

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 9, 2009, regarding Detailed Site Plan DSP-07073 for National Harbor, Beltway Parcel- Harbor View, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application is for approval of 6,600 square feet of commercial uses on Lot 3, as well as approval of a large paved area for recreational/outdoor exhibition, displays, entertainment, or performance uses on Parcel A.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone (s)	M-X-T	M-X-T
Use (s)	Vacant	commercial recreational/outdoor exhibition, displays, entertainment, or performance
Acreages	39.4	39.4
Of which Lot 3	7.26	7.26
Parcel A	32.14	32.14
Total Gross Floor Areas (sq. ft.)	-	6,600
Of which Building 1-Fast food restaurant	-	3,600
Building 2-Convenience store	-	3,000

OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces	78	86
Of which Lot 3	78	86
Handicapped Spaces	6	6
Total Loading Spaces	3	3
Total Parking Spaces for Exhibit Area (Parcel A)	2,161	2,161
Of which Handicapped Spaces	32	25*

Note: \*The exhibit area on Parcel A will be used temporarily as a commercial entertainment venue. However, seven additional parking spaces for the physically handicapped should be provided. The distribution of the parking spaces for the physically handicapped should also be in proportion to the number of parking spaces serving each building site.

3. **Location:** The subject site is located adjacent to and south of I-95/495 (Capital Beltway), in the southwest quadrant of the intersection of Oxon Hill Road and I-95/495, in Planning Area 80 and Council District 8.
4. **Surrounding Uses:** The subject site has a long, narrow configuration (approximately 3,500 feet long and 750 feet across) stretching northeast to southwest along the Capital Beltway, which forms the northwest boundary of the parcel. The Capital Beltway parcel also has approximately 1,200 feet of frontage on Oxon Hill Road. The land across I-95/495 from the Beltway parcel is occupied by the Oxon Hill Children’s Farm. West, south, and southeast of the site is land owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC), Betty Blume Neighborhood Park, and the grounds of Oxon Hill Manor. Across Oxon Hill Road to the east is the Salubria office building. From the high point of the parcel at Oxon Hill Road through the length of the parcel, the topography slopes in a westerly direction from 192 feet to 22 feet above sea level, a drop of 170 feet. The Beltway parcel was cleared of trees, graded, and stabilized in the late 1980s in accordance with an approved Detailed Site Plan (DSP-88045). The Addison Family Cemetery, which will be preserved and integrated into the development, is located on the Beltway parcel.
5. **Previous Approvals:** The site is a part of the larger development known as National Harbor which has a long approval history and consists of two major land areas, the Waterfront parcel and the Beltway parcel. All M-X-T zoned properties within the National Harbor development were rezoned through eight zoning map amendments approved in the 1980s. In 1998, the Prince George’s County Council affirmed the Planning Board’s decision and approved a conceptual site plan for National Harbor for approximately 534 acres of land, in the M-X-T, Rural Residential (R-R), and Residential Medium Development (R-M) Zones, including the subject site. In 2001, a Preliminary Plan of Subdivision, 4-01048, for the entire 534 acres was also approved (via PGCPB

Resolution No. 01-163) by the Planning Board. The Beltway parcel was cleared of trees, graded, and stabilized in the late 1980s in accordance with an approved Detailed Site Plan (DSP-88045). The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject site in the M-X-T Zone. The site also has a Stormwater Management Concept Approval, 48280-2007-00.

6. **Design Features:** The DSP includes Lot 3 and Parcel A of the Beltway parcel, a total of 39.4 acres of land. The submittal originally included Lot 1 with a gas station and a convenience store. During the Public Hearing for this case on May 7, 2009, the applicant proffered to remove all development previously proposed on Lot 1. The Planning Board continued this case to July 9, 2009 and directed the Urban Design Section to review the DSP without development on Lot 1. Parcel A is a linear land strip parallel to the Capital Beltway and is bounded by the rights-of-way (ROW) of National Avenue and Harbor Avenue. No structure has been proposed on Parcel A except for 2,161 surface parking spaces for temporary commercial recreational use. One vehicular access to the proposed surface parking lot on the site has been shown on National Avenue. Lot 3 is a triangular site located on the south side of Harbor View Avenue. A gas station with a convenience store and a fast-food restaurant has been proposed on this lot. One vehicular access to Lot 3 off of Harbor View Avenue has been shown on the plan. Six service pumps that can serve up to 12 cars simultaneously are shown on the DSP.

The two buildings on Lot 3 are one-story buildings with mansard-like roofs. The design of the two buildings draws heavily from the theme of the Oxon Hill Manor in terms of detailed architectural treatments and finishing materials. Both buildings are finished with bricks on four sides. Additional details such as pattern of window openings, widow trims, dentil molding on the elevations are identical to those found on the Oxon Hill Manor. Even the entrance features such as brick piers and lamp on top of the piers match those on the Oxon Hill Manor site. The restaurant building on Lot 3 has a rectangular footprint with the main elevation fronting on the Harbor View Avenue. A drive-thru section has been oriented toward the rear of the property. Similar window patterns and decoration has been applied to front, rear, and one side elevation. The side elevation fronting gas station site has no opening. A faux window with the same trims as the real windows has been used on the rear elevation.

The convenience store building on Lot 3 is a rectangular building with windows around the entrance area on the main elevation that is oriented toward Harbor View Avenue. The same dentil molding has been used on four elevations. The other three elevations have no window openings. Brick works with certain patterns have been provided on the elevations without openings. The canopy covering fueling area is designed to use the same mansard-like roof with asphalt shingles and same brick piers. However, the piers look out of proportion with the large roof on the canopy. The Planning Board imposed a condition to require the applicant to improve the design of the canopy prior to certification of this DSP.

The signage included in this DSP is composed of building mounted signs, which are located on the two elevations of the restaurant building and three elevations of the convenient store building, and gateway entrance signs. The gateway signs include two signs with entrance features at the both

sides of the access point off Harbor View Avenue and two gateway signs identifying the gas station and the restaurant. The gateway signs and entrance features are finished with brick too. The dimensions of both the building mounted signs and gateway signs were not provided. The Planning Board attached a condition in this resolution to require the applicant to provide the sign details to be reviewed and approved by the Urban Design Section as the designee of the Planning Board prior to certification.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The proposed commercial, gas station, commercial recreational/outdoor exhibition, displays, and entertainment or performance uses are permitted in the M-X-T Zone. The application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings in addition to the findings required for the Planning Board to approve a detailed site plan as follows:
    - (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone as stated in Section 27-542(a) of the Zoning Ordinance include the following:

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The site is the Beltway parcel of a large development known as National Harbor. The subject DSP includes a gas station and a restaurant on Lot 3, and commercial recreational/outdoor exhibition, displays, and entertainment or performance uses on Parcel A as interim uses for that parcel. These uses are generally in conformance with the purposes and provisions of the M-X-T Zone. National Harbor as a whole will promote the orderly development of land in the vicinity of the Woodrow Wilson Bridge at an important interchange of I-95/495 and will maximize private development potential. The proposed mixture of uses on the subject property and interim uses will help to conserve the value of land so as to allow for a market to be created that would sustain a long term source of desirable employment and living opportunity for County residents.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The subject site was rezoned to the M-X-T Zone through several zoning map amendment applications. The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject site in the M-X-T Zone. The previously approved conceptual site plan for the larger development, including the subject site, specifically defines a mix of retail, commercial office, hotel, and a visitors' center, and envisions a compact, walkable development for the Beltway parcel.

The entire Beltway parcel has been envisioned in the CSP as a high-density urban environment with 725,000 square feet of retail space, 200,000 square feet of general office space, 1,000 hotel rooms, and a visitors center. At the time of the preliminary plan of subdivision, the plan called for the same mix of uses, but with a large increase in the amount of office space (to 1,220,000 square feet) and a reduction in retail space (to 200,000 square feet) and hotel rooms (850). According to the Henson Creek-South Potomac master plan, the Beltway parcel has also been envisioned as the land gateway to National Harbor's waterfront development. The proposed gas station and restaurant are permitted use in the M-X-T Zone and are supplemental to the development on the waterfront parcel.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The subject site along with the rest of the waterfront parcel of National Harbor was rezoned to M-X-T due to its close proximity to a major interstate freeway, the State of Virginia, and the District of Columbia. Immediate access to Virginia is available via the Wilson Bridge; and immediate access to the District of Columbia is available via I-295. The completed portion of the waterfront parcel of the National Harbor development has become an important tourist destination in the region. The development included in this DSP is a portion of a multiphase development. The proposed development contains a gas station with a convenience store, a fast-food restaurant, and an interim use of Parcel A for commercial recreational or entertainment/outdoor exhibit, displays, or performance uses. The proposed development will conserve the value of the land. Future more intense use on the rest of the Beltway Parcel will maximize the public and private development potential inherent in the location of the zone.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The subject site, as a part of the National Harbor development, will make full use of the existing and scheduled major transportation systems. Substantial highway improvements have been put in place with the completion of the reconstruction of the Woodrow Wilson Bridge that allow the site to have direct and efficient connections to interstate highway systems. Pedestrian and bicycle trails have been planned and will be constructed in several locations. Water taxi connections are now in operation. The site is directly accessible to Metro bus along Oxon Hill Road where Lot 1 is located.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

This DSP is for a portion of the M-X-T-zoned Beltway parcel of the larger National Harbor development which has a mixture of uses that will encourage a 24-hour environment in the ultimate development of the project. The completed portion of the large number of entertainment and dining attractions immediately along the riverfront have attracted many local and area residents and people visiting the Washington metropolitan region. The development of the rest of the project will ensure continued functioning of the project after working hours and on weekends.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

The conceptual site plan for National Harbor proposes a mixture of retail, office, hotel, entertainment, and restaurant uses with various services, and a visitors' center in a harmonious, carefully crafted land plan. The proposed layout is appropriate to the subject site and the development will provide continued support to the development of the Waterfront parcel.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The larger National Harbor development is designed so that various uses will interact in a dynamic, synergistic way; hotels, dining, entertainment and retail all working together to create a critical mass of activity. The functional relationships between the various uses are carefully considered, with vehicular and pedestrian

circulation completely separated and service areas carefully concealed and separated from public use areas. The subject DSP has a limited scope of development compared to the Waterfront parcel. However, the applicant has provided specially designed architecture that borrows heavily from the neighboring Oxon Hill Manor building to create a distinctive visual character and identity. The buildings are finished with brick on all sides.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

The planning and design of the National Harbor development, including the Beltway parcel, represents optimum land use planning. At such a large scale, this development will achieve economies of scale and savings in energy when compared to construction of a number of individual projects occupying the same land area. As discussed previously, a limited number of uses have been proposed in this DSP for a portion of the Beltway parcel including an interim use of the graded areas for temporary commercial recreation/outdoor exhibition, displays, entertainment, or performance uses. According to the applicant, applications will be submitted in the future with more intensive and upscale uses when the market recovers.

- (9) To permit a flexible response to the market and promote economic vitality and investment; and**

The subject DSP is a portion of a larger mixed-use development project, which includes a wide variety of uses that establishes a flexible framework for future development as exemplified in the approved conceptual site plan. The exact types of businesses allowed are subject only to the general use categories established by the plan and may be adjusted in response to market forces. Similarly, the locations of particular uses are loosely governed by the several zones established within the development, but a great deal of flexibility remains to allow the developer to respond to perceived market forces. The success of the completed portion of the Waterfront parcel demonstrates the flexibility of the project to respond to the market.

- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The previously approved conceptual site plan governing the subject DSP demonstrates the intention to make National Harbor a showcase of interesting and

exciting architecture. Excellence in architectural design combined with an impressive site plan demonstrates excellence in physical planning. As proved in the completed portion of the Waterfront parcel, the flexibility inherent in this project allows the freedom of architectural design to achieve excellence in the development. The site included in this DSP covers only a portion of the Beltway parcel. The proposal has tried to utilize high quality materials to achieve visual harmony with the Waterfront parcel.

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

The subject site included in this DSP is divided into several individual sites by ramps and roadways that are part of the I-95/495 interchange and by Oxon Hill Road. Lot 3, where the buildings are located, has an outward orientation. The entire Beltway parcel is related much more to I-95/495 than to the existing development to the east. The larger National Harbor development has an outward orientation only toward the Potomac River, toward the highway interchange to the north, and toward Oxon Hill Road. Because it is an intensely developed commercial enterprise at such a large scale, the completed portion of the Waterfront parcel is expected to catalyze adjacent community improvement. The uses proposed in this DSP are supplemental to the development already in the area.

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

As discussed previously, the site included in this DSP is divided by various ramps and roadways and there is limited development proposed on the small amount of the larger Beltway parcel. The properties in the close vicinity of this site are largely undeveloped.

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

The development included in this DSP is of a supportive nature to the Waterfront parcel and is also an interim use of a large portion of the site. Future approval will be needed for more appropriate development. The mix of uses and the arrangement and design of buildings and other improvements would sustain an independent environment that will provide additional service to the National Harbor area.

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

The Waterfront parcel of the larger National Harbor development is staged and is currently under construction. The Beltway Parcel also has a general development plan. However, there is no staging plan provided with this DSP due to the limited amount of development proposed.

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

Careful attention has been given to the design of the pedestrian system in the entire National Harbor project. Pedestrian and vehicular traffic are kept separate in accordance with the approved conceptual site plan and preliminary plan of subdivision. Previous conditions of approval require many improvements to regional trails and on-site sidewalks included in this DSP. According to the review by the Transportation Planning Section (Shaffer to Zhang, August 8, 2009), the DSP is consistent with the previously approved plans.

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

This application is a detailed site plan. The above requirement has been fulfilled by the approved Conceptual Site Plan, CSP-98012.

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

A finding of public facility adequacy for the subject development was made at the time of approval of Preliminary Plan of Subdivision 4-01048 in 2001. According to a review by the Transportation Planning Section (Masog to Zhang, February 25, 2009), the proposed

DSP is within the overall trip cap approved in Conceptual Site Plan CSP-98012 for the entire National Harbor development.

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

The larger National Harbor development consists of a Waterfront parcel and a Beltway parcel, where the subject DSP is located. The entire National Harbor project was approved under the regular provisions of the M-X-T Zone, not under the Mixed-Use Planned Community provisions.

- b. The DSP is also consistent with additional regulations as stated in Section 27-548 of the Zoning Ordinance for the M-X-T Zone that are applicable to the review of this DSP as follows:

- (a) Maximum floor area ratio (FAR):**

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

There are two buildings with a total gross floor area of 6,600 square feet on Lot 3 only. There is no structure proposed on Parcel A. The total acreage of Lot 3 is 7.26. The DSP proposes no optional method of development. The floor area ratio (FAR) of the DSP is around 0.021, which is well below the maximum allowed, 0.4.

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

The previously approved Conceptual Site Plan, CSP-98012, provides a schematic plan including the general street pattern, possible mixture of uses, and general design principles for the development of the whole Beltway parcel. The subject DSP proposes limited development on one site. Much of the Beltway parcel has not yet been developed.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes**

**of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The proposed development in this DSP is subject to Section 4.3 (a), Parking Lot Requirements, of the Landscape Manual. The applicable requirements have been satisfied accordingly as discussed in Finding 10 below.

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

The DSP complies with this requirement. The street pattern shown on the DSP is consistent with the street network shown on the approved preliminary plan of subdivision for the entire National Harbor development. One street to the northwest of Lot 3 is a private street (Cross-Section A-A) approved in Preliminary Plan of Subdivision 4-01048, pursuant to Subtitle 24. However, according to the approved cross section, the width of right-of-way of this type of street is 44 feet and has a paved area of 24 feet. The DSP does not show the width of the ROW, but identifies a 30-foot-wide pavement area which is not consistent with the previous approval.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front façades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the development, and end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet...**

No residential use is currently proposed on the Beltway parcel. The uses approved for this property include retail, office, hotel, and a visitors' center as stated in both Conceptual Site Plan CSP-98012 and Preliminary Plan of Subdivision 4-01048.

8. **Conceptual Site Plan CSP-98012:** Conceptual Site Plan CSP-98012 was first approved by the Planning Board on April 23, 1998 with 35 conditions. On June 10, 1998, the District Council

affirmed the Planning Board's approval with four additional conditions. Of the 39 conditions, as contained in the Council's order, the following conditions are applicable to the review of this DSP:

- 1. Total development within the Beltway Parcel of the subject property shall be limited to the following:**
  - a. 725,000 square feet of retail space**
  - b. 200,000 square feet of general office space**
  - c. 1,000 hotel rooms**
  - d. A visitor's center**

Only 6,600 square feet of retail space has been proposed on Lot 3 of the Beltway parcel. A temporary commercial recreational use with 2,161 parking spaces has been proposed on Parcel A. The DSP is well below the trip caps associated with the uses specified in this condition. However, only one of the uses is included in this DSP.

- 9. The access point to Oxon Hill Road in the vicinity of Area E as described in the Conceptual Site Plan shall be for emergency access only.**

Area E in the conceptual site plan is also known as the Upland Resort site and is located within the Waterfront parcel.

- 11. All internal public roadways shall be constructed in accordance with DPW&T's standards. All internal private roadways shall be constructed in accordance with the Maryland-National Capital Park and Planning Commission's requirements. Road design in accordance with AASHTO criteria for public and private roads is required.**

All public roadways included in this DSP have been constructed in accordance with the standards of either the Department of Public Works and Transportation (DPW&T) or the Maryland State Highway Administration (SHA). A private street as shown on the approved Preliminary Plan of Subdivision, 4-01048, has been shown in the southwest portion of the site across the street from Lot 3. No new roadway has been proposed in this DSP.

- 14. The applicant shall construct an internal network of trails connecting all zones to the Speed Parking Garage and to each other. This internal network shall have a connection to Oxon Hill Road parallel and adjacent to the Beltway Parcel.**

The National Harbor development has a comprehensive internal pedestrian system consisting of trails and sidewalks that connect all zones in both the Waterfront parcel and the Beltway parcel. The internal pedestrian system is designed to be separate from the vehicular system to the extent possible. The DSP includes some of the trails and sidewalks that need to be constructed according to the conditions recommended by the Transportation Planning Section.

**15. The applicant shall construct the Heritage Trail from Rosalie Island to Oxon Hill Road as shown on the Conceptual Site Plan.**

A portion of the Heritage Trail from Rosalie Island to Oxon Hill Road is located within the boundary of this DSP. The applicant is required to construct the portion of the trail along with the development proposed within this DSP.

**24. The applicant shall, after approval of final archeological reports (Phase I, II and III) by the Maryland Historical Trust, supply said reports to the Historic Preservation Section of M-NCPPC. The reports applicable to the areas within the waterfront parcels shall be provided prior to the issuance of any building permits (except construction pursuant to a valid Corps of Engineers permit) for the waterfront parcels and the reports applicable to areas on the Beltway shall be provided prior to the issuance of any building permits for the Beltway parcel.**

**28. Prior to approval of the first Detailed Site Plan for the Beltway Tract, the applicant shall submit a detailed site plan and illustrative plans including elevation plans, showing how the cemetery will be integrated with the overall project in an appropriately respectful manner, for review and approval by the Planning Board, or its designee. The review should take place concurrently with review by the Maryland Historical Trust.**

The Historic Preservation Section recommends approval of this DSP with conditions based on the decision of Historic Preservation Commission (HPC) on May 19, 2009. The conditions have been included in this resolution by the Planning Board. This DSP proposes no development on Parcel A, where the cemetery site is located. However, the DSP will continue to use Parcel A, which is the graded area of the Beltway parcel, for parking, staging of construction activity that supports the development of Waterfront Parcel, and temporary events such as job fairs and promotions. Temporary commercial recreational use of the portion of the site including 2,161 surface parking spaces has been proposed for this site. The cemetery is located to the northeast of the proposed temporary use area and is located on the top of a hill which is approximately 26 feet above the temporary use site.

In addition, during the HPC meeting, there was extensive discussion that requires the applicant, in consultation with the HPC to explore a contemplative area memorializing Continental Congress President John Hanson that would be incorporated into the Addison Family cemetery.

**29. Prior to approval of any Detailed Site Plan for the Beltway Tract, the applicant shall submit plans prepared in consultation with the Maryland State Historic Preservation Office (SHPO) for review by the Historic Preservation Section and the Natural and Historical Resources Division and Park Planning and Development Division of the Department of Parks and Recreation for public interpretation of the results of the archeological investigations of the Addison Plantation and Addison Family Cemetery. Public interpretation may include exhibits, a public-oriented**

**publication or publications, or other appropriate interpretative mechanisms. The applicant shall also make display space available in the Visitor's Center for historical information exhibits, prepared by the applicant and reviewed by the above agencies, as well as other information and research readily available or supplied by the same agencies relating to the Oxon Hill Manor and other nearby Historic Sites.**

As discussed previously, the Historic Preservation Section recommends approval of this DSP with conditions based on the HPC's decision. Those conditions have been incorporated into this resolution. The HPC also expressed interest in reviewing subsequent applications for the portion of Parcel A, where the Addison Family cemetery is located as shown on the applicant's exhibit A presented to the Planning Board at its May 21<sup>st</sup> meeting, and Lot 2 which is across the street of the cemetery. As a matter of practice, any development proposals that have historic sites, historic resources, or a cemetery on site or adjacent to it is always referred to HPC for review and comment before the Planning Board takes action. There will be no exception to this practice for any development proposals that include and are adjacent to the Addison Family cemetery in the Beltway Parcel. This condition will be fully enforced in future DSPs.

- 37. Prior to submittal of any Detailed Site Plan, the applicant shall submit to the County Fire Department a plan showing the location of a helipad/landing area. Such plan shall address site size, location, aerial obstruction and site lighting. The applicant shall also address the effects of the use of white lighting, and its affect on pilots' night vision and emergency operations. The proposed plan shall be submitted to the Fire Department for review and approval.**
- 38. The applicant shall obtain approval of a Public Safety Plan from the County Police and Fire Departments, the M-NCPPC Park and Police and the Maryland State Department of Natural Resources Police prior to submittal of any Detailed Site Plan.**
- 39. Prior to submittal of any Detailed Site Plan, the applicant shall obtain approval of a Public Safety Facilities Plan from the County Police and Fire Departments showing the location of public safety facilities.**

A public safety plan and public safety facilities master plan for National Harbor, consisting of eight chapters, was prepared to fulfill the conditions above. The plans address access and fire department service; police facilities and supplemental security considerations; precautions, requirements, and access during construction; water supply; requirements for buildings; special requirements; and summary and conclusions. The report was approved by the M-NCPPC Park Police (Prince George's County Division) on September 14, 2005, by the Prince George's County Fire/EMS Department on September 15, 2004, by the Prince George's County Police Department on September 16, 2005, and by the Maryland State Natural Resources Police on August 2, 2006.

- 9. Preliminary Plan of Subdivision 4-01048:** The preliminary plan of subdivision which covers the larger National Harbor site including the subject site was approved by the Planning Board on

July 26, 2001 with 21 conditions. Four conditions of approval attached to Preliminary Plan of Subdivision 4-01048 are applicable to the review of this DSP as follows:

- 10. The applicant, and the applicant's heirs, successors, and/or assigns shall provide the following:**
  - a. An internal network of pedestrian connections connecting all portions of the development to parking and to each other. This internal network shall have connections to Oxon Hill Road parallel and adjacent to the Beltway Parcel.**
  - b. The Heritage Trail from Rosalie Island to Oxon Hill Road (exclusive of the portion to be constructed by the SHA), as shown on the conceptual site plan. This trail will run from Rosalie Island (where the trail shall connect to the trail on the planned Woodrow Wilson Bridge), cross Smoot Bay, and continue up and adjacent to the Beltway Parcel to Oxon Hill Road.**
  - c. Bicycle racks in appropriate location throughout the subject property. These shall be shown on the building permits.**
  - d. A trail along Oxon Hill Road providing pedestrian and bicycle access for the neighboring communities, subject to approval by DPW&T. The trail shall extend from the applicant's property through or along M-NCPPC property on the west side of Oxon Hill Road to the entrance of the site of the Jaycees building. This trail shall be asphalt and a minimum of eight-feet wide.**
  - e. A trail along the boundary between the applicant's Beltway Parcel and M-NCPPC property surrounding the Oxon Hill Manor, to maintain a sufficient buffer around the Oxon Hill Manor, with sufficiency of the buffer to be determined by the Department of Parks and Recreation. A rest area shall be provided along the section of the trail adjacent to the Beltway Parcel. Special attention shall be paid to proper stabilization of the escarpment running parallel and northwest of the trail. The escarpment shall be reforested if conditions permit.**

As discussed previously, the site included in this DSP is a part of the larger Beltway parcel of the National Harbor development. A comprehensive pedestrian system consisting of trails and sidewalks has been planned for the entire National Harbor project. The subject DSP includes sidewalks and sections of the regional trails. According to the review by the Transportation Planning Section (Shaffer to Zhang, August 8, 2008), the DSP is in conformance with the approved CSP and preliminary plan of subdivision. Specifically, the trails and sidewalks shown on the DSP are consistent with the above conditions subject to certain conditions proposed by the Transportation Planning Section.

**11. Total development within the Beltway Parcel of the subject property shall be limited to the following:**

- a. 200,000 square feet of retail space.**
- b. 1,220,000 square feet of general office space.**
- c. 850 hotel rooms.**
- d. A visitors' center.**

**Alternatively, other permitted uses which generate no more than 2,720 AM peak hour trips and 2,565 PM peak hour trips.**

See above Finding 8 for discussion.

**17. The access points to Oxon Hill Road in the vicinity of Area E as shown on the preliminary plan shall be for emergency access only.**

Area E, known as the Upland Resorts site, is located in the Waterfront parcel and is not included in this DSP.

**20. The extensive use of the A-A cross section, which is a 24-foot roadway with a sidewalk on one side of the street, will be reviewed at time of Detailed Site Plan. The right-of-way proposed for the A-A cross-section is sufficient to allow sidewalks on both sides if needed to ensure that pedestrians are adequately served. Decisions at Detailed Site Plan will be primarily based on the adjacent land uses proposed; however, most locations where the A-A cross-section is proposed may be considered for sidewalks on both sides.**

The A-A cross-section shown on Preliminary Plan of Subdivision 4-01048 is a two-lane private street with a 24-foot-wide pavement, a sidewalk on one side, and a right-of-way width of 44 feet. The A-A cross-sections have two pavement patterns. One cross-section has the entire pavement slope in one direction, and the other has two slopes from the central line in opposite directions. There is only one street in this DSP which utilizes the A-A cross-section in accordance with the previously approved Preliminary Plan of Subdivision, 4-01048.

**10. Landscape Manual:** The proposed development for the Beltway parcel included in this DSP is subject to Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual.

- a. Section 4.3(a), Landscaped Strip Requirements, requires a landscaped strip to be provided on the subject site adjacent to the public right-of-way (ROW). Lot 3 has frontage on Harbor View Avenue that requires a Section 4.3(a) landscaped strip. The landscape plan shows a ten-foot-wide strip with 490 required plant units.**

Parcel A will be used as a site for interim uses and consists primarily of asphalt or gravel parking lots. Parcel A is surrounded on both sides by public ROWs. The landscape plan does not show any landscape strips. Landscape strips should be provided along the site's frontage on both National Avenue and Harborview Avenue where parking lots are adjacent to those streets. A condition has been imposed by the Planning Board to require the aforementioned landscape strip prior to certification of this DSP.

- b. Section 4.3(c), Interior Planting, requires that a certain percentage of the parking in accordance with the size of the parking lot be interior planting areas with one shade tree for each 300 square feet of subject to the five percent requirement because the total parking lot area is between 7,000 and 49,999 square feet. The landscape plan provides approximately 5.2 and 9.4 percent of the total parking lot area on each lot respectively as the interior planting area and a total of 12 shade trees that satisfy the requirements of Section 4.3(c).

For Parcel A, since the uses and associated surface parking lots are temporary, no interior planting areas are required.

- c. Section 4.4 requires that all dumpsters and loading spaces should be screened from all adjacent public roads. The detail sheet of the DSP provides a dumpster enclosure finished with brick, which is consistent with the Landscape Manual requirements. However, no screening details for the proposed loading spaces have been provided. A condition has been imposed by the Planning Board to require the applicant to provide screening details prior to certification of this DSP.
- d. Section 4.7 requires a landscape bufferyard to be placed between two adjacent incompatible land uses in all conventional zones and between comprehensive design zones and conventional zones. In this case, only Lot 3 is adjacent to residentially zoned properties to the south and east of the site. The landscape plan identifies two places where a Section 4.7 bufferyard may be required. One is the place where the site is adjacent to a neighborhood park known as Betty Blume Park. Since there are no active recreational facilities in the park, no buffer is required. The other one is the place where the site is adjacent to vacant land owned by M-NCPPC. According to Section 4.7, 100 percent of the bufferyard should be located on the subject property because the proposed gas station and fast-food restaurant on Lot 3 are considered high impact uses. The landscape plan shows half of the Type "C" bufferyard on the site which is not correct. A full Type "C" bufferyard, which requires a minimum 40-foot building setback and a minimum 30-foot-wide landscaped yard to be planted with 120 plant units per 100 linear feet of property line, should be provided on the subject site.

- 11. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there is an approved Type I Tree Conservation Plan, TCPI/10/98, in association

with the Conceptual Site Plan, CSP-98012, for this site. Since the site included in this DSP was previously graded in accordance with approved TCPII/023/01, no additional Type II tree conservation plan is required with this DSP.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board summarizes the referral comments as follows:
- a. The application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier, Centers and Corridors, considering the location and the future development of a larger portion of the Beltway parcel.  
  
The DSP provides one of the three uses in the approved Conceptual Site Plan, CSP-98012. Considering the locations as gateways to the National Harbor development, the design of these pads including pump islands should be articulated to contribute positively to the gateway entrance into the National Harbor development. Orientation of buildings to the street along Oxon Hill Road and Harborview Avenue will establish street wall and minimize the view of the surface parking lot from the street.
  - b. The DSP is consistent with the previously approved Preliminary Plan of Subdivision, 4-01048.
  - c. A portion of the Potomac Heritage Trail that is within the boundaries of this DSP shall be constructed along with the development. The Planning Board adopted only one applicable condition recommended by the Transportation Planning Section in this resolution because the development on other lots has been removed by the applicant during the review process. The Planning Board will examine those trail connections as previously recommended by the Transportation Planning Section for any subsequent development.
  - d. The Planning Board includes a condition to address the site's conformance with Section 4.3(a) of the Landscape Manual in this resolution.
  - e. The Maryland State Highway Administration (SHA), in a memorandum dated April 4, 2008, provided no comments on this DSP.
  - f. The Historic Preservation Commission recommends approval of this DSP with conditions that have been included in this resolution.
  - g. The Washington Suburban Sanitary Commission (WSSC) concludes that water and sewer is available for the development. Further on-site plan review is required by the respective department of WSSC.

- h. Verizon, Inc. notes that public utility easements (PUE) are needed on every lot and they did not appear to be provided on the plans. The Planning Board includes a condition to address this deficiency.
  - i. The Department of Parks and Recreation (DPR) provides a review of all trail-related conditions attached to Conceptual Site Plan CSP-98012 and Preliminary Plan of Subdivision 4-01048 and requires the trails within the boundaries of this DSP to be designed and constructed in accordance with the *Park and Recreation Facilities Guidelines*.
13. As required by Section 27-285(b), the detailed site plan will, if revised in accordance with the proposed conditions below, represent 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. The detailed site plan is in general conformance with the approved Conceptual Site Plan, CSP-98012; however, revision of the DSP in accordance with the proposed conditions below will improve and enhance the DSP's conformance with CSP-98012.

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 DSP-07073, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Provide a minimum of one parking space specifically designated for the physically handicapped in front of each proposed building.
  - b. Provide sign details of the proposed building-mounted signs for review and approval by the Urban Design Section as the designee of the Planning Board.
  - c. Show marked crosswalks at all ingress/egress points.
  - d. Label the right-of-way and pavement widths of the street right across from Lot 3 in accordance with Cross-Section A-A.
  - e. Revise the landscape plan as follows:
    - (1) Provide a Section 4.3(a) landscaped strip and schedule for the parking lot frontage of the existing asphalt area of Parcel A on both National Avenue and Harborview Avenue.

- (2) Provide a full Type “C” bufferyard in accordance with Section 4.7 along the south and east property lines of Lot 3 or obtain alternative compliance from the requirements of Section 4.7.
  - f. Provide screening details for the proposed loading spaces on Lot 3, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
  - g. Provide the required public utility easements along the site’s frontage.
  - h. Provide visible base sections on the canopy piers at the fueling area in proportion to the height of the piers to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
2. Within 90 days subsequent to certificate approval of DSP-07073, the applicant shall
- a. Submit a current conditions assessment of cemetery elements to historic preservation staff and HPC for review and approval. An assessment of conditions at the cemetery shall be submitted semi-annually (August and February) to M-NCPPC and HPC until permanent preservation measures have been installed. In the meantime, the applicant shall maintain the existing security buffer established by the chain-link fence installed around the base of the cemetery.
  - b. Provide a perpetual maintenance plan for the Addison Family Cemetery and confirmation of the completion of the maintenance work to historic preservation staff and HPC on a semi-annual basis as part of the above condition 2 (a). The measures provided within the said maintenance plan shall be reviewed by historic preservation staff and the Maryland Historical Trust in accordance with the Memorandum of Agreement (MOA) dated August 2, 2000 by and among the applicant, Maryland Department of the Environment and the Maryland Historical Trust (MHT). In addition, the aforementioned maintenance plan shall be provided to the HPC within 90 days subsequent to certificate approval of DSP-07073.
  - c. Submit plans including a phasing schedule for public interpretation of the area’s history and archeology, as outlined in the 2000 MOA as well as the results of the archeological investigations of the Addison Plantation and Addison Family Cemetery. The plan shall be prepared in consultation with the MHT, and be reviewed by the M-NCPPC Historic Preservation Section, the M-NCPPC Natural and Historical Resources Division, the Park Planning and Development Division and the HPC.

Public interpretation may include exhibits, public-oriented publications, or other appropriate interpretive mechanisms. The applicant shall also make available display space within the National Harbor development for historical exhibits and other public information and research prepared by the applicant or provided by the agencies noted above on the history and significance of Oxon Hill Manor and other nearby Historic Sites.

The applicant, consistent with the MOA, shall be responsible for the development, design, and construction of appropriate display cases and interpretive signage and plaques so that the materials selected for display by the MHT will be both protected and exhibited in a manner best suited for public appreciation and the long-term preservation of those objects on display. The public interpretation measures shall be implemented in accordance with the approved phasing schedule, and shall commence prior to the release of the first building permit for DSP-07073, unless an extension is approved by the HPC.

3. Prior to April 1, 2010, the applicant shall submit a plan to re-erect and restore the stones within the cemetery to M-NCPPC and HPC for review and approval.
4. The applicant, the applicant's heirs, successors, and/or assignees shall be responsible for the construction of the Potomac Heritage Trail as shown on the detailed site plan or as is described in an amended recreational facilities agreement (RFA). The applicant shall provide safe and efficient trail passage within the site. Boardwalks, bridges, drain pipes, or other structures may be used where necessary to ensure dry passage along the trail system.
5. Prior to issuance of a building permit, the applicant shall complete construction of the Heritage Trail amenity expressed in paragraph 2 of the National Harbor RFA (Liber 21482, Folio 140)

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 Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns, Clark and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, July 9, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30<sup>th</sup> day of July 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:HZ:arj

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