: [PPD-PGCREferrals](#); [Reilly, James V](#)
Subject: FW: Acceptance Referral: DSP-89056-03 FORESTVILLE COMMERCIAL CENTER (PB)
Date: Thursday, August 24, 2023 11:29:28 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[DSP-89056-03 Summary.pdf](#)

Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Morning Mr. Huang,

The Office of the Fire Marshal has reviewed the referral for DSP-89056-03 Forestville Commercial Center for adequacy of fire access. We have no comments. Regards. Jim

James V. Reilly

Contract Project Coordinator III



Office of the Fire Marshal
Division of Fire Prevention and Life Safety
Prince George's County Fire and EMS Department

Note new address:

9400 Peppercorn Place, Fifth Floor, Largo, MD 20774

Office: 301-583-1830

Direct: 301-583-1838

Cell: 240-508-4931

Fax: 301-583-1945

Email: jvreilly@co.pg.md.us

To pay for a fire inspection by credit card go to:

<https://www.velocitypayment.com/client/princegeorges/fire/index.html>



Division of Environmental Health/Disease Control

Date: September 11, 2023

To: Tesheng (Emercy) Huang, Urban Design, M-NCPPC

From: Adebola Adepaju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-89056-03 FORESTVILLE COMMERCIAL CENTER

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Forestville Commercial Center located at Fernham lane has the following comments / recommendations:

1. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
2. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepaju@co.pg.md.us.



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

From: [ZIMMERMAN, KRISTOFER L CTR USAF AFDW 316 MSG/WG](#)
To: [Huang, Te-sheng \(Emery\)](#)
Cc: [Diaz-Campbell, Eddie](#)
Subject: RE: Acceptance Referral: DSP-89056-03 FORESTVILLE COMMERCIAL CENTER (PB)
Date: Friday, September 15, 2023 10:20:17 AM
Attachments: [image001.png](#)
[image003.png](#)
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[image006.png](#)
[image007.png](#)
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[image009.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Emery,

Here are JBA's comments regarding this DSP.

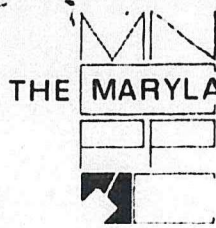
Per the Military Installation Overlay Zone and the guidelines established in the Air Force Handbook 32-7084, *Air Installations Compatible Use Zones (AICUZ) Program Managers (PM) Guide* (dtd 2 November 2017), it appears that the intended land uses (storage and warehouses) conform to the suggested land use compatibility categories. However, the eating/drinking establishments listed along the western edge of the site location do not conform to the suggested land use compatibility categories. Furthermore, JBA recommends limiting the number of personnel required to work and participate in these land uses due to the location within the Accident Potential Zone ONE (APZ-1).

If you have any questions, please let me know.

Best regards,

Krist

Krist Zimmerman
Joint Base Andrews
316 WG Community Planning Liaison
Office: (240) 612-0500
Mobile: (540) 395-7045 (while teleworking)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PGCPB No. 89-405

SP-89056

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 27, 1989, regarding Detailed Site Plan SP-89056 for Forestville Commercial Center, the Planning Board finds:

1. The Detailed Site Plan will fulfill the condition of approval of A-9328. The review and approval of the subject application leads to a determination that the proposed development will not adversely affect the use or development of adjacent properties or the general neighborhood.
2. The Detailed Site Plan, if modified in accordance with the Urban Design Staff report for Forestville Commercial Center, dated July 20, 1989, this would represent a reasonable and workable resolution of the Site Design Guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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

1. Prior to signature approval:
 - a. the Detailed Site Plan shall be revised to indicate graphically all interior green spaces;
 - b. the general notes shall be revised to demonstrate compliance with the interior green requirements; and
 - c. the driveway entrance on Fernham Lane shall be revised, if possible, to line up with the existing driveway across the street.

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commis-

PGCPB No. 89-405
File No. SP-89056
Page 2

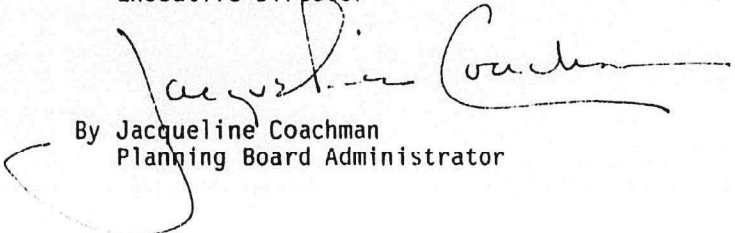
sioner Dabney, seconded by Commissioner Botts, with Commissioners Rhoads, Dabney, Yewell and Botts voting in favor of the motion, and with Commissioner Wootten absent, at its regular meeting held on Thursday, July 27, 1989, in Upper Marlboro, Maryland.

APPROVED AS TO LEGAL SUFFICIENCY

Isaac H. Marks
M-NCPPC Legal Department

Date 8/7/89

John F. Downs, Jr.
Executive Director


By Jacqueline Coachman
Planning Board Administrator

JFD:JC:DB:sc



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

February 16, 2017

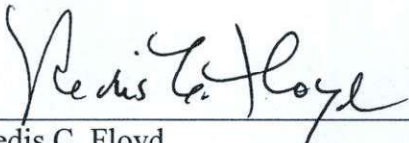
**RE: DSP-16034 H & E Equipment Services, Forestville Commercial Center,
Lot 12, Block D
H & E Equipment Services, Inc., Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on February 13, 2017.

CERTIFICATE OF SERVICE

This is to certify that on February 16, 2017, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.



Redis C. Floyd
Clerk of the Council

Case No.: DSP-16034
H & E Equipment Services,
Forestville Commercial Ctr.,
Lot 12, Block D

Applicant: H & E Equipment Services, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL

FINAL DECISION—APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article, Md. Ann. Code (2012 & 2016 Supp.) and Section 27-290 of the Prince George's County Code (2015 Ed., as amended), the District Council has jurisdiction to issue the final decision in this Detailed Site Plan Application Number 16034, ("DSP-16034").¹

For the reasons set forth below, the decision of the Prince George's County Planning Board in Resolution No. 16-130 ("PGCPB No. 16-130"), to approve a detailed site plan for a proposed change to the Development District Overlay Zone (D-D-O) Zone use table to allow the sales and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display, including maintenance of said equipment within an enclosed building, and two amendments to the development district standard to reduce the parking to no more than 30 spaces and to allow the existing barbed wire and chain-link fencing at the perimeter of the site located on the south side of Parston Drive, approximately 1,400 feet east of its intersection with Forestville Drive in Planning Area 75A and Council District 6, is hereby AFFIRMED.

¹ See also *County Council of Prince George's County Zimmer Dev't Co.*, 444 Md. 40, 120 A.3d 677 (2015) (stating that the District Council is expressly authorized to review final decision of the county planning board to approve or disapprove a detailed site plan, and District Council's review results in a final decision).

As the basis for this final decision, and as authorized expressly within Titles 22 and 25, Land Use, Md. Ann. Code, and Subtitle 27 of the Prince George's County Code, the District Council adopts the findings of fact and conclusions of law set forth in PGCPB No. 16-130, and APPROVE DSP-15043, as follows:

- A. The Planning Board APPROVED the alternative development district standards for:
 - 1. **Section 2.2: Streetscape:** To allow the existing barbed wire and chain-link fencing at the perimeter of the site.
 - 2. **Section 4.1: Parking and Loading:** To allow the reduction of parking to no more than 30 spaces.

- B. The Planning Board APPROVED Detailed Site Plan DSP-16034 for H&E Equipment Services, Forestville Commercial Center, Lot 12, Block D, subject to the following conditions:
 - 1. Prior to certificate approval, the following information and revisions shall be provided:
 - a. Add the site plan note as follows:

“The following use is permitted use on the subject property—The sale and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display, including maintenance of said an equipment within an enclosed building.”
 - b. The landscape plan shall be revised to provide evergreen screening of outdoor merchandise storage, along the south property line adjacent to the single-family detached dwelling, in accordance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

ORDERED this 13th day of February, 2017, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

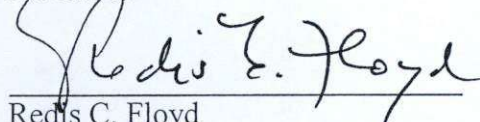
Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: 
Derrick Leon Davis, Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

December 6, 2016

H & E Equipment Services, Inc.
7500 Pecue Lane
Baton Rouge, LA 70809

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-16034
H&E Equipment Services, Forestville
Commercial Center, Lot 12, Block D

Dear Applicant:

This is to advise you that, on **December 1, 2016**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

District Council review of this case is required by Section 27-548.09.01(b)(1).

The applicant or any Person of Record may file a written appeal of the Planning Board's decision with the District Council within 30 days after the date of the final notice **December 6, 2016** of the Planning Board's decision, pursuant to Section 27-290.

(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. Redis C. Floyd, Clerk of the County Council, at 301-952-3600.

Sincerely,
Alan Hirsch, Chief
Development Review Division

By: *A. Hirsch*
Reviewer

Attachment: PGCPB Resolution No. **16-130**

cc: Redis C. Floyd, Clerk of the County Council
Persons of Record



RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 10, 2016, regarding Detailed Site Plan DSP-16034 for H&E Equipment Services, Forestville Commercial Center, Lot 12, Block D, the Planning Board finds:

- Request:** The subject application proposes a change to the Development District Overlay Zone (D-D-O) Zone use table to allow the sales and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display, including maintenance of said equipment within an enclosed building, and two amendments to the development district standard to reduce the parking to no more than 30 spaces and to allow the existing barbed wire and chain-link fencing at the perimeter of the site.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	I-1/D-D-O	I-1/D-D-O
Use	See Note*	See Note*
Acreage	1.71	1.71
Building Gross Floor Area (sq. ft.)	21,000	21,000

Parking

	REQUIRED	PROVIDED
Regular Spaces	47	23
Compact Spaces	-	5
Handicapped Spaces	-	2
Total	47**	30

Notes:

*The applicant, H&E Equipment Services, Inc. is currently operating out of the subject property. A use and occupancy permit was applied for and reviewed by the M-NCPPC Permit Review Section on February 4, 2016 and the permit was placed on hold as it was identified that the proposed use is not an allowed use per the 2009 Approved Marlboro Pike Sector Plan and SMA. Therefore, the applicant has submitted this request to adjust the use table, and the Planning Board recommends approval of the change to the use table to allow the sales and rental of heavy

motorized equipment or construction equipment of all kinds, with outdoor display, including maintenance of said equipment within an enclosed building for the subject property.

**The applicant has requested an amendment to the number of parking spaces required to allow only 30 spaces to be provided.

3. **Location:** The subject site is located on the south side of Parston Drive, approximately 1,400 feet east of its intersection with Forestville Drive. The site is also located in Planning Area 75A and Council District 6.
4. **Surrounding Uses:** The site is surrounded by I-1 zoned property. To the east is undeveloped property consisting of woodland, southeast by property owned by the Board of Education and used for a bus storage yard, and further to the south by property owned by Prince George's County for a bus maintenance facility; to the south west is a single-family detached home. To the west is a contractor's yard.
5. **Previous Approvals:** The property was originally the subject of a Preliminary Plan of Subdivision (PPS) 4-04054 approved by the Prince George's County Planning Board on June 24, 2004, which adopted the resolution of approval (PGCPB Resolution No. 04-156) on July 15, 2004 formalizing that approval. The 2009 Marlboro Pike Sector Plan and SMA retained the property in the I-1 Zone and superimposed a D-D-O Zone on the property.

A building permit was approved for the property with 17,100 square feet as a one story warehouse. The detailed site plan (DSP) indicates 13,020 square feet of one-story, and 7,980 square feet of two-story building, for a total of 21,000 square feet.

6. **Site Design:** The application is for the purpose of modifying the D-D-O Zone use table to allow for the sale and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display, including maintenance of said equipment within an enclosed building, and to amend the parking requirements and fencing requirements, and for approval of the proposed building-mounted signage for the property. No new gross floor area is proposed for the site.

The site improvements for the subject application include adjustment of the existing fencing and gate along the front of the display area to screen the view into the site from the street, a proposed five-foot-high by 19-foot-long building-mounted sign on the front of the building, and new landscaping proposed along the street line in an existing landscape strip.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2009 Approved Marlboro Pike Sector Plan and Sectional Map Amendment:** The proposed minor improvements to the site conform to the development district standards except for the following points on which the applicant has requested amendments:

Section 27-548.25(c) of the Zoning Ordinance states the following:

- (c) **If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.**

The applicant is asking for two amendments:

- a. The first amendment is to the streetscape requirements as stated on page 143 of the sector plan in Section 4.1 Standards:

Section 2: Streetscape, Fences, walls or screening required by the Landscape Manual shall be constructed of durable materials that include masonry, stucco, decorative metal, landscape berms or vegetation. The following materials shall NOT be used for any type of required fencing, walls, or screening in this D-DOZ area: barbed wire, unclad cinder block, vinyl cladding, corrugated metal, corrugated fiberglass, sheet metal, wire mesh, or chain link.

The applicant provides the following justification for the amendment:

“There is an existing 8-foot-high fence with barbed wire that serves to secure the valuable construction equipment on-site. With the exception of the sections of the fence facing Parston Drive, the remainder of the fence along the western and southern boundaries of the enclosed area for the outdoor display of the equipment is not required by the Landscape Manual, and is proposed to remain as is for security purposes. The northern portion of the fence that faces Parston Drive is required by the Landscape Manual to screen the existing fencing as well as the proposed outdoor display area. An additional fence, intended to screen the existing chain link with barbed wire, is proposed in order to meet the requirements of Section 4.2 of the Landscape Manual and DDOZ Standard 2.2. The new 8-foot-high privacy fence in front of the existing 8-foot-high chain link fence will meet the screening requirements of Section 4.4 of the Landscape Manual. The applicant needs the existing fence with barbed wire to safeguard and protect the very valuable equipment on-site. The applicant’s business requires it to have its equipment displayed on-site, and due to the property being located at the terminus of Parston Drive and being fairly isolated within the existing industrial area, it is critically important that the applicant be able to protect its very valuable equipment at all times. Finally, there are approximately four (4) other properties along Parston Drive that have chain link with barbed wire fencing. The difference,

however, is that under this DSP, the applicant is proposing the privacy fence and landscaping to further screen the existing fencing from the right-of-way, as well as to screen the outdoor display areas.”

The Planning Board agrees with the applicant’s proposal to retain the existing fencing, which is in keeping with other properties nearby. Since the subject site is not along the major corridor, this request does not seem unreasonable to protect the equipment contained within the storage area.

- b. The second amendment is to the parking requirements:

Section 4: Parking and Loading: All parking and loading shall comply with standards of the Zoning Ordinance.

The applicant provided the following justification for the amendment:

“In regard to development standard 4.1, the Applicant is requesting a modification from the standard in order to reduce the parking to thirty (30) parking spaces, due to the fact that the proposed use is a low parking generation rate and the use will not require forty-seven (47) spaces given the type of business the Applicant conducts. H&E Equipment Services will have twelve (12) employees at this location. An average daily shift would have eight (8) employees. As stated previously, few, if any, walk-in customers are anticipated for this sale and rental of heavy motorized equipment or construction equipment use. The requested amendment of thirty parking spaces will be more than enough for the operation of the proposed use and will not substantially impair the Sector Plan. As indicated earlier, although the property is located within Character Area 3, it is interior to the Character Area, and is not located at an area that can be considered a ‘gateway’ into the Marlboro Pike Sector Plan Area.”

The Planning Board agrees with the applicant’s proposed reduction in the number of parking spaces. The unique merchandise of the operation results in there being few visitors to the site. Upon a site visit by staff during the week day, it was reported that there were few vehicles at the site. A reduction in the number of parking spaces to no less than 30 parking spaces will not substantially impair implementation of the master plan, master plan amendment, or sector plan.

- 8. **Prince George’s County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-469 of the Zoning Ordinance, which governs the requirements for the I-1 Zone.

- b. Site design guidelines—The plan as proposed fulfills the site design guidelines. It should be noted that all existing improvements are to remain and the DSP is submitted for the adjustment to the use table and the two proposed amendments to the development district standards of the overlay zone.
- c. The DSP is in conformance with the following provision which addresses the property owner's right to request changes to the list of allowed uses as contained in Section 27-548.26(b) of the Zoning Ordinance. It provides:

(b) Property Owner.

(1) The 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.

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) of the Zoning Ordinance, which states that, in approving an application to change the allowed uses as modified by the Development District Standards, the 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 requirements."

The applicant provided the following justification for the proposed change to the list of allowed uses for the subject property:

"Section 27-548.26(b)(5) also states that in approving an application to change the list of allowed uses, the 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 the applicable site plan requirements. Similarly, Section 27-548.26(b)(2) of the Zoning Ordinance requires the owner's application to include 'a statement showing 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 'a site plan, either a Conceptual Site Plan required by Section 27-548.25 or a Detailed site plan.' The applicant's application, on behalf of the owner, submitted herewith includes a detailed site

plan, and, as provided below, an analysis for conformance with the purposes and recommendation of the Development District, as stated in the *Marlboro Pike Sector Plan*.

“Purposes and Recommendation of the Development District

“The subject property is improved with a building that totals approximately 21,000 square feet. With the approval of this detailed site plan, the owner/applicant intends to operate a business for the sales or rental of heavy construction equipment and adding landscaping that complies with applicable standards/regulations. An amendment is requested from development standard 4.1 to reduce the parking to thirty (30) spaces. In all, the grant of the detailed site plan will not only result in actual improvements to the property, but will also help to ensure that the building(s) are leased and do not remain vacant. Moreover, the proposed use at this location capitalizes on its central location and easy access to the Capital Beltway, which will create, if this application is approved, an economically thriving business. This business, unlike having a vacant 21,000 square foot building, will employ upwards of 12 employees, will add to the County tax base, and will improve the ethics of the property by adding landscaping. The net result of this will be a site and use that better conforms to the goals and purposes of the Development District Plan by facilitating a use and business that not only improves the character of the area, but is also compatible with the location under the flight path for Joint Base Andrews. This alone supports the purpose and recommendation of the Development District of the Sector Plan, which created the Development District Overlay Zone on the subject property to reinforce the existing adjacent industrial development by providing an attractive gateway to the Sector Plan area.

“As adopted, the District Council established the DDOZ for Subarea 3: ‘Low Intensity Business Park Character Area.’ As provided on page 140 of the adopted 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 and business community that is compatible with the location under the flight path for Joint Base Andrews.’ Although the property is located in the Character Area 3, Lot 12 is an interior property within the character area, and does not function as a gateway to the Marlboro Pike Sector Plan Area. The proposed use will fulfill the ‘attractive’ requirement of Character Area 3, through the addition of a vinyl privacy fence located on the northeast side of the fences enclosure containing the outdoor display areas, shielding the outdoor display area from Parston Drive. In addition, landscaping has been added along Parston Drive and along the northern property line, which will further reduce views into the property from Parston Drive. The recommendation for the DDOZ relates to future redevelopment of the existing commercial and industrial properties with low intensity commercial and industrial buildings that facilitate

low intensity commercial and industrial uses. The sales and rental of heavy motorized equipment or construction equipment use qualifies as a low intensity use, generating few, if any, 'walk in' customers.

"The second goal of the DDOZ was to locate uses on property 'compatible with the location under the flight path of Andrews Air Force Base.' The subject property is located within the Safety Zone of APZ 1. Currently, there exists Interim Land Use Control (ILUC) regulations; however, the site is exempt from the ILUC due to its location within the DDOZ. On June 9, 2015, the County Council enacted CB-42-2015 for the purpose of establishing the Military Installation Overlay Zone (MIOZ), providing procedures and restrictions for designation and approval of the MIOZ, and to provide use restrictions, development regulations, site plan provisions, and permitting requirements for the MIOZ in the Zoning Ordinance. Although not yet enacted, this legislation helps support the owner/applicant's request to change the list of allowed uses by providing additional guidance regarding the second goal of the DDOZ. The proposed use for the sale or rental of heavy construction equipment will be consistent with the future implementation of the MIOZ and 'compatible with the location under the flight path of Joint Base Andrews.' Simply stated, the proposed use on the subject property, if permitted, does not generate 'significant crowds of people' and fulfills the goals of the Sector Plan and the DDOZ and will not be inconsistent with the future implementation of the MIOZ.

"When the DDOZ was established, it did not conduct a property by property analysis to understand which use restrictions should or should not apply to individual properties. With the retention of the subject property in the I-1 Zone, the recent approval of DSP-13014, and the enactment of CB-42-2015, it is clear that the District Council has determined that I-1 zoning is the preferred zone for the subject property and modifying Figure X-10 (Marlboro Pike Table of Uses Permitted – Industrial Zones) to permit the requested use fulfills the goal of the Sector Plan to locate uses on property compatible with the flight paths of Joint Base Andrews."

The Planning Board finds that the proposed modification to the use table to allow for the sale and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display including maintenance of said equipment within an enclosed building, is consistent with and fulfills the goals of the Marlboro Pike Sector Plan and the D-D-O Zone. The unique circumstances applicable to the subject property, that it is located at the end of Parston Drive and embedded within the development district is, away from Marlboro Pike and in an isolated area of the development district contains existing structures originally intended for warehouse use, and was designed and constructed in accordance with the underlying I-1 Zone, make this a reasonable request.

9. **2010 Prince George's County Landscape Manual:** The Marlboro Pike Sector Plan states, on page 142, the following regarding the Landscape Manual applicability:

Except as modified by the development district standards, the provisions of the Landscape Manual in Section 1.3 (Alternative Compliance) and Sections 4.2 (Commercial and Industrial Landscape Strip requirements), 4.3 (parking Lot requirements), and 4.7 (Buffering Incompatible Uses) do not apply within the development district. All other standards and regulations of the Landscape manual apply as necessary.

However, the sector plan states the following relating to Landscape Manual applicability in Character Area 3, in which the subject property presides:

2.1 Landscaping/Buffering-Additional requirements. All development shall be subject to the design guidelines, requirements and standards of the Landscape Manual. Additional requirements for buffering /screening area on private properties located along the public rights-of-way, as identified in Figure X-6: Landscape Buffer Illustration on page 144 are as follows:

Area A (MD 4 including the exit ramp from I-95) – Minimum 20-foot wide vegetative screen with or without fencing.

Section 2—Streetscape

2.2 Fence/Wall/Screening material. Fences, walls or screening required by the landscape manual shall be constructed of durable materials that include masonry, stucco, decorative metal, landscape berms or vegetation. The following materials shall NOT be used for any type of required fencing, walls, or screening in the DDOZ area; barbed wire, unclad cinder block, vinyl cladding, corrugated metal, corrugated fiberglass, sheet metal, wire mesh, or chain link. (*emphasis added*)

The sector plan states in paragraph 2.1 that all development is subject to the Landscape Manual within Character Area Three. In this case, since the project is not proposing any increase in gross floor area, nor is it changing from a higher to a lower use category, the Planning Board finds that Section 1.1(d) of the Landscape Manual exempts the project from Sections 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 4.8, 4.9, and 4.10. However, the project is subject to Section 4.4 of the Landscape Manual, which states the following:

(3) **Outdoor Merchandise Storage**

Outdoor merchandise storage areas shall be screened from adjoining existing residential uses, land in any residential zone, or land proposed to be used for residential purposes on an approved basic plan, approved official plan, or any approved conceptual, detailed, or special exception site plan. Loading spaces, loading docks, and maintenance areas shall also be screened from constructed public streets.

Options:

- (A) **Six (6)-foot-high, sight-tight fence or wall; or**
- (B) **Minimum two (2)-foot-high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or**
- (C) **Six (6)-foot-high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row); or**
- (D) **A combination of the above options.**

The Planning Board finds that evergreen screening should be provided along the rear property line adjacent to the existing single-family detached dwelling, and notes the applicant's proffer of enhancing the landscape strip along the right-of-way of Parston Drive.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and has procured a Letter of Exemption granting a standard exemption for the site (WCO-EL S-111-16). The site is exempt from the Prince George's County Woodland Conservation Ordinance, because the site has less than 10,000 square feet of woodland and no previously approved tree conservation plans.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The application is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance as the subject project will not create more than 5,000 square feet of ground disturbance.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The following findings are adopted by the Planning Board in their review.
 - a. **Community Planning—Plan Prince George's 2035 Approved General Plan** (Plan Prince George's 2035) designates the area in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low- to medium-density development. The project is located within Planning Area 75A/Capitol

Heights and the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA). The Marlboro Pike Sector Plan and SMA retained the subject property in the I-1 Zone, superimposed with a D-D-O Zone.

This application conforms with the general Industrial land use recommendation of the Marlboro Pike Sector Plan, however, the requested uses are not consistent with the specific uses permitted in the I-1 Zone as modified per the D-D-O Zone, therefore, the requested amendment has been submitted to adjust the permitted uses on the subject property. Implementing the proposed improvements and permitting the uses requested on this property will not substantially impair the implementation of the low-intensity business park recommendation of the SMA.

The Marlboro Pike Sector Plan recommends the subject property and the surrounding properties be in the Industrial land use designation. The SMA retains the I-1 Zone, but superimposes a D-D-O Zone, which further restricts uses allowed in the I-1 Zone. Thus, the uses requested by this application are prohibited in the Marlboro Pike I-1 with D-D-O Zone in keeping with the goals, land use, and design characteristics of the low-intensity business park (see pages 138, 140, 142 and 143).

This application is in Character Area 3: Low Intensity Business Park. The goal 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 (JBA). The subject property is located within APZ 1 of the **adopted** Military Installation Overlay Zone area, where properties have the potential to impact, or be impacted by, flight operations at JBA and may be subject to the provisions of Part 10C of the Zoning Ordinance.

The land use characteristics envisioned for the area include low-intensity business buildings with flex space for business services, limited retail services, manufacturing, wholesaling, warehousing and distribution. This character area requires high standards for site design and operations to ensure that business uses in this area are attractive as well as functional. It also envisions low-scale one-story buildings constructed of durable materials with interior noise attenuation features to mitigate the high noise impacts of flight operations near the end of the runways for JBA. Close attention should be paid to installation and restoration of landscaping and screening along public roads and on interior open spaces (see Figure X-6: Landscape Buffer Illustration on page 144). Land uses that attract children, the elderly or the infirm, or large gatherings of people should be prohibited.

Any amendment to the table of uses for uses prohibited by the D-D-O Zone should be reviewed to determine the extent the proposed uses and operation meet the goal, land use characteristics and the applicable development district standards. To meet the goal, land use characteristics, and the applicable D-D-O standards, this application proposes various

building improvements. Improvements include installation of a privacy fence to shield the outdoor display areas from Parston Drive, and additional landscaping along Parston Drive and along the northern property line to further reduce views into the property. Implementing the proposed improvements and permitting the uses requested on this property will not substantially impair the implementation of the Low Intensity Business Park.

- b. **Environmental Planning**—The application is for a 1.70-acre parcel, which is zoned I-1 and seeks to amend the use table to allow sales/rental of heavy motorized and construction equipment in a I-1 Zone of the Marlboro Pike Development District Overlay Zone. The entire site has been impacted and impervious with parking area and a single building. No new impacts are proposed with this application.

Woodlands: The site has an approved WCO-EL (S- 111-16) and NRI Exemption Letter (NRI-130-2016)

Specimen Trees: The site contains no specimen trees

Wetlands/Streams: No wetlands or streams found on-site

100-year floodplain: Not found on-site.

Primary management area (PMA) Impacts: No PMA impacts proposed

Chesapeake Bay Critical Area (CBCA): No CBCA on-site

2005 Approved Countywide Green Infrastructure Plan: The site has network gap areas on-site. No impacts are proposed

Noise: Parston Drive is not identified as a master-planned roadway. No residential use proposed, no noise contours on-site

Scenic/Historic Roadway: Parston Drive is not identified as a historic or scenic roadway

Marlboro Clay Soils: Not found on-site

Development District Overlay (D-D-O): The site is within the Marlboro Pike D-D-O Zone, no environmental policies or goals are required because no new impacts are proposed

- c. **Transportation Planning**—The DSP application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Sector Plan) in order to implement planned trails, bikeways, and pedestrian improvements. The

application proposes to utilize an existing building on-site for the sale and leasing of heavy equipment.

Master Plan Compliance and Prior Approvals

Both the area master plan and the MPOT recommend a stream valley trail along Ritchie Branch. The wording from the MPOT regarding this proposal is copied below.

Ritchie Branch Trail: This planned trail will provide access from the Forestville community to Walker Mill Regional Park. This is a long-term recommendation that will require the acquisition of land along the stream valley within a largely industrial corridor (MPOT, page 27).

This is a long-term recommendation that would require right-of-way or easement acquisition to accommodate the trail. Although the planned trail line included in the MPOT runs through the subject site, if constructed this trail would likely have to be to the east of the subject property along the alignment of Ritchie Branch Trail. In the immediate vicinity of the subject site trail construction is not feasible or desirable due to existing industrial uses. No recommendations regarding the Ritchie Branch Trail are made for the subject application. The Department of Parks and Recreation (DPR) is currently completing a Trails Master Plan for future M-NCPPC trails, and this planned trail may be removed from that plan if it is deemed not feasible by DPR. Due to the nature of the abutting light industrial uses, no mandatory dedication is required along Ritchie Branch, making stream valley acquisition difficult along this corridor.

The MPOT and the area master plan include no master plan trail or bikeway recommendations that impact the subject site. However, the Complete Streets section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians which relate to frontage improvements and internal pedestrian circulation:

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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

The subject application includes an existing standard sidewalk along its frontage of Parston Drive. No additional internal sidewalk connections are necessary for the subject site plan. There are no master plan trail recommendations for the subject application.

In the late 1980s to the 1990s, there were a number of developments whose building permits were issued without going through a transportation adequacy test. The subject property (Lot 12) and the existing building was among them. Then in 2004 the subject site was included in a preliminary plan of subdivision which recognized the existing gross floor area of the building that was built in or around 1992 and essentially capped the development on Lot 12 at 22,000 square feet. Furthermore, there is no evidence that the use (or the site layout) has changed substantially over the years, considering the industrial nature of the property.

There are no transportation issues regarding this application.

- d. **Subdivision Review**—At the time of approval of PPS 4-04054, Lot 12 was developed with 22,000 square feet of warehouse space per the approved plan. The DSP shows 21,00 square feet of gross floor area. The DSP is in conformance with the record plat (REP 203-62) which was recorded in Land Records on November 3, 2004.

There are no subdivision issues.

- e. **Permit Review**—The plans are subject to the requirement of the I-1 Zone relating to a minimum of 10 percent of the site being in a green area and the plans have demonstrated conformance to this requirement.
- f. **Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE)**—DPIE provided comment in a memorandum dated September 19, 2016, stating that DPIE has no objection to the proposed amendments to the use table.
- g. **Prince George's County Police Department**—The Police Department did not offer any comment regarding the subject project.
- h. **Prince George's County Health Department**—The Health Department did not offer any comment regarding the subject project.
- i. **City of District Heights**—No response had been received from the City of District Heights regarding the subject project.
- j. **Joint Base Andrews Naval Air Facility Washington (JBA)**—No response had been received from JBA regarding the subject project.
- k. **Historic Preservation**—The application was found to have no effect on historic or archeological resources.

- 13. Based on the foregoing and as required by Section 27-285(b)(11) of the Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27,

Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

14. As there are no regulated environmental features located on the subject project, the required finding of Section 27-285(b)(4) of the Zoning Ordinance that regulated environmental features are preserved and/or restored to the fullest extent possible need not be made for the subject project.

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

- A. The Planning Board recommends that the District Council APPROVE the amendment to the Development District Overlay Zone use table to allow the sale and rental of heavy motorized equipment or construction equipment of all kinds, with outdoor display, including maintenance of said equipment within an enclosed building.
- B. The Planning Board APPROVED the alternative development district standards for:
 1. **Section 2.2: Streetscape:** To allow the existing barbed wire and chain-link fencing at the perimeter of the site.
 2. **Section 4.1: Parking and Loading:** To allow the reduction of parking to no more than 30 spaces.
- C. The Planning Board APPROVED Detailed Site Plan DSP-16034 for H&E Equipment Services, Forestville Commercial Center, Lot 12, Block D, subject to the following conditions:
 1. Prior to certificate approval, the following information and revisions shall be provided:
 - a. Add the site plan note as follows:

“The following use is permitted use on the subject property—The sale and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display, including maintenance of said an equipment within an enclosed building.”
 - b. The landscape plan shall be revised to provide evergreen screening of outdoor merchandise storage, along the south property line adjacent to the single-family detached dwelling, in accordance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

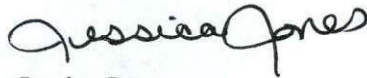
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 10, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of December 2016.

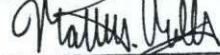
Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:SHL:rpg

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 11/23/16