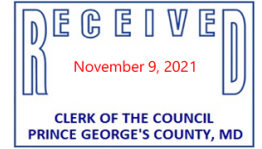


November 9, 2021

3700 Forestville Road, LLC
1800 Wazee Street, Suite 500
Denver, CO 80202



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-07043-01
3700 Forestville Road Warehouse (Jemal's Post)

Dear Applicant:

This is to advise you that, on **November 4, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

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

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

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: 
Reviewer

Attachment: PGCPB Resolution No. **2021-125**

cc: Donna J. Brown, 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 October 14, 2021, regarding Detailed Site Plan DSP-07043-01 for 3700 Forestville Road Warehouse (Jemal’s Post), the Planning Board finds:

1. **Request:** This detailed site plan (DSP) requests the development of a warehouse containing 130,625 square feet within the Military Installation Overlay (M-I-O) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1 /M-I-O	I-1 /M-I-O
Use(s)	Vacant	Industrial
Gross Acreage	33.35	33.35
Lots/Parcels*	2	2
Square Footage/Gross Floor Area (GFA)	0	130,625 sq. ft.

***Note:** A condition has been added to correct the site data table on the DSP to reflect two lots.

Parking and Loading

USE	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
130,625 sq. ft. Light Industrial Warehouse		
3 spaces for first 1,500 sq. ft. of GFA	3	
1 space for additional 1,500 sq. ft. of GFA up to 100,00 sq. ft.	66	
0.2 spaces for additional 1,000 sq. ft. above the first 100,000 sq. ft. of GFA	7	
Total	78	245 (9 Handicapped Accessible)
LOADING		
1 space for 1,500-10,000 sq. ft. of GFA	1	
1 space for each additional 40,000 sq. ft. of GFA	3	
Total	4	9

3. **Location:** The subject site is located in the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and I-95/I-495 (Capital Beltway), in Planning Area 75A and Council District 6. The site is zoned Light Industrial (I-1) and is within the M-I-O Zone and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA).
4. **Surrounding Uses:** The site is adjacent to I-95/I-495 to the northwest, and a property zoned Commercial Shopping Center beyond; to the east by properties in the Commercial Miscellaneous, Heavy Industrial, and I-1 Zones; and to the south by properties in the I-1 Zone.
5. **Previous Approvals:** The subject property is a legal parcel known as Parcel 23, and described in a deed recorded among the Prince George's County Land Records in Liber 44440, folio 153, in November 2020. The development has an approved Stormwater Management (SWM) Concept Plan (7310-2021). The property is subject to Preliminary Plan of Subdivision (PPS) 4-06145 (PGCPB Resolution No. 07-96(A/2)), which was approved on May, 3 2007 and reconsidered twice, first on October 11, 2007 and then on July 8, 2021. The original Detailed Site Plan, DSP-07043-01, was approved by the Prince George's County Planning Board on September 11, 2008 and approved by the Prince George's County District Council on November 10, 2008.
6. **Design Features:** The subject application proposes to develop a 130,625-square-foot warehouse. The site will be served by two driveway connections along Forestville Road, one aligned with Stewart Road and the other aligned with Leona Street. A third driveway connection to the site will be provided along Penn Belt Place. A total of 254 parking spaces are provided on-site, which include nine handicap accessible spaces. Site layout and circulation is designed to allow van drivers to arrive at the site in their personal vehicles and drive to one of the van parking areas where they will park their vehicle, pick up a van, and then drive to the staging area on the west side of the building for loading. The van parking areas are located on the southwest corner, in the northeast and southeast quadrants of the site. The DSP proposes several transportation improvements to include a median at the northern driveway connection along Forestville Road, for right in/right out movement from the Stewart Road entrance, and a cul-de-sac at the terminus of Penn Belt Place.

Architecture

The proposed architecture is typical of a modern industrial building. The applicant is proposing the use of painted concrete tilt up panels with exterior colors that include sable and dark green. The northern and western facades will be visible from Forestville Road. The north façade contains an associate entry door with a 10-foot clearance, an aluminum storefront system, and a metal roofing panel. There will be a variety of materials, including metal panel accents, at the main entrance located on the north facade. The western façade includes a 20-foot-tall canopy that extends 80 feet from the building.

Signage

The site will include a combination of monument, freestanding, building-mounted, and wayfinding signages. The specific dimensions and number of signs are not clearly detailed on the DSP. Conditions have been included herein, for the applicant to provide a total quantity of signs and include the square footage in the signage table. An additional condition was made to provide wayfinding signage to indicating the location of the bicycle parking.

Loading

A total of nine loading spaces will be provided on-site, which the applicant indicates will be primarily used for delivery vans. The loading spaces will be provided along the southern façade and will be accessible from the Penn Belt Place entrance. A condition has been included herein, to provide additional landscaping or fencing to screen the loading spaces from the roadways.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the I-1 Zone of the Zoning Ordinance:
 - a. The subject application is in general conformance with the requirements of Section 27-469 of the Zoning Ordinance, which governs development in the industrial zones. The proposed warehouse use is permitted in the I-1 Zone.
 - b. The DSP generally conforms with Sections 27-469 and 27-474 of the Zoning Ordinance, Regulations for the I-1 Zone.
 - c. **Military Installation Overlay (M-I-O) Zone:** The M-I-O Zone is based on three areas of constraint: noise, height, and accident potential. Under this zoning, the applicant must meet the requirement for height and noise. The site is required to meet the applicable requirements for properties located in the conical surface (20:1). The proposed building height is 45.33 feet and meets the height requirement. The project also falls within the Noise Intensity Contours in the M-I-O Zone, where noise levels may range from 60db to 74db. Section 27-548.56 of the Zoning Ordinance addresses prohibited and limited uses in the Accident Potential Zone 1, which does not include the proposed warehouse use.
8. **Preliminary Plan of Subdivision 4-06145:** The Planning Board approved PPS 4-06145 on May 3, 2007, and was reconsidered twice, first on October 11, 2007, and then on July 8, 2021, to consider seven lots and one parcel to support development of 321,069 square feet of industrial/commercial use. (PGCPB Resolution No. 07-96(A)). A final plat was not recorded, but the PPS remains valid until December 31, 2021.

The PPS was recertified in accordance with the July 8, 2021 reconsideration on September 8, 2021, and a final plat should be submitted following approval of this DSP amendment. The plat must be submitted prior to December 31, 2021, when the PPS will expire.

The PPS was approved, subject to 17 conditions. The relevant conditions are discussed, as follows:

2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/11/07). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/11/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

The applicant submitted revised Type I Tree Conservation Plan (TCPI-011-07-01) and revised Type II Tree Conservation Plan (TCPII-026-08-01) with the application. The revised TCPI was also submitted separately for recertification, and it was recertified on September 8, 2021. During recertification of the PPS and TCPI, it was found that a greater amount of right-of-way dedication is needed for the Penn Belt Place cul-de-sac than was shown on the plans as they were approved by the Planning Board. The greater dedication of right-of-way led to 2,541 additional square feet of primary management area (PMA) impacts, according to the redlined impact plates submitted with the DSP application. The Environmental Planning Section has reviewed the TCPII and has recommended approval with conditions.

5. Development shall be in conformance with the approved Stormwater Management Concept Plan, 1837-2005-01 and any subsequent revisions.

SWM Concept Plan 7310-2021-00 was submitted with the subject application. The concept plan has been approved and expires June 24, 2024.

7. The applicant shall provide a standard sidewalk along the subject site's entire frontage of Forestville Road, unless modified by DPW&T.

A five-foot-wide sidewalk is shown on the DSP along the frontage of Forestville Road. The Transportation Planning Section has reviewed and deemed it as acceptable.

8. Provide a standard sidewalk along both sides of all internal roads, unless modified by DPW&T

The proposed plan does not include internal roads, so this condition does not apply. The Transportation Planning Section has reviewed and deemed it as acceptable.

- 10. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan original plat, the applicant shall provide a plan for Evaluating the resource at the Phase II level, or ii.) Avoiding and preserving the resource in place.**

A plan for evaluating Phase II was provided and completed.

- 11. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.**

The Phase I archeological evaluation was completed, as required, prior to signature approval of the PPS. As a result of the findings, a Phase II, and ultimately a Phase III evaluation were performed and completed.

- 12. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**
 - b. Forestville Road/Stewart Road: At the time of submittal of the initial Detailed Site Plan within the subject property, the applicant shall submit an acceptable traffic signal warrant study and lane usage plan to the transportation planning staff and DPW&T for signalization at the intersection of Forestville Road and Stewart Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with DPW&T prior to the release of any building permits within the subject property, with installation to occur at the time directed by DPW&T. The recommended lane usage and traffic control shall be made a part of the recommendation for the initial Detailed Site Plan within the subject property.**
 - c. Forestville Road/Leona Street: The existing Leona Street approach will be modified to serve right-in right-out movements. The site access opposite this street shall be designed for right-in right-out movements. Associated with these requirements, the applicant shall provide a short section of median along the centerline of Forestville Road in the vicinity of Leona Street as a means of preventing left-turns associated with Leona Street and the northern site entrance. Prior to the approval of the initial Detailed Site Plan within the subject property, the applicant must hold a community meeting**

to inform citizens along Leona Street about the proposed changes in the traffic patterns at Forestville Road and Leona Street, and the applicant must provide documentation of this meeting, with any results and/or changes, for the review of DPW&T and the Transportation Planning Section as a part of the Detailed Site Plan review.

The Transportation Planning Section has reviewed this DSP and stated the applicant has indicated an intention to comply with the condition. A signal warrant study was submitted during review of the approved DSP-07043, and the study was updated in 2021. The most recent study found that a signal at Forestville Road/Stewart Road is warranted. The required signal is enforceable at the time of building permit. The DSP reflects two lanes northbound and southbound along Forestville Road at this location, with opposing center left-turn lanes at the intersection. The DSP reflects the improvements as described in the condition, and the improvements should be provided and are enforceable at the time of building permit. The referenced community meeting was held virtually on September 8, 2021. Transportation staff observed the entire meeting, and documentation was provided.

- 13. Total development within the subject property shall be limited to uses which generate no more than 305 AM and 697 PM peak-hour vehicle trips, with trip generation determined in a consistent manner with the February 2007 traffic study. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The Transportation Planning Section has reviewed this DSP and has determined that proposed use will generate 52 AM and 52 PM peak-hour trips, which is within the trip cap.

- 14. Prior to the issuance of any building permit a Detailed Site Plan is required to examine the architecture, landscaping, traffic, pedestrian and vehicular circulation visibility and neighborhood compatibility of the proposed development.**

This condition will be satisfied with the review and approval of the current application, DSP-07043-01.

- 15. Prior to approval of the detailed site plan, the preliminary plan of subdivision, which was revised to reflect the floodplain and impacts to the primary management area, in accordance with the reconsideration approved by the Prince George's County Planning Board on July 8, 2021, shall be signature approved with revisions, as follows:**

- a. Provide the gross tract areas, in addition to the net tract areas, for proposed lots.**
- b. Provide the preliminary plan of subdivision and Type I tree conservation plan at the same scale.**

The Subdivision Section has reviewed this DSP and stated that the revised PPS was recertified on September 8, 2021, and the condition has been satisfied.

16. **Prior to approval of the detailed site plan, the Type I Tree Conservation Plan (TCPI-011-07-01), which was revised to reflect the floodplain and impacts to the primary management area, in accordance with the reconsideration approved by the Prince George's County Planning Board on July 8, 2021, shall be signature approved with revisions to the TCPI, as follows:**
 - a. **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

The Environmental Planning Section has reviewed this DSP and indicates that the revised TCPI was recertified on September 8, 2021 and the condition has been satisfied.

17. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:**

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

The Subdivision Section has reviewed and stated that the plans show the location of the PMA. The final plat should show a conservation easement consistent with the delineated PMA and any approved impacts, to comply with this condition.

9. **Detailed Site Plan DSP-07043:** DSP-07043 was approved for the construction of a Lowe's Home Improvement Store on the eastern end of the subject property, subject to 12 conditions. The DSP remained valid, however, construction in accordance with the prior approval never occurred. The proposed DSP revision will supersede the previously approved plan.
10. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*. The landscape and lighting plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements.

- 11. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and has a previously approved TCPII.

Type II Tree Conservation Plan TCPII-026-08-02 was submitted with this application. The site’s gross tract area is 33.35 acres, containing 4.10 acres of floodplain and 0.37 acre of dedicated land, for a net tract area of 28.88 acres. This gross tract area will have a woodland conservation threshold of 4.33 acres (15 percent). The net tract area contains 28.88 acres of woodlands and 4.10 acres of wooded floodplain. The woodland conservation worksheet proposes the removal of 23.09 acres of woodland on the net tract area, 0.58 acre of woodland within the floodplain, and 1.17 acres of woodland off-site, resulting in a woodland conservation requirement of 10.68 acres. According to the TCPII worksheet, the requirement is proposed to be met with 5.79 acres of woodland preservation on-site, 0.65 acre of reforestation on-site, and 4.24 acres of off-site woodland conservation credits. The TCPII shows proposed infrastructure such as building location, interior road layout, parking areas, water and sewer lines, SWM structures, outfall locations, woodland preservation areas, and reforestation areas.

- 12. Prince George’s County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George’s County Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George’s County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule demonstrating conformance to these requirements through existing trees and the provision of new plantings on the subject property.

- 13. Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:

- a. **Subdivision**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Diaz-Campbell to Butler), which notes that the DSP is in substantial conformance with the approved PPS.
- b. **Transportation**—The Planning Board adopts, herein by reference, a memorandum dated September 17, 2021 (Masog to Butler), which notes that the plan is acceptable and meets the finding required for a DSP, as described in the Zoning Ordinance.
- c. **Pedestrian and Bicycle Facilities**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Jackson to Butler), which notes that the plan is deemed acceptable from the standpoint of bicycle and pedestrian transportation, with conditions included herein.
- d. **Environmental Planning**—The Planning Board adopts, herein by reference, a memorandum dated September 15, 2021 (Schneider to Butler), which notes technical comments to TCPII-026-08-02, which are outlined in the conditions.

- e. **Historic**—The Planning Board adopts, herein by reference, a memorandum dated August 27, 2021 (Berger to Butler), which notes that the subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites.
 - f. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Jacob to Butler), which notes that the plan was acceptable with the condition outlined below.
 - g. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopts, herein by reference, a memorandum dated August 27, 2021 (MacLaren to Butler) from WSSC staff, which provided standard comments on the subject DSP. WSSC’s comments will be addressed through their own separate permitting process.
 - h. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Byrd to Butler), which notes that the plan conforms to the Subregion 4 Master Plan and SMA.
14. As required by Section 27-285(b) 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.
15. Per Section 27-285(b)(4), 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.**

The site contains regulated environmental features. PMA impacts were recommended for approval with the PPS second reconsideration (4-06145) for eight impact areas, for a cul-de-sac entrance road of Penn Belt Place, a wall, three stormwater outfall structures, a sewer connection, one road crossing, and two lot fill areas. The total of the eight PMA impacts approved with the second reconsideration of the PPS were for 66,597 square feet, 46,534 square feet of stream buffer, 39,202 square feet of floodplain, 280 linear feet of stream bed, 1,439 square feet of wetlands, and 6,166 square feet of wetland buffer.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type II Tree Conservation Plan TCPII-026-08-02, and further APPROVED Detailed Site Plan DSP-07043-01 for the above described land, subject to the following conditions:

1. Prior to certification, the detailed site plan shall be revised, or additional information shall be provided, as follows:
 - a. Correct Note 16 of the site data table to state that the property will consist of two lots.
 - b. Provide wayfinding signage indicating bicycle parking, or separate bicycle parking signage at all three points of vehicle entry, providing directions to where the bicycle parking is located.
 - c. Provide the total quantity and total square footage of the proposed monument and freestanding signage in the table.
 - d. Provide additional landscaping or fencing to screen the loading spaces from the roadways.

2. Prior to signature approval of the detailed site plan, the Type II tree conservation plan shall be revised as follows:
 - a. Revise General Note 1 to read: “This plan is submitted to fulfill the woodland conservation requirement for a detailed site plan (DSP-07043-01), and stormwater management concept plan (7310-2021-00). If any of the...”
 - b. Have the revised plan signed and dated by the qualified professional who prepared it.

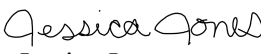
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 14, 2021, in Upper Marlboro, Maryland.

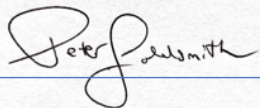
Adopted by the Prince George's County Planning Board this 4th day of November 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: October 20, 2021