

PGCPB No. 14-37

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
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www.mncppc.org/pgco
File No. DDS-623

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-623, National Harbor, Beltway Parcel, MGM, Lot 4, requesting a departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 8, 2014, the Prince George's County Planning Board finds:

1. **Request:** The applicant, MGM National Harbor, LLC, requests approval of a departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces. This case is companion to the Detailed Site Plan (DSP-07073-01), in which the applicant requests approval of an entertainment establishment of a commercial nature with a video lottery facility consisting of a total of 1,078,237 square feet on proposed Lot 4 of the National Harbor – Beltway Parcel. These combined applications include the following development proposal:

- 512,490 square feet of entertainment and entertainment related uses,
- 54,695 square feet of other retail uses,
- 300-room hotel,
- 49,886 square feet of conference/assembly rooms,
- 3,000-seat performance theater,
- Numerous restaurant spaces equal to approximately 1,737 seats; and
- 4,797-space parking garage.

Development is primarily located on Lot 4; however, the circular entrance drive and the associated limits-of-disturbance (LOD) for the entrance drive construction, and the proposed private street, extend onto Lot 5.

2. **Development Data Summary:**

Zone	EXISTING M-X-T	APPROVED M-X-T
Uses	Vacant	entertainment establishment, hotel, retail, restaurants, theater, conference/ballrooms
Acreages:		
Proposed Lot 4		22.76
Gross Floor Area:		
Lot 4 (DSP-07073-01)		
Entertainment Related Uses		483,381
Hotel		252,694
Retail		54,695
Office		29,109
Conference/Ballrooms (3,232 occupants)		49,886
Theater (3,000 seats)		136,818
Restaurant (1,737 seats, including hotel)		<u>71,654</u>
Total Gross Floor area		1,078,237

OTHER DEVELOPMENT DATA – Lot 4

	REQUIRED	APPROVED
Total Parking Spaces	4,738	4797
Handicapped Spaces	58	60
Total Loading Spaces	5	6

3. **Location:** The subject site is generally located approximately one mile north of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) in Planning Area 80 and Council District 8. The lot is south of I-95/495, and west of Oxon Hill Road, with frontage on National Avenue to the north, and Harborview Avenue to the south. The overall Beltway Parcel is on an elevated plateau overlooking the Waterfront Entertainment/Retail Complex portion of National Harbor. This departure only applies to the part of the property of the Beltway Parcel identified as proposed Lot 4.
4. **Surrounding Uses:** The Beltway Parcel, of which Lot 4 is part of, has a long, narrow configuration (approximately 3,400 feet long and 600 feet across) stretching northeast to southwest along the Capital Beltway, which forms the northwest boundary of the parcel. The Beltway Parcel also has approximately 1,200 feet of frontage on Oxon Hill Road. The land across the Capital Beltway (I-95/495) from the Beltway Parcel is occupied by the Oxon Hill Children's Farm, owned by the National Park Service. South and east 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 and the Tanger Outlets. The Addison Family Cemetery, which will be preserved and left undisturbed in this plan of development, is located on the northwest side of the Beltway Parcel, outside of the subject proposed development.

5. **Previous Approvals:** Lot 4 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–1990s. The M-X-T Zone was originally approved for part of the National Harbor site with conditions in 1983 in response to six (6) individual rezoning applications, A-5619, A-5620, A-5621, A-5635, A-5636 and A-9433, which were consolidated for a waterfront project proposal known as the Bay of America. The R-R Zone represents the original zoning applied to the area when it first became subject to zoning authority in 1957. The 1984 Subregion VII Sectional Map Amendment recognized the existing M-X-T and R-R Zones for this property. An addition to the M-X-T Zone at the northeast end of the property along Oxon Hill Road was approved with conditions by application A-9593 in 1986, in conjunction with a second development proposal for the waterfront center known as Port America. The R-M Zone on the southeastern side of the property near Oxon Hill Road was approved with conditions by application A-9825 in 1990, also in conjunction with Port America.

Originally the subject property was approved with Preliminary Plan of Subdivision (PPS) 4-88081, then known as Port America, and adopted by the Planning Board in June of 1988. The PPS approved 12 parcels (Parcel A-L) and 3 outlots for a total of 82.13 acres.

Subsequent to the approval of PPS 4-88081, the site was approved for Detailed Site Plan DSP-88045, also in June of 1988. The Beltway Parcel was cleared of trees, graded, and stabilized in the late 1980s in accordance with that approved Detailed Site Plan.

Detailed Site Plan DSP-88087 was approved in October of 1988. Subsequently, the land area of Parcel L, 17.51 acres, was dedicated by deed to SHA for the Capital Beltway (I-95). The remainder of the site, 64.62 acres, was recorded in accordance with the approved PPS and DSP into 11 parcels (Parcels A-K), 7 outlots (Outlots A-G), and three rights-of-way dedicated for public use (North Port America Grande Boulevard, South Grande Boulevard, and Port America Grande Boulevard) in Plat Book NLP 153, plat 56 through 59, in June of 1990.

A vacation petition, V-06004, to vacate a total of 64.45 acres, was approved by the Planning Board (PGCPB Resolution No. 06-287) in January of 1990. This vacation petition included Subdivision Plat NLP 153, plat 56 through 59 in their entirety, except for Outlots E, F, and G (0.17 acres) which were conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC) (recorded in Liber 7684 at Folio 513).

In 1998, the Prince George's County District Council affirmed the Planning Board's decision on Conceptual Site Plan CSP-98012 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 approved by the Planning Board pursuant to PGCPB Resolution No. 01-163.

In April of 2006, the *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.

In 2008, a revision to the CSP was submitted and approved at the Planning Director level for the Waterfront Parcel only, which did not affect the Beltway Parcel.

Detailed Site Plan DSP-07073 was approved by the Planning Board on July 9, 2009 for 6,600 square feet of commercial uses on Lot 3, as well as a large paved area for recreational/outdoor exhibition, displays, entertainment, or performance uses on proposed Lots 4 and 5 (shown as Parcel A at that time). The development proposal for Lot 3 as was previously approved is shown for informational purposes in this application. Lot 3 has not been recorded as a final plat as of the writing of this report.

Detailed Site Plan DSP-07073-01 was approved by the Planning Board on May 8, 2014, and is companion to this application.

The site also has an approved Stormwater Management Concept (SWM) 48280-2007-00, pursuant to which the SWM pond for the Beltway Parcel was constructed and is located in Betty Blume Park on M-NCPPC-owned land. In addition, SWM Concept 4853-2014-00, approved on February 14, 2014, applies to the subject site.

6. **Design Features:** The use proposed includes an entertainment establishment on proposed Lot 4, which measures a total of 22.76 acres of land. A portion of the grand entrance located at the north end of the building with a circular vehicular drop-off area and the associated grading extends a short distance into future Lot 5. A private road connection is proposed along the most northern edge of Lot 5, designed to connect Harborview Avenue to National Avenue. The DSP further sets up the future subdivision of the lots and parcel for the remainder of the residue of Parcel 94.

Architecture

The proposed structure measures approximately 1,500 linear feet by approximately 595 linear feet, and will fill nearly the entirety of Lot 4. The land area of Lot 4 slopes and the change in grade within the lot is approximately 80 feet, with the lowest portion at the south end of the lot. The building is exposed at its south end, with six stories of parking garage, terraced, and landscaping strategically placed within the terracing of the structure. An outdoor plaza sits atop the parking garage at the south end of the building. The plaza includes a large water fountain surrounded by seating areas, landscaping, and a large monumental structure that is part of the signage for the project. Above the podium containing the plaza is the main entertainment area covered by two stories of the building in a

sleek white roof. At the north end of the building is a 21-story hotel, a slim structure clad in glass that will be a significant visual landmark. A circular drive around another water feature provides drop-off and access to the hotel and its parking areas.

The parking structure will provide 4,797 parking spaces, and is distributed among eight floors with multiple egress and ingress locations along Harbor View Avenue and National Avenue. Levels one through four are designated for self-park parking with access to these parking areas provided through three entry/exit points located on each side of the building from Harbor View Avenue and National Avenue, near the south end of the building where the grade is the lowest on the site. Level five of the parking structure is the location of the valet parking, VIP parking and employee parking areas. This floor also includes the loading dock areas and the employee and service areas. Level six indicates additional valet parking and employee parking, and includes a mezzanine floor of additional support services and offices.

The first floor of the building includes the seventh floor of parking. The first floor is the entertainment zone including the video lottery facility and the outdoor plaza with water fountain mentioned above. The pool measures approximately 22,000 square feet and is architecturally integrated into the design of the roof to be open to the sky. To the north of the structure along Harborview Avenue is a partially covered vehicular drop-off area with a central water feature and access to valet parking. A mezzanine (or the 8th floor of the parking structure) provides for offices and another parking area for hotel guests.

The second floor of the building (actually the ninth floor of the structure counting from the lowest level of the garage) includes the entrance to the hotel lobby, ballrooms, and other assembly rooms and is accessed from the circular vehicular drop-off area that is proposed to be shared between the subject site and the adjacent future proposed establishment at the north end of the site. The first and second floors are located under the long sleek white roof. Above this roof line, the hotel rises at the northern end of the building into a 21-story structure approximately 150 feet in width by 400 feet in length, featuring approximately 20 rooms per floor. The height of the hotel tower is approximately 240 feet, measuring 400 feet above sea level. The hotel includes a floor dedicated to the lobby, a floor for fitness, a floor for a spa, a floor for executive offices and room floors above.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the purposes of the M-X-T Zone. The proposed entertainment and entertainment-related uses, retail uses, hotel, conference/assembly rooms, theater, and restaurant uses are permitted in the M-X-T Zone. The application is in conformance with the requirements of 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 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 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 employment opportunities 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 Beltway Parcel, specifically defines a mix of retail, commercial office, hotel, and a visitor's center.

The Beltway Parcel was 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 50,000 square foot visitor's center, or other uses not exceeding the designated trip cap. At the time of the preliminary plan of subdivision, the plan called for the same mix of uses, but with an increase in the amount of office space (to 443,000 square feet) and a reduction in retail space (to 200,000 square feet) and hotel rooms (850) and a visitor's center, or other uses not exceeding the designated trip cap. The current development proposal, as a landmark building, fulfills the vision of a high intensity development that was intended when the property was placed in the M-X-T Zone.

- (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 proposed recreational entertainment establishment on proposed Lot 4 will dramatically enhance the value of the land.

- (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 constructed in several locations. The site is directly accessible to Metro bus along Oxon Hill Road.

- (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/DDS 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 this proposal for an entertainment venue 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 proposed 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 entertainment venue will integrate harmoniously into the existing development of National Harbor and the surrounding uses, including the recently opened Tanger Outlets.

- (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 proposed entertainment venue will provide another dynamic aspect to the project and will provide a distinctive visual character through the design of the building.

- (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 this iconic building will achieve economies of scale and savings in energy when compared to construction of a number of individual projects occupying the same land area. This intensive use of the land, for over a million square feet of mixed-use development, at the gateway to the state of Maryland and Prince George's County will provide for optimum land use planning. The proposed building is planning to seek Gold LEED certification, demonstrating the applicant's commitment to energy savings. It provides for additional SWM techniques above those that were previously approved for the site, provides for a roadway to connect two state highway roadways and provides for a major entertainment destination within the County, the State and the region.

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

This project will contribute to the economic vitality of the overall National Harbor development and is a substantial investment in the County by the applicant. According to the applicant's submitted Gaming Market and Economic Impact Studies, prepared by Marquette Advisors, dated April 2013, the Economic Impact Summary includes total job creation of 2,760 jobs and total employee earnings of \$384,802,000 during the construction period. During full operations, the annual projected combined spending at MGM and the neighboring businesses is expected to be \$822,500,000. In regard to job generation, 3,758 direct jobs are projected on-site, plus another 425 jobs at nearby businesses as a result of direct expenditures in the area related to tourism. It is anticipated that there will be \$29,614,445 generated in taxes and fees to Prince George's County.

- (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 the overall National Harbor project a showcase of interesting and exciting architecture. Excellence in architectural design combined with an impressive site plan demonstrates excellence in physical planning. As proven 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 architectural elevations and perspective drawings for the site demonstrate a landmark building of a magnitude never before constructed in Prince George's County. Not only is the design of the building modernly elegant, it is distinctive and provides a significant architectural quality worthy of the entrance into the County from Virginia and into the State of Maryland.

The Planning Board concludes that the proposed application is in conformance with the purposes of the M-X-T Zone.

8. **Departure from Design Standards DDS-623:** The applicant has submitted Departure from Design Standards DDS-623 to allow reduction of the standard, nonparallel parking space size from 9½ feet by 19 feet to 9 feet by 18 feet pursuant to Section 27-239.01 of the Zoning Ordinance. A departure of six inches in width and one-foot in length has been requested. This is a universal parking space size that is typically utilized in structured parking, and all parking on this site is in garages. A departure from Section 27-558(a) of the Zoning Ordinance is requested, which sets forth the following requirement:

The size of parking spaces shall be as follows:

TYPE OF SPACE	MINIMUM SIZE (IN FEET)
Standard car spaces:	Size of space
Parallel	22' by 8'
Nonparallel	19' by 9 5'
Compact car spaces:	
Parallel	19' by 7'
Nonparallel	16½' by 8'

Section 27-239.01(b)(7) of the Zoning Ordinance sets forth the required findings for a departure from design standards as follows:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of the M-X-T Zone are fulfilled by the applicant's proposal, as outlined in Finding No. 7. The purposes of Part 11, Off-Street Parking and Loading, are:

Section 27-550(a). Purposes.

- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- (2) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) **To protect the residential character of residential areas; and**
- (4) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The purposes of Subtitle 27 will be equally well or better served by the applicant's proposal. Specifically, the reduced parking space size allows for a more compact and efficient structured parking design, while providing off-street parking sufficient to serve the needs of the project. The reduced standard, nonparallel parking spaces will meet the needs of the site's users without overcrowding the land, or negatively impacting open space, adjacent land uses, or environmentally sensitive areas.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

The applicant states that this is the minimum necessary to provide all parking onsite. The departure of six inches in width and one-foot in length is the minimum necessary without adversely affecting the functionality of the proposed nonparallel parking space. The size of the space, 9 feet in width by 18 feet, is larger than the minimum size allowed for compact spaces. Most automobiles average 16 to 17 feet in length, and mid-size and large SUVs average the same length. The driveway aisles within the parking garage are 24 feet in width, which is sufficient for access. The departure is necessary for efficiency of the design of a parking structure and to ensure that the required parking spaces can be provided entirely within the parking structure.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is necessary to alleviate circumstances specific to the site. The site has moderate slopes and is more narrow than it is wide. The most effective way to provide ample parking on the site is through the proposed multi-story parking structure, which is proposed to be built into the slope of the long rectangular site below the proposed entertainment venue and hotel. The applicant states the site is surrounded by SHA right-of-way and no additional land is available for on-site parking. Given the information presented, no objection is offered regarding the reduction of parking space size within the parking structure as proposed; the departure as requested is acceptable.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. Specifically, the functionality of each individual parking space will not be affected. The applicant has proposed a parking space size (18 feet in length by 9 feet in width) that is a typical size endorsed in *Dimensions of Parking* (Urban Land Institute), which supports a parking space width of nine feet for standard size spaces in a setting with moderate to higher turnover parking, as is anticipated for this project. The departure will allow for a more efficient yet fully functional parking design that will serve the needs of the project and protect adjacent land uses.

In conclusion, Planning Board supports Departure from Design Standards DDS-623 for a departure of six inches in width and one-foot in length to allow a standard, nonparallel parking space size of 9 feet in width by 18 feet in length.

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 Departure from Design Standards, DDS-623.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington recused at its regular meeting held on Thursday, May 8, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2014.

APPROVED AS TO LEGAL SUFFICIENCY

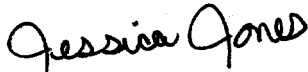

M-NCPPC Legal Department

Date

5/9/14

Patricia Colihan Barney
Executive Director

By



Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj