

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-24

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File No. DSP-10015

## 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 March 17, 2011, regarding Detailed Site Plan DSP-10015 for National Harbor North Cove, the Planning Board finds:

1. **Request:** This detailed site plan proposes to construct a 7,011-square-foot, two-story gas station building, without service bays, with an associated canopy and 32-space parking lot on a 1.70 acre site, proposed Parcel 30, within the North Cove Area of the Waterfront Parcel of National Harbor.
2. **Development Data Summary:**

|                      | <b>Existing</b>   | <b>Approved</b>   |
|----------------------|-------------------|-------------------|
| Zone(s)              | M-X-T/ R-R/ I-D-O | M-X-T/ R-R/ I-D-O |
| Use(s)               | Vacant            | Gas Station       |
| Acreage              | 1.70              | 1.70              |
| Gross Square Footage | 0                 | 7,011             |
| Floor-to-Area Ratio  | 0                 | 0.095             |

### **Other Development Data:**

|                                             | <b>Min. Required</b> | <b>Approved</b>           |
|---------------------------------------------|----------------------|---------------------------|
| <b>Parking:</b>                             |                      |                           |
| Convenience Store - 3,836 square feet (SF)* |                      |                           |
| 1 space/150 SF for first 3,000 SF           | 20                   | 27                        |
| 1 space/200 SF above 3,000 SF               | 5                    | 5                         |
| <b>Total</b>                                | <b>25</b>            | <b>32 (2 Handicapped)</b> |

\*Parking for the gas station use, which is required to be provided at one space per employee, is seen as incidental to and included in the larger parking requirement for the retail space.

|                                      |          |          |
|--------------------------------------|----------|----------|
| <b>Loading:</b>                      |          |          |
| Retail Sales/Service 2,000-10,000 SF | 1        | 1        |
| <b>Total</b>                         | <b>1</b> | <b>1</b> |

3. **Location:** The subject property is located on an island in the middle of the northbound and southbound sections of National Harbor Boulevard, just south of its intersection with I-95/495 (Capital Beltway), in Planning Area 80, Council District 8, within the Developing Tier.

4. **Surrounding Uses:** The subject property is bounded to the east and west by State Highway rights-of-way for National Harbor Boulevard; to the south by proposed commercial Parcels 31, 32 and 33 and beyond those, by Prince George's County right-of-way for National Harbor Boulevard; and to the north by proposed Parcel O, developed with a private road, and beyond it by vacant R-O-S zoned property owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), which is proposed to be developed with a parking lot. Across National Harbor Boulevard to the west is the Potomac River and to the east are existing single-family homes in the R-R Zone.
5. **Design Features:** The subject DSP site, proposed Parcel 30, lies within the northern portion of the existing platted Parcel 19, in an area between the rights-of-way for the northbound and southbound lanes of National Harbor Boulevard. Proposed Parcel O, which lies immediately to the north of the DSP site, is to be conveyed to the National Harbor Business Association and is already developed with a private road that will provide access to the site from the public rights-of-way. An internal proposed driveway, along the east side of the site, will provide vehicular access from the private roadway to the parking and canopy area of the gas station. The subject site proposes multiple driveway connections to the remaining proposed parcels to the south, which are proposed to be developed with commercial uses, which will not require DSP approvals.

The proposed 7,011-square-foot, two-story, approximately 30-foot-high, gas station building sits in the middle of the northern portion of the site, setback approximately 160 feet from the eastern and 80 feet from the western right-of-way of National Harbor Boulevard. The approximately 18-foot-high service canopy, with 16 fueling positions, is located to the south of the building in the middle of the site, setback approximately 131 feet from the eastern and 81 feet from the western right-of-way of National Harbor Boulevard. The 32 parking spaces are located adjacent to the building to the east and south and across a drive aisle to the north and west of the building. The proposed trash dumpster is located to the northeast of the building within what appears to be an enclosed wall; however, it is unclear as it is not labeled on the DSP. A condition requiring this to be labeled with a reference to a detail has been included in this approval. The proposed loading space is located along the southern edge of the DSP site, within the 35-foot drive aisle to the south of the service canopy. No screening of this space from the adjacent rights-of-way is provided and when the 15-foot-wide loading space is in use the drive aisle in this area will be narrowed down to only 20 feet wide, which is insufficient for two-way traffic as intended. A condition requiring this loading space to be moved, or otherwise demonstrated, to a location where it can be screened and is not impeding the flow of traffic has been included in this approval.

The proposed 7,011-square-foot gas station building includes 3,836 square feet of convenience store and 3,175 square feet of storage. During the hearing the applicant, in response to inquiry from the Planning Board, indicated up to one third of the storage area would be converted to a single bay car wash if legislation was approved allowing that use. The majority of this storage space is located on the west end of the building in the first story and partial second story of the building. Generally, the building is a typical commercial style with storefront windows and a flat roof. The building will be finished in two different brown colors of brick veneer, with a ground face concrete masonry unit (CMU) and cast stone band along the base of the building. Gray metal

fascia panels along the roofline will serve to screen the mechanical equipment that will be located on the roof.

The southern building elevation, which faces the service canopy and interior of the parcel, is where the main entrance is located and it has a large number of windows, including ground to ceiling windows in the eastern portion. The main entrance, a typical storefront glass double-door, will be in the southwest corner of the building, closest to the adjacent parking. A glass garage door on the western end of the southern elevation will provide additional access to the storage area. Several building-mounted signs are provided on this side of the building, including two franchise-typical signs located on the metal overhang above the main entrance, and a small sign made of blue letters located above the garage door.

The western building elevation, which faces southbound National Harbor Boulevard and the Potomac River beyond it, is a basic rectangle with a very even distribution of windows on both the first and second story, along with a larger blue-lettered sign located in the middle of the building, in between the two stories.

The northern building elevation, which faces the adjacent private road and The Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland beyond it, includes another glass garage door on the western end with a few windows located above it. There are also several service doors located on this façade, along with large panels of the lighter brown brick arranged in a diamond pattern at the eastern end of the building.

The eastern building elevation, which faces northbound National Harbor Boulevard and the existing residential development beyond it, is a basic rectangle of light brown brick with no windows and several large panels of light brown brick arranged in a diamond pattern.

The proposed flat service canopy will be approximately 18 feet high and finished with light-colored exterior insulation finishing system (EIFS) along the top supported by brick veneer columns with cast stone bases. A blue lettered sign is proposed along the northern and western elevations of the canopy.

Two ground-mounted monument signs are proposed on Parcel 30. One is located on the west side of the site, just outside of the public right-of-way, the other is located on an island adjacent to the entrance driveway on the east side of the site. Both signs are the same design, approximately 11 feet high by two feet wide, with a cast stone base, a middle panel displaying the gas prices and franchise name, and a cap with the National Harbor name and logo. Further discussion of the signs in relation to conformance to various requirements is in Finding 8. below.

6. **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 District Council affirmed the Planning Board's decision and approved a

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 also approved (PGCPB Resolution No. 01-163) by the Planning Board. Since 2001, this North Cove Zone of the Waterfront Parcel was graded, stabilized and roads built in accordance with various approved permits. 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. Proposed Parcel 30 lies within the north end of existing Parcel 19, which was platted on January 16, 2007 at Plat Book PM 217, Plat No. 25. The site also has a Stormwater Management Concept Approval, 6370-2010-00.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements and the site design guidelines for a Waterfront Entertainment/Retail Complex in the M-X-T Zone of the Zoning Ordinance.

**Additional Requirements for a Waterfront Entertainment/Retail Complex in the M-X-T Zone (Section 27-548.01.02(e)):**

The requirements of Part 3, Division 9, Subdivision 3, and Section 27-546 of this Subtitle do not apply to the processing or approval of a Detailed Site Plan for a Waterfront Entertainment/Retail Complex. The Planning Board shall consider Detailed Site Plans for Waterfront Entertainment/Retail Complexes in accordance with the following procedures:

- (1) Unless waived pursuant to Section 27-548.01.02(c), a Detailed Site Plan shall be approved by the Planning Board prior to the issuance of any building or use and occupancy permit.

A DSP is required for the proposed gas station pursuant to Condition 31.a. of the approval of Conceptual Site Plan CSP-98012.

- (2) The Planning Board shall review the Detailed Site Plan for compliance with this Section.

This section of the Zoning Ordinance gives very little direction for the required findings for approval of a plan in the Waterfront Entertainment/Retail Complex, except for the following two parts:

- (b)(2) Setbacks, tree conservation, landscaping and screening, green space, lot coverage, parking, and loading shall be addressed in the Conceptual Site Plan approval. However, the provisions of this Subtitle applicable to such items are not applicable.

The above list of items was addressed generally at the time of CSP approval for the overall National Harbor development, including the subject site. In this specific area of the North Cove Zone, the only setback clearly identified was a 75-foot building restriction line from the overall development property line. This distance has been respected with the location of the proposed gas station building. The CSP approval did not propose any tree conservation or green space in this area. Requirements for lot coverage, landscaping, screening and parking and loading were not specific in the CSP approval. Further discussion regarding landscaping is in Finding 11 below.

- (f) **The Planning Board may approve a Detailed Site Plan for a Waterfront Entertainment/Retail Complex if it finds the plan is in conformance with the approved Conceptual Site Plan, provides sufficient design guidelines, compatible location of uses and activities, and general safeguards to decrease or eliminate harmful impacts on adjacent property, while providing flexibility in design and development.**

A complete discussion of the DSP's conformance to the approved CSP can be found in Finding 9 below. It should be noted, however, that the development pattern in this area of the site is different from what was shown on the approved CSP due to the reconfiguration of National Harbor Boulevard. The submitted DSP does provide sufficient detail and design guidelines for review as required. A proposed gas station use in this location is generally compatible given the proximity to public roads. As for safeguards to decrease harmful impacts on adjacent property, the applicant has submitted a noise evaluation, dated February 21, 2011, discussing noise impacts. Further discussion of this study is in Finding 10 below. Regarding visual impacts, the exhibits and images the applicant provided were reviewed by the Planning Board and the edge treatments of the subject site are discussed in Finding 11 below.

- (3) **The Planning Board shall give due consideration to all comments received from other agencies.**

Comments from other agencies are discussed in Finding 14 below.

- (4) **The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.**
- (5) **The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.**
- (6) **The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all**

**persons of record (in the Detailed Site Plan approval process) and the District Council.**

This is the standard procedure for detailed site plan review and is and will be followed as required.

**Design Standards for On-Site Signs Attached to a Building or Canopy (Section 27-613(f)(1)):**

**In the Mixed Use Zones, the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of Detailed Site Plan review...In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the Mixed Use Zone development...**

The DSP proposes multiple building-mounted signs on the southern, western and northern elevations of the building and the northern and western elevations of the service canopy. The specific materials for these signs, which should be high-quality and durable in conformance with the CSP, have not been labeled, so a condition requiring this has been included in this approval. Additionally, no sizes have been given for any of these signs; however, they do not appear to be out of scale with the proposed mounting locations. It is noted that no signs are proposed on the eastern elevations of the building or service canopy, where they would be facing the existing residential lots. The proposed building-mounted signs generally appear restrained and appropriate in size, type and location given the proposed gas station use.

**Design Standards for On-Site Freestanding Signs (Section 27-614(e)(1)):**

**In the Mixed Use Zones, the Design Standards for freestanding on-site signs shall be determined by the Planning Board for each development at the time of Detailed Site Plan review...In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and are in keeping with the remainder of the Mixed Use Zone development...**

The DSP proposes two free-standing signs on-site, one on the west side and one on the east. Both signs are the same, ground-mounted, approximately 11 feet high, with a cast stone base, a middle panel displaying the gas prices and franchise name, and a cap with the National Harbor name and logo. The approved CSP text included a section (pages 134 through 138) with descriptions of the design principles for the proposed signage on-site. These include the following items which are applicable to the review of the proposed signs:

- Maintain a high-quality of design fabrication and installation for all signs
- Maintain identity and consistency of signs for the overall project
- Enhance signs with decorative features and landscaping
- Integrate signs with architectural and thematic character of each activity zone

The proposed signs do use some high-quality materials and do include the development's name and logo to maintain the overall identity of the development. However, the middle panel, whose material is unlabelled, appears to be a little insubstantial and appears incongruous with the rest of the sign. Also, no decorative landscaping has been proposed around the base of the sign in order to conform with the established design principle. In order to address these two issues, the Planning Board found that the free-standing signs shall be revised to add decorative landscaping around the base of both signs and to add brick, to match that used on the building, to the sign structure, possibly around the middle panel. Conditions requiring these changes have been included in this approval. Given these proposed revisions, the proposed free-standing signs would be in conformance with the CSP and would be appropriate in size, type, design and location.

8. **Zoning Map Amendment ZMA-5635:** Zoning Map Amendment A-5635 was approved by the Prince George's County District Council on July 12, 1983 with 20 conditions. Of the 20 conditions, as contained in the Council's order, the following conditions are applicable to the review of this DSP:

5. **There shall be no access to the subject property, where zoned M-X-T, through existing residential subdivision streets or through that portion of the A-5619 property (the Gudelsky tract) left in the R-R Zone. Access to existing residential subdivision streets may be permitted, by the Planning Board, however, for the exclusive use of authorized emergency vehicles. In giving such approval, the Board shall include means for ensuring that such access is limited to emergency vehicles.**

This site does not propose any access through existing residential subdivision streets or through the portion of the A-5619 property left in the R-R Zone.

8. **In order that ultimate development of the subject property and the properties in the companion M-X-T cases will be of the "exceptionally high quality" referred to in Council Resolution 57-1981, at page 6, the comprehensive concept plan and final plan of development submitted to the Planning Board shall:**

- a. **Illustrate how views from the existing residential areas, including views of the water, will be affected; and**

The applicant submitted a photo of the view of the site from the existing residential area to the east. At ground level, the site is generally screened from the residential areas by an existing metal fence with brick piers and a row of evergreen trees between the residential area and the northbound lanes of National Harbor Boulevard. However, in order to ensure views from the existing residential area at ground and upper levels remain protected, an enhanced landscape treatment on the subject site, along the eastern road frontage, has been included in this approval.

- b. **Compare the scale of the relationship of the proposed development with that of the existing residential development in the vicinity, in terms of height, mass, density, and similar factors;**

The applicant submitted a cross-section showing the relationship of the proposed building to the nearby residential areas. The two will be at generally the same vertical elevation and will be of similar heights and massing.

- c. **Demonstrate the orientation of buildings, including loading areas and mechanical equipment, to adjacent residential areas;**

The applicant submitted a cross-section showing the relationship of the proposed building to the nearby residential areas. The two will be at generally the same vertical elevation and separated by three-to-five lanes of traffic of northbound National Harbor Boulevard. The proposed mechanical equipment will all be located on the roof of the building and screened by metal panels. However, the proposed loading space is located along the southern edge of the site without any real screening, besides shade trees, from the residential areas to the east. A condition in this approval requires that the proposed loading space be moved, or otherwise demonstrated, to a location where it can be more effectively screened and does not impede the flow of traffic.

- d. **Demonstrate clearly how important natural features, such as ridgelines, drainage areas, steep slopes, vegetation, and the waterline, will be affected;**

The subject site does not include any of the natural features listed in this condition due to its location in the middle of an existing public roadway.

- e. **Show a cohesive architectural theme for all development on the subject property and the properties in the companion M-X-T cases, a theme incorporating building design and materials, signs, street furniture, and landscaping, so that the Planning Board may make a finding that the architectural design of the entire development is unified and of high quality;**

In the approved CSP text, the applicant consistently expressed the intention to develop a cohesive architectural theme or themes for the entire development. The information provided, however, did not specifically commit or bind the developer of National Harbor to any **particular** theme, style, building design or materials, which would enable the Planning Board to perform the analysis necessary to make this finding without qualification.

The approved CSP text description of Zone C: North Cove (pages 55 through 62) generally describes this area as "themed to re-create the casual atmosphere of a classic seaside resort" and emphasizes its importance as the first zone that visitors may experience entering from the main access road. It declares that the high-quality character of the proposed architecture, including a variety of façade treatments, rooflines, colors, arcades, awnings and other people-friendly features, will reinforce the thematic story of National Harbor. It is understood that the subject site is not immediately adjacent to the waterfront, and therefore, a seaside resort theme for this particular building might not be the most appropriate. Additionally, there are no other buildings built in this general area for the proposed gas station building to be unified with, so its architectural design may set the stage for the future proposed buildings on the remainder of existing Parcel 19.

Considering the architecture and zone descriptions approved with the CSP and the location of this DSP site at a major gateway into the National Harbor development, the Planning Board found the design of the gas station building, pump islands and service canopy created the high-quality character of architecture previously envisioned.

- f. Show an access road design which is consistent with the anticipated quality of development on the subject property and the properties in the companion M-X-T cases;**

At the time of the CSP, the access roads into the site were shown as heavily landscaped. The access road, National Harbor Boulevard, has since been constructed and completed. The road design in the North Cove area changed from a single-road section on the western edge of the property to a divided highway with a large median, where the current DSP is proposed to be developed. In order to maintain a high quality of development along this access road, an enhanced landscape strip along both the eastern and western road frontages of this DSP, is proposed as a condition in this approval, and discussed further in Finding 11.

- g. Demonstrate a distinctive architectural theme, to take advantage of views of the subject property from the Capital Beltway, the Potomac River, and the Virginia shoreline;**

The subject site is not clearly visible from the Capital Beltway, Potomac River or the Virginia shoreline due to grade changes and the various roadways and ramps surrounding the site. However, the subject of an architectural theme for the project is discussed under Condition 8e. above.

- h. Include a trail system, which will take advantage of the waterfront and water views where possible and link the subject property with**

**the Oxon Cove Park to the north and Fort Foote Park to the south, as recommended in the Subregion VII Master Plan; and**

A trail system was shown on the CSP, which will take advantage of waterfront views, most prominently where it is located along the north edge of Smoot Bay from Zone C to Rosalie Island. This area and these trails lie outside of the limits of this DSP.

- i. **Include a plan to preserve waterfront areas for public access, which plan shall include a conservation and preservation element providing for green spaces and undeveloped beach areas.**

At the time of the CSP, the plan included a waterfront area for public access in Zone C, North Cove. The conceptual site plan text (p. 60) states that the north shore of the North Cove zone "will become National Harbor's only beach." The waterfront area lies outside of the DSP area, separated from the subject site by the three southbound lanes of National Harbor Boulevard, and no direct public access is proposed from the gas station to the waterfront.

9. **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 District Council's order, the following conditions are applicable to the review of this DSP:

2. **Total development within the Waterfront Parcel of the subject property shall be limited to the following:**
  - a. **2,400,000 square feet of retail, dining and entertainment development within a resort setting**
  - b. **200,000 square feet within a conference center**
  - c. **2,750 hotel rooms**

**Alternatively, changes in the mix of these uses totaling no more than 5.35 million square feet and generating no more than the number of peak hour trips (3,073 AM peak hour trips and 3,134 PM peak hour trips) generated by the above development may be allowed.**

Only 7,011 square feet of commercial space has been proposed on Parcel 30, which represents only a fraction of the overall development within the Waterfront Parcel. The DSP is well below the trip caps associated with the uses specified in this condition. However, only one of the possible 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 does not affect this portion of the site, which was part of Area C, North Cove.

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.**
12. **The final cross sections of roads, both private and public, shall be determined at the time of final design with approval by DPW&T and M-NCPPC at that time.**

All public roadways adjacent to 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). The needed reviews of the internal roadways have occurred. It is noted that the subject site plan introduces a new internal driveway to serve uses within proposed Parcels 31, 32 and 33. This driveway was reviewed by DPW&T as discussed in Finding 14 below; nonetheless, the applicant is in substantial compliance with these conditions.

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 greatest extent possible. The DSP does not include any trails or sidewalks; however, the gas station use is generally vehicle-oriented and will mostly be accessed by vehicles from the surrounding public rights-of-way. The subject site does lie just south of M-NCPPC parkland, which contains an existing portion of the National Heritage Trail. The Planning Board found that it is appropriate to provide bike racks at the gas station for trail users who might want to also use the retail services located on the subject site. Additionally, to fully support pedestrian connectivity within the site, the Planning Board found that the sidewalk adjacent to the eastern elevation of the building should be increased to four feet wide, if feasible. Conditions requiring these two issues be addressed have been included in this approval.

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

The Heritage Trail from Rosalie Island to Oxon Hill Road is not located within the boundary of this DSP, but runs further to the north.

16. **At the time of building permit, the applicant shall indicate location of bicycle racks in appropriate locations throughout the subject property.**

The Planning Board found that bicycle racks are appropriate within the subject DSP site and a condition requiring them to be added to the DSP has been included in this approval.

21. **The construction plans for Rosalie Island Park shall include a "staging and unloading area" for utilization by the Department of Parks and Recreation, which area shall be located within Zone C as close to the park as possible. To the extent practicable, a park entrance feature shall be constructed in connection with the staging area. The trail system from the parking area to Rosalie Island shall be sufficient in design to allow for use by emergency, police and maintenance vehicles. Handicapped parking for Rosalie Island visitors shall be provided within Zone C as close to the park as possible. Alternatively, during hours when the park is open to visitors, the same number of handicapped parking spaces shall be made available for use by park visitors within Zone C. A total of 50 parking spaces shall be provided. Twenty shall be for the exclusive use of park patrons and 30 may be shared with the Visitors Center.**

The subject DSP site does lie within the portion of Zone C that is closest to Rosalie Island Park as described in this condition; however, the location for the proposed staging, unloading and parking areas as discussed in the condition have been determined to be located to the north of the subject DSP on M-NCPPC parkland. The final development plan and timeline for these facilities are the subject of negotiations between the developer and the Department of Parks and Recreation and do not affect this DSP directly.

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.**

The subject DSP lies within the Waterfront Parcel, which has already had multiple building permits issued. The Historic Preservation Section confirmed that there are no outstanding archeological issues for the subject site.

31. **Prior to issuance of a building permit for the structures identified below, the applicant, his heirs, successors or assigns shall submit one or more Detailed Site Plans for approval by the Planning Board. The Detailed Site Plan(s), through the use of plans, architectural elevations, sections and perspective sketches, shall address and be limited to the following issues:**
- a. **Demonstrate the orientation and exterior architectural appearance of the proposed speed parking garage in Zone B, the proposed service buildings in Zone E, the proposed gas station in Zone C, and any building within 100 feet of a residential lot (not owned by the applicant, its heirs, successors or assigns), including loading areas, service areas, exterior storage areas and mechanical equipment. Provide plans for the landscape buffer adjacent to these buildings. Illustrate how views from the existing residential areas will be affected by these proposed buildings. Demonstrate plans to mitigate noise, litter and bright lights from these buildings and headlights from cars.**

The subject DSP submittal, which included details regarding the various listed items, for the proposed gas station in Zone C has been filed per the requirements of this condition. Further analysis of the exterior architectural appearance of the gas station building and service canopy is in Finding 8 above. Analysis of the proposed loading space and service areas are in Finding 5 and 11. No exterior storage areas are proposed on-site with this DSP and the proposed mechanical equipment is located on the roof of the building, screened on all sides by large metal panels. A landscape plan was provided that is in general conformance with the requirements of the *Prince George's County Landscape Manual*; this is discussed further in Finding 11 below. A cross-section and photographs of the view of the subject site from the residential areas to the east were submitted with the DSP. Further discussion of this is in Finding 8 above. The applicant also submitted a noise evaluation for the subject site and use, which is analyzed in Finding 10 below, along with the suggested mitigation factors. Mitigation of headlights on-site will be accomplished with the enhanced landscape strips that are conditioned to be provided along all public and private roads as discussed in Finding 11 below. Additionally, in order to ensure that off-site light intrusion into nearby residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development, a condition requiring the proposed lighting to use full cut-off optics has been included in this approval.

32. All new landscape plantings in landscape buffers adjacent to existing residential development shall provide a minimum of 200 plant units per 100 linear feet of buffer, except that where 4- to 6-foot-high berms are utilized, the plant units may be reduced to 160 plant units per 100 linear feet of buffer. This does not imply that a solid screen is required in all landscape buffers. Some areas of the buffers may remain open to create or preserve desirable views.

The subject DSP is not directly adjacent to any residential development, but is separated from the residential area to the east by National Harbor Boulevard. However, an appropriately planted landscape buffer should still be provided between these two incompatible uses along the gas station's eastern road frontage.

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 the 2008 *Approved 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.

10. **Preliminary Plan of Subdivision (PPS) 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. Opponents of the PPS appealed the approval to the

Prince George's Circuit Court, which upheld the Planning Board's decision. The opponents then appealed further to the Court of Special Appeals and, on June 27, 2003, it reversed the decision of the Circuit Court and remanded the case to Circuit Court to be remanded back to the Planning Board. The Planning Board reheard the case on November 6, 2003 and issued a revised approval on November 20, 2003 with 32 conditions. The following conditions of the final approval of Preliminary Plan of Subdivision 4-01048 are applicable to the review of this DSP:

4. **Prior to the signature approval of Preliminary Plan 4-01048, the applicant, heirs, successors and/or assigns shall designate the proposed area/parcel, acceptable to the Department of Parks and Recreation, for the 50 parking spaces for use by park visitors, the "staging and unloading area", approximately 0.5 acre, and handicapped parking in Zone C, or in some other section of the development proximate to Rosalie Island.**

The approved PPS labeled the subject site and an area to the west as "*Proposed Parking (with H/C Accessible) for Rosalie Island (may be relocated at a later date)*". The applicant and The Maryland-National Capital Park and Planning Department of Parks and Recreation (DPR) indicated that an area to the north of the subject site, on M-NCPPC parkland, has been designated as the current proposed location for this parking area.

8. **Prior to signature approval, the preliminary plan shall be revised to include the 40-foot-wide buffer zone shown on the Conceptual Site Plan around the edge of most of the National Harbor property.**

Condition 8 was carried forward from the approved CSP. The approved preliminary plan and the record plat PM 21 @ 25 shows the 40-foot-wide landscape buffer, as required by the CSP, along the northern edge of existing Parcel 19, in the area of the adjacent proposed Parcel O, which is developed with an existing roadway. However, the detailed site plan does not show the 40-foot-wide buffer within the area to the north of proposed Parcel 30, due to the location of the existing road. The applicant stated that the label of a "landscape buffer" on the record plat was a mistake and no description of the landscape buffer was provided or referenced on the record plat. The approved CSP also shows a 40-foot buffer zone in the same area and described the buffers on-site as "*designed to best serve as a transition to neighboring properties and situations.*" (page 128) It is noted that the property directly to the north of the buffer shown in this area, the neighboring property, is M-NCPPC parkland, which is proposed to be developed with a parking lot for park and trail users. Given this type of adjacent use, a densely planted 40-foot landscape buffer would not be necessary or appropriate, given safety and visibility concerns. However, some landscaping, such as street trees, would be appropriate along the existing roadway, which now is the only "buffer" between the two uses. A condition requiring the addition of standard street trees along the private roadway has been included in this approval. Referring back to the original intention of the buffer zone in the CSP and given the adjusted configuration of development pads and roads, the appropriate location for a buffer as a transition to neighboring properties is along the eastern and western road

frontages of the subject site. For further discussion of the treatment of these edges, see Finding 11.

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 Waterfront 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 no sidewalks and trails as they were not required in this specific area and the site is currently surrounded by public rights-of-way except to the north which is a private road. At such time as the adjacent Parcel 11, owned by M-NCPPC, is

developed, consideration should be given to incorporating a connection from Parcel 11 to Proposed Parcel O as part of National Harbor's internal network of trails. The placement of the connection should take into consideration vehicle crossings, pedestrian safety and materials that provide heightened visibility, consistent with the established trail network.

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

- a. 2,400,000 square feet of retail, dining and entertainment development within a resort setting.
- b. 200,000 square feet within a conference center.
- c. 2,750 hotel rooms.
- d. A visitors' center (alternative site).

**Alternatively, changes in the mix of these uses totaling no more than 5.35 million square feet and generating no more than the number of peak hour trips (3,073 AM peak hour trips and 3,134 PM peak hour trips) generated by the above development may be allowed.**

Only 7,011 square feet of commercial space has been proposed on Parcel 30, which represents only a fraction of the overall development within the Waterfront Parcel. The DSP is well below the trip caps associated with the uses specified in this condition. However, only one of the possible uses is included in this DSP.

**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, but 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 are no streets proposed in this DSP which utilize the A-A cross-section.

- 22. Private roadways within the Waterfront Parcel, if located within 300 feet of residential property lines that are not a part of National Harbor, shall be constructed with noise barriers and/or berms located between the roadway and the residential property line. These attenuation features will be designed such that day and night time noise decibel levels will not exceed those prescribed by the Code of Maryland ("COMAR"). Noise barrier construction materials may be concrete, metal panels, masonry block, wood, or other materials that provide similar acoustical benefits or proposed buildings that provide the required attenuation. Earth berms may be constructed at a maximum 2:1 (horizontal:vertical) slope. A combination of earth berm, sound barrier and/or sound attenuation or reduction system/devices, may be used to satisfy the requirement. Nothing herein shall modify COMAR's applicability to motor vehicles on public roads. Proposed noise attenuation information verifying that the proposed measures adequately address the requirements of COMAR shall be submitted as part of the permit application for private road construction.**

The subject site is located within 300 feet of adjoining residential property lines; however, no private roadways are proposed within the subject DSP. The applicant stated the entrance road for the gas station is an internal driveway for the commercial uses on-site.

- 23. Private roadways within the Waterfront Parcel, if located within 300 feet of adjoining residential property lines, not a part of National Harbor, shall be posted with signage prohibiting heavy truck traffic between the hours of 10:00 p.m. and 7:00 a.m. The maximum speed limit on such roadways shall be 30 miles per hour.**

The subject site is located within 300 feet of adjoining residential property lines; however, no private roadways are proposed within the subject DSP. The applicant stated the entrance road for the gas station is an internal driveway for the commercial uses on-site.

- 24. Waterfront Parcel parking lots in use between 10:00 p.m. and 7:00 a.m., located within 500 feet of residential property lines not a part of National Harbor, shall include noise barriers, and/or berms and/or sound attenuation or reduction system/devices, designed to meet COMAR requirements.**

This condition does apply to the subject DSP because the site is in the Waterfront Parcel, located within 500 feet of residential property lines and proposes a parking lot that will be in use between 10:00 p.m. and 7:00 a.m. The applicant submitted a noise evaluation, dated February 21, 2011, that stated the following:

"This memorandum describes the noise evaluation conducted for a proposed gas station and adjacent parking lots planned for construction within the National Harbor development in Prince George's County, Maryland. The current analysis supplements the previous "National Harbor Noise Analysis Study" (Noise Study) prepared by Harris Miller, Miller, & Hanson Inc. (HMMH Report No. 299660, October 1, 2003) and subsequent analysis for additional parking facilities.

"The proposed facilities are to be located in the northern section of the parcel, between the northbound and southbound lanes of National Harbor Boulevard. The northbound lanes of National Harbor Boulevard, a three-lane state highway carrying automobile and truck traffic, are located between the proposed facilities and the closest residences. Due to its closer proximity to residences, typical sound levels generated by traffic on this roadway are higher than the sound levels predicted to be caused by activities at the new facilities.

**"Parking Lots:** For the noise sources evaluated, only the loudest car door closings ("slams") and car alarms would be likely to slightly exceed the Code of Maryland Regulations (COMAR) nighttime maximum sound level limit of 55 dBA by up to 2 dBA at the closest residential property line. Only car alarms would be expected to exceed the daytime limit of 65 dBA. Landscaping, low structures, or other similar elements breaking the direct line of sight from the residential property line location to parked vehicles would be expected to reduce sound levels from car door closings to below the nighttime standard. Car alarms are exempt from the COMAR noise standards; therefore, no mitigation would be necessary."

**"Gas Station:** For the noise sources evaluated, only noise related to fuel delivery trucks would be likely to exceed the COMAR nighttime noise standard at the closest residential property line. Although both low-speed truck passbys (for example entering and exiting the gas station) and engine start-ups may exceed the 55 dBA nighttime standard at the closest residences, these activities are not expected to exceed the 65 daytime standard. If fuel deliveries, which are expected to occur approximately once per day, are limited to daytime hours as defined by COMAR (7 AM to 10 PM), no further mitigation would be required. In addition, back-up alarms may exceed both the nighttime and daytime noise limits. However, because back-up alarms are exempt from the COMAR noise standards, no mitigation would be necessary."

There is an existing fence and evergreen tree buffer on the eastern side of National Harbor Boulevard that theoretically would help to reduce noise impacts from the parking lot on the residential units to the east. In addition, the enhanced landscape treatment, as discussed below in Finding 11, will also serve as a noise buffer as described in the noise evaluation.

In addition, as suggested in the noise evaluation above, the recommendation for fuel deliveries to be limited to daytime hours, between 7 AM and 10PM to conform with COMAR nighttime noise standards, has been included as a condition in this approval.

31. **On the Waterfront Parcel, construction noise attenuation measures shall be implemented in order to insure adherence to COMAR requirements. As part of applications for building permits, the applicant shall provide a noise attenuation plan which shall meet the COMAR requirements and shall include any measures or combination of measures such as or similar to the following:**
- a. **Construction of temporary noise barriers with no gaps or holes between the construction site and noise sensitive receptors.**
  - b. **Implementation by DER of restrictions on nighttime operations.**
  - c. **Use of piles of excavated materials as barriers between noisy activities and noise-sensitive receptors.**
  - d. **Equipment placement on the site as far away from noise-sensitive receptors as practical.**
  - e. **Use of ambient sensing, manually adjusting, or detector type backup alarms on appropriate equipment.**
  - f. **Use of "noise tents" to reduce the noise from jack hammering.**
  - g. **Construction shall comply with hours of operation permitted by the DER.**
  - h. **A method of providing public notification to adjacent residents of construction activity that will result in higher noise levels at particular periods.**
  - i. **Control of gratuitous construction noise (including, but not limited to, engine revving, excessive air braking and loud use of horns) that is not necessary for actual construction.**

This condition will need to be fulfilled at the time of the building permit application for the subject site, as with all other sites within the Waterfront Parcel.

32. **As construction of the proposed facilities commences, a method of public notification indicating where to direct noise inquiries shall be established. Such information may be part of general information available to the public.**

**A copy of the proposed public information plan shall be submitted to the Development Review Division with the first building permit application.**

The required public information plan has been submitted and reviewed previously in conjunction with the multiple building permits that have already been issued within the Waterfront Parcel. The developer is expected to adhere to this plan during the construction on the subject site.

11. ***Prince George's County Landscape Manual:*** The proposed gas station development for the Waterfront Parcel included in this DSP is technically not subject to the *Prince George's County Landscape Manual* per Section 27-548.01.02(b)(2), which states the following:

**Setbacks, tree conservation, landscaping and screening, green space, lot coverage, parking, and loading shall be addressed in the Conceptual Site Plan approval. However, the provisions of this Subtitle applicable to such items are not applicable.**

However, the *Prince George's County Landscape Manual*, specifically Section 4.2, Requirements for Landscape Strips Along Streets, Section 4.3, Parking Lot Requirements, Section 4.4, Screening Requirements and Section 4.9, Sustainable Landscaping Requirements, should be used as a basis for evaluating the proposed landscaping design in order to ensure the high quality of design, as approved in the ZMA and CSP, has been achieved.

- a. Section 4.2, Requirements for Landscape Strips Along Streets, would apply to all public and private road frontages, which would include the eastern, western and northern edges of the subject site. The requirements would include a minimum ten-foot-wide strip planted with one tree and ten shrubs for every 35 feet of road frontage, excluding driveway openings. The submitted DSP meets these basic requirements for the eastern and western road frontages, but left the northern road frontage unexamined. The resulting proposed landscape design is lacking in the quality and character as described in the design principles for the National Harbor Landscape Program in the approved CSP text (pages 122 through 129).

Given the redesign of the road configuration in the northern part of North Cove since the approval of the CSP, the original 40-foot landscape buffer zone designed to create a transition to neighboring properties and situations, as shown on the CSP and PPS along the northern property line of existing Parcel 19, now has become more appropriate located along the eastern, western and northern property lines of proposed Parcel 30, which are critical transition areas from the proposed gas station use to the surrounding roads and nearby residential and waterfront areas. However, a 40-foot-wide landscaped and bermed buffer, as shown in Exhibits 10-1 through 10-8 of the CSP, would not be appropriate along road frontages of a commercial property. A large proportion of visitors to National Harbor will arrive by way of the interstate highways, and the subject site, located essentially within the median of the Spine Road, will essentially be the first part of National Harbor they see as they travel southbound on National Harbor Boulevard, and

the last one they see as they travel northbound to the interstate. Therefore, the more appropriate sections of the CSP landscape program would be the descriptions of Arrival Gateways and the Spine Road. This site, along with the future commercial sites to the south, should then have landscape strips on their road frontages that present an attractive, unified design that conforms with the character and quality of the overall National Harbor development. This would be accomplished with a layered landscape design, which would include a mix of shade trees, ornamental trees, shrubs, groundcovers and herbaceous plants, as is described in the CSP for the median of the Spine Road, where this site is located. The approved CSP text (page 125 through 126) gives further direction regarding how the planting should be designed with various sizes, textures, forms and visually implied lines. In order to accomplish this layering affect, a 10 to 15-foot-wide landscape strip is recommended along the highly-visible National Harbor Boulevard road frontages. Provisions should be made in the proposed planting design to allow some visibility into the commercial sites for safety and informational purposes, along with accommodating required sight lines for turning vehicles. Therefore, the Planning Board found that a landscape strip 10 to 15 feet wide, to include a mix of shade trees, ornamental trees, shrubs, groundcovers and herbaceous plants arranged in a layered design that includes various sizes, textures, forms and visually implied lines of plants, be provided along all private and public road frontages on the subject site. A condition requiring this redesign has been included in this approval.

- b. Section 4.3(c)(2), Parking Lot Interior Planting Requirements, would require that a certain percentage of the parking area, in accordance with the size of the parking lot, be interior planting areas with one shade tree for each 300 square feet of planting area. The landscape plan identifies one parking lot of 15,060 square feet in size, which would be subject to the eight percent requirement because the total parking lot area is between 7,000 and 49,999 square feet. The landscape plan provides approximately 8.2 percent of the total parking lot area in interior planting area and a total of 5 shade trees that would satisfy the requirements of Section 4.3(c)(2).
- c. Section 4.4, Screening Requirements, would require that all dumpsters and loading spaces should be screened from all adjacent public roads. Architectural sheet A2.3 provides an eight-foot-high, brick and ground face concrete-masonry-unit trash enclosure detail, which would be consistent with the Landscape Manual requirements. However, neither the DSP nor the landscape plan labels or references the trash area, enclosure, or detail location. A label should be added to the DSP labeling this site feature and the location of the proposed detail. One loading space is proposed on-site, along the side of the drive aisle at the southern end of the property. No screening detail for the proposed loading space has been provided. The Planning Board found that the loading space should be moved, or otherwise demonstrated, to a location where it will not affect the proposed drive aisle, and where it can be more properly screened from the adjacent public rights-of-way. Conditions regarding these two items have been included in this approval.

- d. Section 4.9, Sustainable Planting Requirements, would require that the site meet certain levels of proposed native plant materials, with no proposed invasive plant materials. The submitted DSP does conform to these requirements, although, the landscape schedule provided for this section is filled out incorrectly. A condition requiring this to be corrected has been included in this approval.

- 12. **Woodland and Wildlife Habitat 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.

A Chesapeake Bay Critical Area (CBCA) Conservation Plan, CP-88013, was originally approved for the overall National Harbor development on December 22, 1988, with a revision to add area approved on July 3, 2000. The CP revision reflected the proposed National Harbor development plan based on the approved Conceptual Site Plan CSP-98012 and indicated several locations of proposed impervious areas within the development envelope. A note on the approved CP allows for all impervious surfaces within this envelope to be revised, subject to the restrictions found in CSP-98012, without need for revisions to the CBCA plan.

- 13. **Tree Canopy Coverage Ordinance (TCC):** This property is subject to the Prince George's County Tree Canopy Coverage Ordinance because it is a development application that will require a grading permit. Properties zoned M-X-T are required to provide a minimum ten percent of the gross tract area in tree canopy.

The subject site is 1.70 acres in size and has a minimum tree canopy requirement of 0.17 acres or 7,405 square feet. The site plan is proposing to meet the requirement with a combination of planted shade and ornamental trees that would result in a total of 7,535 square feet of tree canopy coverage. With the required landscape revisions as described in Finding 11, the final total of provided tree canopy coverage may change, but the requirement will still need to be met.

- 14. **Further Planning Board Findings and Comments from Other Entities:** The subject applications were referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning—**This detailed site plan is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier Centers and Corridors considering the location and the future development of a much larger portion of the site.

The commercial land uses proposed in this detailed site plan, which is part of a larger mixed-use proposal in the approved conceptual site plan (CSP-98012), conform to the mixed land use recommendation in the 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment (SMA).

The Henson Creek-South Potomac master plan affirms the 2002 *Prince George's County Approved General Plan* designation of National Harbor as a Metropolitan Center with mixed-land uses. The third bullet of the strategy under Policy 1 of the Centers and Corridor chapter (page 51) of the master plan states: "Design future land uses surrounding the waterfront center to complement its distinctive character, to be compatible with the neighboring community, and to provide a suitable gateway to this unique project."

Considering the location of this project as a major gateway to the National Harbor development, the design of the commercial/retail service building, pump islands and canopies should be articulated to contribute positively to the gateway entrance into the National Harbor development. Since the rear of this building is in direct view of motorists entering National Harbor from Virginia and the Baltimore-Washington Parkway( I-295), the design does not appear to incorporate special design and gateway features that add interest upon arrival to this special place. Exploring the feasibility of a double frontage building, monumental roof treatment, low wall with landscaping to minimize the view of parked cars from the roadway, and incorporating unique design features in the National Harbor development will create a complementary gas station that is different from the typical station found all over the county.

The Planning Board found the building architecture acceptable. Other Community Planning concerns have been addressed through various conditions included in this approval regarding the landscaping on the site.

- b. **Transportation Planning**—The Planning Board reviewed an analysis of the subject application regarding transportation-related conditions from the previous approvals and found the following:

The proposed 16 fueling position service station would generate 162 AM and 214 PM peak-hour vehicle trips. Given the location of the service station with its proximity to the larger National Harbor development—literally in between the inbound and outbound roadways from National Harbor—it is likely that most users will come from the National Harbor development or will be accessing National Harbor via the adjacent roadway. Therefore, it is assumed that a 90 percent pass-by rate is appropriate for this use at this location. Given this pass-by rate, the service station would generate 16 AM and 22 PM off-site vehicle trips.

The service station on proposed Parcel 30 receives access via an existing private roadway. Automobile circulation is acceptable as well, both within the site and to other potential uses that may occur within existing Parcel 19.

It is noted that the plan introduces a new private street which is internal to existing Parcel 19 and is intended to serve only the uses within existing Parcel 19. It is noted, however, that this planned roadway is only 22 feet in width curb-to-curb. Given that fuel trucks must service this use, it is a little unusual for these trucks to have to traverse what is

essentially a long driveway in order to get into a service station site. It is much more typical for tanker trucks to enter a site directly from a major roadway. The width of the roadway raises the concern that fuel trucks will not be able to maneuver to get into or off of the site with any degree of ease. This should be a great concern because of the overall size of the service station and the likelihood that it will be heavily used during off-peak hours, when fuel deliveries are usually made. The likelihood of other currently-unknown uses on existing Parcel 19 making use of this roadway increases this concern.

In response, the applicant has provided an access plan showing the movements of a WB-50 truck accessing and exiting the site (the WB-50 is a design vehicle encompassing a wide range of trucks with a wheelbase of 50 feet; the design vehicle has dimensions and operating characteristics that allow the geometry of a plan to be drawn). It appears that the internal private street is intended to be extended south to meet the connector road south of the site. This would allow large trucks servicing the uses to circulate from south to north through existing Parcel 19. This is acceptable. The large trucks would be able to circulate through the site with little or no impact on buildings, parking and loading spaces, and locations where other vehicles would naturally queue. However, this determination is dependent upon the circulation pattern as presented. Constructing the entire private roadway is needed to ensure that larger trucks can circulate from south to north.

The service station on proposed Parcel 30 is proposed to receive access via an existing one-way private roadway that provides a half-loop connection between the northbound and southbound roadways for National Harbor Boulevard. It is preferable that this roadway be a public roadway given that the same roadway must serve The Maryland-National Capital Park and Planning Commission Department of Parks and Recreation (DPR) property to the north. In any regard, the status of this roadway must be known before the Planning Board approves uses that must access it. These uses must have a legal right to access this roadway.

While general circulation within the site is acceptable, access and egress appears to be problematic. It is of some concern that vehicles entering the site must turn at an acute angle in order to enter the site. Given that vehicles are likely to enter the half-loop roadway at a moderate speed, this could be a difficult maneuver for many motorists. Vehicles leaving the site will need to make a left-hand turn for egress. Motorists will need to look approximately 125 degrees to their right in order to view oncoming traffic; this is within the zone generally termed a blind spot for a motorist. As noted above, traffic using the half-loop roadway may be traveling at a moderate speed, and the curving nature of the roadway will leave all motorists with very little time to react. It appears that the plan as submitted proposes an egress that may be unsafe. It is requested that the site plan either be revised, or that the agency responsible for permitting the access point make an affirmative determination that the access point is safe.

The concerns about access to the subject site raise other concerns about the overall parcel and its use and access. A revised plan indicates that the site will eventually be subdivided

into separate parcels. A legal means of access to each parcel must be determined, and it should be determined before a site plan is approved on a portion of existing Parcel 19. Due to the weaving and the higher speeds along National Harbor Boulevard, separate driveways onto each parcel would not be appropriate or safe. The uses for each parcel are also a determinant of the appropriate access, and as yet there is no indication of the other uses planned within existing Parcel 19. Access to all of existing Parcel 19, along with the DPR property on the north side of the half-loop roadway, must be reviewed in whole to ensure that all areas have safe and legal access. In this context, signage to assist motorists in accessing the uses on existing Parcel 19 can be explored; the plan is deficient in this regard.

It is noted that the site is in the M-X-T Zone, and more than six years have elapsed since the last finding of adequacy was made at the time of review of the preliminary plan of subdivision in 2001. As stated above, the off-site transportation impact is small because the site would have a fairly high pass-by travel rate. Furthermore, this use at this location was anticipated in 2001, and the needed transportation facilities required in 2001—both on-site and off-site—have been constructed. Therefore, it is determined insofar as this use at this time that the needed finding in Section 27-546(d)(9) of the Zoning Ordinance can be made.

#### **Discussion—Trip Generation and the Trip Cap**

The Waterfront Parcel was approved with the following mix of uses:

- 2,400,000 square feet of retail, dining and entertainment development
- 200,000 square feet within a conference center
- 2,750 hotel rooms

The mix of uses was allowed to be modified provided that the overall development would contain no more than 5.35 million square feet and generate no more than 3,073 AM and 3,134 PM peak hour trips. These quantities are shown in Conditions 2 and 12 of the conceptual site plan and the preliminary plan, respectively.

In 2005, the Prince George's County Council modified the definition of the waterfront entertainment/retail complex use to make a provision for a residential component within the use. As it relates to the subject property, the County Council Bill (CB-20-2005) allowed the addition of up to 2,500 residential dwellings to the use without need of modification of an approved conceptual site plan, provided that the site is within a designated Metropolitan Center. It is noted that the subject property had an approved conceptual site plan at the time that the legislation was approved, and the subject property is within a designated Metropolitan Center.

To date, the following has been constructed on the Waterfront Parcel:

- 544,749 square feet of retail, dining and entertainment development
- 500,000 square feet within a conference center
- 2,908 hotel rooms
- 424 residential dwellings

The above development totals 4,098,820 square feet of development. At this point in the development process, it is determined that the 7,011-square-foot service station can easily be accommodated within the overall trip/development cap, and that the trip caps shown in Conditions 2 and 12 of the conceptual site plan and the preliminary plan, respectively, will not be violated with the approval of the subject DSP.

Another 680,000 square feet of development within the Waterfront Parcel is currently in advanced stages of planning and/or permitting. This includes Buildings N, R, and S within the Central Waterfront area and the initial phase of residential development within the Woodlands area, but does not include portions of the Central Waterfront area between St. George Boulevard and National Harbor Boulevard. By square footage, this would be about 90 percent of the development allowed by the trip cap constructed on about 50 percent of the developable area of the Waterfront Parcel.

Notwithstanding that the current application poses no issue with the trip cap, an outstanding issue regarding the trip cap will eventually need to be addressed. In approving County Council Bill CB-20-2005, the County Council allowed additional uses within the site without modification of the conceptual site plan. This raises a few issues:

- It has never been clear how allowing up to 2,500 additional residential dwellings was to relate to the original conceptual plan trip cap, which has never been modified from the initial approval. Were the residences intended to replace some of the Waterfront Parcel uses, or are the residences in addition to whatever was approved?
- Even if the County Council's intent regarding the conceptual plan trip cap could be interpreted, there is no indication about how the trip cap on the preliminary plan of subdivision is to be addressed? The council bill makes no reference to the underlying preliminary plan.
- The conceptual site plan and the preliminary plan of subdivision have identical trip caps.

Once again, this trip cap issue for the Waterfront Parcel is not an issue for the current detailed site plan. However, in consideration of the current rate of construction within National Harbor, it may need to be addressed sometime during 2012.

### Conclusions

The subject property was the subject of a 2001 traffic study, and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2001 for Preliminary Plan of Subdivision 4-01048, as amended by revised findings made in 2003 in consideration of a remand order of the same. The uses proposed on this site plan are generally consistent with the uses proposed at the time of preliminary plan, making the basis for the preliminary and conceptual plan findings still valid. However, while the specific transportation findings related to the M-X-T Zone can be made, access to the site remains an issue. Specifically, these issues are outstanding:

- (1) The status of the half-loop roadway being used to access existing Parcel 19 must be known so that it can be confirmed that the use has a legal right of access.
- (2) It was determined that the plan as submitted proposes an egress that may be unsafe. It is requested that the site plan either be revised, or that the agency responsible for permitting the access point make an affirmative determination that the access point is safe.
- (3) A revised plan has indicated that the site will eventually be subdivided into separate parcels. Access to all of Parcel 19, along with the Department of Parks and Recreation property on the north side of the half-loop roadway, must be reviewed in whole to ensure that all areas have safe and legal access. In this context, signage to assist motorists in accessing the uses on Parcel 19 can be explored.

The existing half-loop road being used to access existing Parcel 19 is located on proposed Parcel O, which is to be conveyed to a private entity or government agency. The Department of Public Works and Transportation (DPW&T), as the permitting agency, has made comments regarding the safety of the gas station access point in Finding 14.i. below. The applicant indicated that the Maryland State Highway Association had previously denied any new accesses from National Harbor Boulevard to existing Parcel 19 through the permitting process. Further discussion of the access issue can be found under the Subdivision Review Section immediately below.

- c. **Subdivision Review Section**—The property is known as Parcel 19, located on Tax Map 104 in Grid E-1, E-2, and F-1 and is 6.13 acres. The property is currently vacant and is in the Mixed Use-Transportation Oriented (M-X-T) Zone, in the Intense Development Overlay Chesapeake Bay Critical Area. The applicant has submitted a detailed site plan (DSP-10015) for the development of a 7,011-square-foot gas station. The limit of this DSP is located on a portion of Parcel 19, which was recorded in Plat Book PM 217 @ 25 on January 4, 2007. The record plat contains five notes and the following notes in bold relate to the review of this application:

2. **Development of this site shall be in conformance with Stormwater Concept Plan #988001050.**

The general notes on the detailed site plan indicate that there is a Stormwater Concept Plan Number 6370-2010-00 which was approved on March 23, 2010.

3. **Prior to the issuance of any building permits within the Waterfront Parcel, transportation conditions of Prince George's County Planning Board No. 01-163(C)(A) must be complied with.**

Conformance to transportation conditions of the Prince George's County Planning Board No. 01-163(C)(A) were reviewed and determined under the Transportation Planning Section.

5. **Total development of the waterfront parcels is subject to Prince George's County Planning Board resolution 98-110 (CSP-98012).**

Conformance to PGCPB Resolution No. 98-110 (CSP-98012) is discussed in Finding 9 above.

#### **Site Plan Review**

In evaluating the DSP and record plat, there are some inconsistencies. The revertible easement SHA R/W Plat 56722 and the perpetual easement SHA R/W Plat 55721 are shown on the record plat as well as on the detailed site plan. However, the boundary of the perpetual easement on the detailed site plan does not match the record plat, and should be corrected. From the site plan it appears that the proposed parking will be within the easement. Conformance to the perpetual easement was reviewed and determined by State Highway Administration.

The existing access road has been constructed within a portion of platted 40-foot-wide landscape buffer that is delineated on the record plat. In the review of this detailed site plan, the Planning Board found that the condition of the landscape buffer from the CSP is no longer appropriate for this site. Therefore, included in this approval, is a condition is to require the applicant to file a plat of correction pursuant to Section 24-108 of Subdivision Regulations to remove the landscape buffer.

The boundary, bearings and distances of the subject property shown on the detailed site plan is in conformance with the record plat for Parcel 19. The revised DSP dated February 1, 2011 proposed to subdivide Parcel 19 into five parcels and show the existing access road on one parcel, Parcel O. At a meeting on February 16, 2011 with the applicant, it was explained that the road on Parcel O is a private road and has been approved by Department of Public Works & Transportation (DPW&T) and the State Highway Administration (SHA). Proposed Parcel O and Parcels 31 through 33 are not

part of this detailed site plan. Parcel 30 will have the proposed gas station and is the subject of this detailed site plan. The access driveway proposed from Parcel 30 to the private road on Parcel O is proposed and will have to be reviewed by DPW&T and SHA. The applicant stated that SHA has denied any new access to National Harbor Boulevard from Parcel 19 through SHA permits; therefore, it is proposed that Parcels 31 through 33 will have an access easement across Parcel 30 to access the private road on Parcel O. This should be indicated on the DSP and reflected on the final plat.

The approved Preliminary Plan of Subdivision 4-01048 reflects three lots on Parcel 19, however the property was recorded on Plat Book PM 217 @ 25 as one parcel, Parcel 19. The validity period for the preliminary plan was extended to December 31, 2011 pursuant to County Council Bill CB-20-2010. Since the preliminary plan is still valid, the site can be replatted for the proposed layout which is in substantial conformance with the preliminary plan. Parcel 30 has access onto a private road that connects to a public street. The applicant proposes an access easement for Parcels 31 thru 33 to Parcel 30 for access to the private road. The approved Preliminary Plan of Subdivision 4-01048 and the record plat do not show a private road or easement on Parcel 19 specifically. However, pursuant to Section 24-128(b)(13) of the Subdivision Regulations, the Planning Board may approve plats and plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

- (13) Notwithstanding any provision of this Code to the contrary, the Planning Board may approve a system of public roads, private roads, rights-of-way, and/or easements for a subdivision, with land in any Residential Zone and/or the R-M Zone, provided a portion of the land is zoned M-X-T and all of the land is the subject of the same approved Conceptual Site Plan. In such cases, the applicant shall present the Planning Board with sufficient assurances regarding the perpetual maintenance of the nonpublic roads. Prior to action by the Planning Board, the Department of Public Works and Transportation shall approve the conceptual design and widths of the nonpublic roads and conceptual connections to public roads.**

The applicant shall file for a new final plat to record the parcels layout, private road and acknowledge Section 24-128(b)(13) of the Subdivision Regulations for an access easement as proposed by this detailed site plan.

The Detailed Site Plan DSP-10015 is not inconsistent with the approved Preliminary Plan of Subdivision 4-01048, if the above comments are addressed.

The suggested conditions have been included in this approval.

- d. **Trails**—There are no master plan trails recommendations directly on the subject property in either the MPOT or the area master plan. However, the existing Potomac Heritage National Scenic Trail has been constructed through National Harbor off the subject

application on the M-NCPPC parkland immediately to the north of the subject site. This parkland is on the north side of the access road immediately opposite (or to the north of) the subject site. The M-NCPPC Department of Parks and Recreation is planning a parking lot and trailhead on the parkland north of the subject site.

A pedestrian connection is recommended to the subject site from the trail because of the location of the heavily travelled trail north of the site. This connection will facilitate the movement of trail users to the convenience store proposed in the Sunoco. Although the design of the trailhead and parking lot has not been finalized, the pedestrian connection can be accommodated to the site via (1) a high visibility crosswalk of the access road that will provide access to the proposed Sunoco, (2) a short sidewalk connection with curb cuts from the access road to the internal gas station drive aisle, and (3) a striped crosswalk over the internal drive aisle that connects to the proposed sidewalks around the gas station. A curb cut and American Disabilities Act (ADA) ramp will also have to be provided where the crosswalk intersects the walkway around the proposed building. A suggested location for the sidewalk and crosswalks is marked in red on the attached plan. However, a final determination about the facility location and design should be approved by the Urban Design Section and marked and labeled on the certified plans.

### **Conclusion**

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a detailed site plan as described in Section 27-285 if the following conditions were to be recommended.

- (1) Provide one sidewalk connection with American Disabilities Act (ADA) curb cuts, ramps and high visibility striped crosswalks from the walkway around the proposed Sunoco station to the M-NCPPC land (Parcel 11) to the north. The facility location and design shall be approved by the Urban Design Section prior to certificate approval. The sidewalk and associated facilities shall be marked and labeled on the certified plans.

The Planning Board found that this issue should be considered in the future when Parcel 11 is developed and did not include this as a condition of approval.

- e. **Department of Parks and Recreation (DPR)**—The Department of Parks and Recreation provided the following comments regarding the subject application:

The Department of Parks and Recreation (DPR) reviewed the above referenced detailed site plan for conformance with the requirements of the approved Conceptual Site Plan CSP-98012, Preliminary Plan of Subdivision 4-01048, and the Public Recreational Facilities Agreement (RFA) recorded in the Prince George's County Land Records at Liber 21482, folio 140, as they pertain to public parks and recreation.

### **Findings**

The subject detailed site plan application is for the construction of a 7,011-square-foot, 16-fueling position service station located on one-third of the acreage of existing Parcel 19. The applicant is proposing to access the service station via an existing private road, which by prior agreement will also serve a planned 73-space public parking lot on adjacent to The Maryland-National Capital Park and Planning Commission (M-NCPPC) property as shown on attached Exhibit "A". The parking lot will provide parking for those using the National Heritage Trail (which provides a hiker/biker trail connection between Maryland and Virginia) and the waterfront park facilities located on the future parkland as shown on attached Exhibit "B".

According to the RFA, the applicant is required to construct the parking lot and provide utilities to it. The RFA establishes the timing of the construction of the parking lot and parking lot utilities. The RFA also requires the applicant to convey a fee-simple right-of-way to the M-NCPPC providing perpetual access from the parking lot to a public road. According to the RFA, completion of the parking lot construction shall occur no later than one year after termination of the Owner's Temporary License Agreement with the Maryland State Highway Administration (SHA). DPR staff contacted SHA and discovered that the current agreement between SHA and the applicant terminates at the end of this calendar year. This would place the trigger for the completion date of the parking lot no later than the end of 2012.

The applicant submitted a sketch plan to DPR which shows a 73-space parking lot and trail connector from the parking lot to the National Heritage Trail on M-NCPPC property. The parking lot is located north of the service station and will be served by the same existing private road. In addition, it is anticipated that a trail crossing will be needed to provide for a pedestrian crossing from the parking lot area to the possible food services on the remaining portion of existing Parcel 19, where the service station is located. DPR staff believes that traffic circulation on the shared private road should be designed considering the location of the future 73-space parking lot on M-NCPPC property. We believe that it is important to show the future parking lot on the DSP-10015 in order to properly evaluate access points and future vehicular and pedestrian traffic circulation on and across the private road.

The existing private road DPR references lies outside of the limits of the subject DSP and any revisions to it to accommodate possible vehicular access to the proposed M-NCPPC parking lot to the north will have to be handled through separate plan and permit processes.

- f. **Permit Review**—Permit Review comments, are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through proposed conditions of approval of this detailed site plan.

- g. **Environmental Planning**—The Planning Board accepts the following analysis of the subject application regarding the special requirements within the Chesapeake Bay Critical Area (CBCA):

The revised DSP submitted does not address how the 10 percent pollutant removal requirements in the Critical Area I-D-O Zone will be achieved for the site. The sheet submitted is labeled 2 of 7 and a note appears under the calculation tables that states: "See SWM comps. Package – Applicants Guide to 10% Rule Compliance Worksheets A & B for full computations."

The applicant needs to supply the copies of the full set of drainage area maps and supply the 10 percent Rule Compliance Worksheets A & B to show that it is being met on the subject site.

The applicable comment has been included in this approval.

- h. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department did not offer comments on the subject application.

- i. **Department of Public Works and Transportation (DPW&T)**— In an e-mail dated January 31, 2011, DPW&T offered the following comments:

- (1) The property is located 0.3 miles south of the intersection of Harbor View Avenue and Capital Beltway.
- (2) Street construction permits are required for improvements within private roadway rights-of-way. Maintenance of private streets is not the responsibility of Prince George's County.
- (3) Full-width, 2-inch mill and overlay for all County roadway frontages is required.
- (4) Compliance with DPW&T's Utility policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T Policy and Specification for Utility Installation and Maintenance Permits" is required.
- (5) All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- (6) Conformance with DPW&T street tree and street lighting standards is required.
- (7) Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.

- (8) All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- (9) Site development conceptual and technical plan approval is required and must exactly match the detailed site plan.
- (10) A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets is required.
- (11) Properly terminate all roadway and parking lot elements with curb and gutter and provide proper drainage.
- (12) A revised site development concept submittal is required prior to building permit release and issuance of any related DPW&T permit. As a minimum, the following applies relative to this requirement:
  - a. The designated area is considered a "hotspot", and, as such all requirements in the Environmental Site Design (ESD) from MDE, Chapter 5 must be addressed on the plans.
  - b. The designated area is considered a "hotspot", and, as such a pollution prevention plan is required in accordance with MDE standards and specifications.
  - c. The following is the required procedure regarding approval of National Resource Inventory (NRI) submission as part of Site Development concept application:
    - 1. Approved NRI is required for any proposed development with proposed land disturbance more than 5,000 square feet.
    - 2. Site Development concept application is to be received and processed for assignment of case number and is to be forwarded to DPW&T for review.
    - 3. SWM rejection letter to provide technical comments and deficiencies to include the required approved NRI is to be issued to the applicant.
    - 4. No Site concept approval is to be issued until approved NRI is submitted.

5. For any other Site concept application where the proposed land disturbance is less than 5,000 square feet, this is to be received, processed, reviewed and approved without an approved NRI.

- (13) The proposed geometrics at the main entrance and the north Cove Connector ramp are extremely tight. There is a potential for WB-50 tractor trailers to run over the curbs. This must be addressed prior to detailed site plan approval.
- (14) As for the sight distance, it is the applicant's responsibility to provide the adequate sight distance by dedicating the proper easement which must be kept at grade and clear with no structures or high growing landscaping to obstruct the line of sight. This must be addressed prior to detailed site plan approval.

Conditions addressing the revised site development concept, road geometrics and adequate sight distances have been included in this approval as requested by DPW&T.

- j. **State Highway Administration (SHA)**—In a revised memorandum dated March 4, 2011, SHA offered the following comments:

- (1) The SHA will allow parking, vacuum and air station and ten-foot public utility easement to exist in the perpetual easement as shown on the detailed site plan.
- (2) The gas station sign shall be relocated out of the SHA perpetual easement.
- (3) The storm drain may be redesigned to keep it out of the perpetual easement; this can be coordinated with the SHA district office during the right of entry permit review process.
- (4) Please note that the SHA fully retain its property rights pertaining to the perpetual easement.

A condition requiring the relocation of the gas station sign out of the perpetual easement has been included in this approval as requested by SHA.

- k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer comments on the subject application.

- l. **Verizon**—Verizon did not offer comments on the subject application.

- m. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated January 10, 2011, PEPCO indicated that they have no facilities in this specific area.

14. As required by Section 27-285 (b)(1) of the Zoning Ordinance, the detailed site plan 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) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**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 subject site does not have any regulated environmental features; however, it is located within the Chesapeake Bay Critical Area (CBCA) Zone. A CBCA Conservation Plan, CP-88013, was originally approved for the overall National Harbor development on December 22, 1988, with a revision to add area approved on July 3, 2000. The CP revision reflected the proposed National Harbor development plan based on the approved Conceptual Site Plan CSP-98012 and indicated several locations of proposed impervious areas within the development envelope. A note on the approved CP allows for all impervious surfaces within this envelope to be revised, subject to the restrictions found in CSP-98012, without need for revisions to the CBCA plan. Therefore, no preservation or restoration of environmental features needs to be required as part of this DSP application.

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-10015, subject to the following conditions:

- I. Prior to signature approval, the applicant shall:
  - a. Revise the DSP to add a note for the height and type of screening around the dumpsters and to reference "See Sheet A2.3 for Detail."
  - b. Revise the DSP cover sheet to clarify all of the parking space dimensions and how many of each parking size there will be.
  - c. Revise the building template on the DSP cover sheet. The template matches the building on the site plan, but the size is labeled as 4,800 square feet.
  - d. Revise the DSP to move, or otherwise demonstrate, the proposed loading space to a location on-site where it will not impede the flow of traffic and can be effectively screened from the adjacent public rights-of-way.
  - e. Submit copies of the full set of drainage area maps and supply the 10 percent Rule Compliance Worksheets A & B to show that the 10 percent pollutant removal requirements in the Critical Area I-D-O Zone are being met on the subject site.

- f. Revise the landscape cover sheet for the schedule for Section 4.9. to demonstrate that the minimum percentages of native species for each plant type are provided.
- g. Revise the DSP to show the perpetual easement, SHA P/R Plat 55721, as reflected on the record plat.
- h. Add a note to the DSP that the access to proposed Parcel 30 is pursuant to Section 24-128(b)(13) of the Subdivision Regulations.
- i. Add a note to the DSP that Parcel O is to be conveyed to a private entity or dedicated to a government agency.
- j. Revise the DSP to label the private street on Parcel O.
- k. Revise the DSP to show proposed street trees along the private roadway on Parcel O.
- l. Add a note to the DSP that fuel deliveries, which are expected to occur approximately once per day, are limited to daytime hours only, between 7 AM and 10 PM.
- m. The following note shall also be added to the DSP:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
- n. Revise the architectural elevations to label the proposed materials for all building-mounted and free-standing signage. These materials should be high-quality and durable.
- o. Revise the proposed free-standing signs to add decorative landscaping, no more than 30 inches in height, around the base of both signs and brick, to match that used on the building, to the sign structure, possibly around the middle panel.
- p. Investigate the feasibility of providing a 4-foot-wide sidewalk on the east side of the building to enhance that area of the walking space.
- q. Revise the DSP to provide a landscape strip 10 to 15 feet in width, which width may be modified to account for utilities, vehicle and pedestrian safety and visibility. The landscaped strip shall include a mix of shade trees, ornamental trees, shrubs, groundcovers and herbaceous plants arranged in a layered design that includes various sizes, textures, forms and visually implied lines of plants, along all private and public road frontages on the subject site to be reviewed by the Urban Design Section as designee of the Planning Board.
- r. Revise the DSP to relocate the gas station sign out of the SHA perpetual easement.

- s. Provide a copy of the revised site development concept, as approved by DPW&T, and revise the DSP, if necessary, in order for the DSP to exactly match the revised site development concept.
  - t. The DSP shall be revised, if necessary, to provide adequate road and curb geometrics at the main entrance and the North Cove connector ramp for truck access and to provide adequate sight distance in the area to the satisfaction of DPW&T.
  - u. Provide bike racks on the site plan at a location agreed upon by the applicant and staff.
2. Prior to approval of building permits, the applicant and the applicant's heirs, successors and/or its assignees shall obtain approval of a final plat pursuant to Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required, to address the following:
- a. Show the proposed five parcels as reflected on the approved DSP.
  - b. Show the private road and access easement authorized pursuant to Section 24-128(b)(13) of the Subdivision Regulations.
  - c. Modify the 40-foot-wide landscape buffer to a required 10 to 15 foot landscape strip, planted as described in Condition No. 1. q. of the approved DSP.
  - d. Parcel O and the private road shall be shown as conveyed to a private entity or dedicated to a government agency.

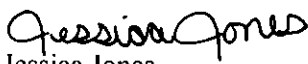
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, March 17, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of April 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

Date 4/18/11