



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 12-42

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File No. DSP-11011

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 May 24, 2012 regarding Detailed Site Plan DSP-11011 for Potomac Business Park, Super Walmart, the Planning Board finds:

1. **Request:** This application includes a request for approval of a 100,779-square-foot department or variety store, specifically a Super Walmart, on 13.36 acres in the Planned Industrial/Employment Park (I-3) Zone. The companion variance application requests variances from Section 27-471(f)(2) and (3) and Section 27-474(b) of the Zoning Ordinance to allow for more than 25 percent of the parking lot to be located in the yard to which the building's main entrance is oriented, to allow for loading docks to be located on a side of the building facing a street, and to allow for reduced building and parking setbacks. The companion application, Departure from Parking and Loading Standards DPLS-370, requests a departure from Section 27-568 to allow for a reduction in the minimum number of required parking spaces.

2. **Development Data Summary**

	Existing	Approved
Zones	I-3	I-3
Uses	Vacant	Commercial Retail
Acreage	13.36	13.36
Lots	2 (Lots 6 and 8)	2 (Lots 6 and 8)
Parcels	0	0
Square Footage/GFA	0	100,779

Other Development Data

Parking Required

Retail (Normal Parking)—100,779 square feet	509 spaces
1 space/150 for first 3,000 square feet	20 spaces
1 space/ 200 square feet above 3,000 square feet	489 spaces

Parking Approved

Standard Spaces	*484 spaces
Handicapped Spaces	472 spaces
Van Accessible Handicapped Spaces	9 spaces
	3 spaces

Loading Spaces Required

3 spaces

100,779 sq. ft. @ 1 space for up to 10,000 sq. ft., +1 space for up to 100,000 sq. ft., +1 space for remainder

Loading Spaces Approved

3 spaces

*A departure, DPLS-370, has been approved for the 25 required parking spaces that are not provided.

3. **Location:** The subject site, which consists of two noncontiguous lots, Lots 6 and 8, is located on the southeast corner of the intersection of Oxon Hill Road and Felker Avenue within Planning Area 76B, Council District 8, and the Developed Tier.
4. **Surrounding Uses:** Lots 6 and 8 are part of the existing Potomac Business Park, which is currently partially graded, but developed only with a stormwater management pond. Lot 6 is bounded to the north by the public right-of-way of Oxon Hill Road and beyond it by a church in the Rural Residential (R-R) Zone; to the west by the public right-of-way of the partially constructed Felker Avenue and beyond it by a hotel in the Commercial Shopping Center (C-S-C) Zone and Lot 8; to the south by the I-3-zoned, undeveloped, Potomac Business Park Lot 9; and to the east by the I-3-zoned, public, John Hanson Montessori School. Lot 8 is located to the southwest of Lot 6, across Felker Avenue, and is bounded to the north by the C-S-C-zoned property developed with a hotel; to the west by the public right-of-way of Indian Head Highway (MD 210); to the south by the I-3-zoned, undeveloped, Potomac Business Park Lot 7; and to the east by the public right-of-way of Felker Avenue and Lot 6 beyond it.
5. **Previous Approvals:** In November 1987, the Planning Board approved Conceptual Site Plan SP-87116 for the Potomac Business Park, including this property, subject to seven conditions. In June 1988, the Planning Board approved Preliminary Plan of Subdivision 4-88054 (PGCPB Resolution No. 88-250) for the Potomac Business Park property, subject to 20 conditions. The preliminary plan was then reconsidered in January 1996, and an amended resolution issued (PGCPB Resolution No. 88-250(A)) subject to 20 conditions. The property was recorded in Plat Book VJ 160-87 on October 30, 1991. The property was re-recorded in Plat Book VJ 178-69 on February 26, 1997, as a plat of correction. The property was again re-recorded in Plat Book MMB 233-87 on April 18, 2011, as a plat of resubdivision.
6. **Design Features:** The subject property consists of two vacant lots, Lots 6 and 8, within the larger Potomac Business Park development, which is completely vacant at this time. Lot 6 sits on the southeastern corner of the intersection of Oxon Hill Road and Felker Avenue. It is roughly rectangular in shape, except along its western frontage on Felker Avenue which is curvilinear, and it contains regulated environmental features along the southern end. Lot 8, which is not contiguous, sits on the western side of Felker Avenue, southwest of Lot 6, and extends in a triangular shape towards Indian Head Highway (MD 210) to the west.

The submitted detailed site plan proposes the construction of a single-story, 26.67-foot-high, 100,779-square-foot department or variety store and associated parking on Lots 6 and 8. The building itself sits at the southern end of Lot 6, just north of the environmental features, with the main entrance facing north towards Oxon Hill Road. The entire northern end of Lot 6 contains a large parking field with 332 parking spaces. An additional 27-space parking lot is located to the west of the building on Lot 6, between it and Felker Avenue, and the loading dock and trash area are tucked into the southwestern corner of the building. Lot 8 contains only a large 125-space parking lot, set in the middle of the lot to meet setback requirements. Proposed concrete retaining walls along the eastern edge and behind the building on Lot 6 accommodate the grading on-site and leave the environmental features undisturbed. Stormwater is being accommodated at an off-site stormwater management pond that serves the entire business park. Two freestanding signs are proposed on-site, including an approximately eight-foot-high ground-mounted sign at the corner of Oxon Hill Road and Felker Avenue that consists of a brown, concrete masonry block base topped by an internally illuminated, prototypical blue, cabinet sign that reads "Walmart." The second freestanding sign, which is a total of 50 feet high, is located in the northwestern corner of Lot 8, adjacent to the Indian Head Highway (MD 210) right-of-way, and consists of a seven-foot-high, internally illuminated, prototypical blue, cabinet sign that reads "Walmart."

The proposed Walmart building is a general prototypical design with a flat roof. The overwhelming majority of the exterior will be constructed of a brown split-face concrete block with intermittent panels faced in a darker brown brick veneer and some horizontal accent bands in a lighter brown smooth-face concrete block near the base of the building. The front elevation, facing north, has multiple façade depths to accommodate the entrance vestibule and various enclosed storage areas and multiple variations in roof heights, including several decorative arched roof elements. The front elevation also contains multiple storefront windows, a trellis demarcating the front entrance area, and the only two proposed building-mounted signs. The larger sign, above the main entrance, consists of white internally-lit cabinets for each letter in the word "Walmart"; the smaller sign, which is to the side of the main entrance, also consists of white internally-lit cabinets for each letter spelling out "Market & Pharmacy." The western elevation of the building, which faces Felker Avenue, continues the same façade materials and includes multiple panels in the darker brown brick veneer to break up the façade. The southern and eastern elevations, which face the environmental features and the adjacent school site respectively, continue the same façade materials, but contain fewer variations in design as they will be the least visible areas.

In response to comments regarding issues raised by the master plan, which are elaborated further in Finding 13 below, the applicant submitted a revised streetscape design for Lot 6's frontage on Oxon Hill Road and Felker Avenue. This design includes four small colored concrete plaza areas, including one near the intersection, that include short lengths of four-foot-high brick-veneered walls, benches, and metal trellises. The Planning Board found that this is an appropriate interim approach to defining a street wall and providing a more pedestrian-friendly site design, as an alternative to moving the building itself to the street line, which is prohibitive given the site conditions. However, the Planning Board found that the limited size and extent of these streetscape improvements will not be sufficient to represent substantial fulfillment of these goals. Therefore, a condition has been included in this approval requiring these design features,

specifically the plaza areas, walls, and trellises, be increased in size, in regard to their widths and lengths along both frontages, and to be fully shown and detailed on the DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the Planned Industrial/Employment Park (I-3) Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The proposal was reviewed for conformance to the requirements of Section 27-471 for the I-3 Zone. The plan is in conformance with all of the requirements, except for 27-471(f)(2) and (3). The applicant has submitted a variance request for both of these requirements and they are discussed further herein.

Section 27-471(f)(2) reads as follows:

Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.

On the subject development, the department store building's main entrance faces north on Lot 6, towards Oxon Hill Road. The majority of the proposed parking for the store, 74 percent, is located in this area between the main entrance and Oxon Hill Road. This falls well above the discretionary percentage allowed by the requirement, thereby prompting a variance request for a 50 percent increase.

Section 27-230(a) of the Zoning Ordinance sets forth the following required findings for approval of a variance:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"A department/variety store use is permitted in the I-3 Zone, provided it meets the criteria set forth in Footnote 27 in Section 27-473(b). This footnote describes not only lot size, but proximity to specific zones, frontage requirements, and building size and sales and service limits.

These are 'extraordinary situations or conditions' defined by the footnote that need be attributable to this parcel. Very few properties in the I-3 zone will meet this situation. This specific lot (Lot 6) meets all of these conditions. In addition, Lot 6 also has topographic conditions which result in extensive environmental constraints along the rear of the lot in the form of wetland and floodplain. These environmental constraints make up about 2.25 acres, or almost 20 percent, of Lot 6. Because of this site's conformance with the very narrow and particular requirements of Footnote 27 and because of the environmental limitations, this specific parcel of land has extraordinary conditions not found on many lots."

The Planning Board concurs with the applicant's assertion that the footnote that allows the department store use in the I-3 Zone is specific and limits the lots that can be developed with such a use; however, this speaks to the allowance of the specific use and not the unique conditions of the specific Lots 6 and 8 themselves. That being noted, Lot 6, which will contain the majority of the proposed site improvements, does contain a large section of environmental features, which the DSP does not plan to impact, that limits the area of development. This, combined with the specific requirements for the proposed use and the narrowing of Lot 6 from south to north, does create a unique situation.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The criterion set forth in Footnote 27 clearly demonstrates that District Council anticipated a possible department or variety store use within the I-3 zone. The requirements also specify a building in excess of 100,000 square feet, which requires a significant amount of parking. Such uses generally have no restrictions on parking lot location, other than the screening requirements in the Landscape Manual.

"The layout of the building, parking, and loading on Lot 6 was planned to avoid impacts to the Primary Management Area (PMA). The building configuration and size is only slightly larger than the minimum set forth in Footnote 27, and thus does not allow for the front of the building to face Felker Avenue; the lot is not wide enough to support the functions of the building in this orientation. This orientation would also be inefficient and would result in a significant reduction in parking on a site already experiencing difficulty meeting the parking requirements in the Zoning

Ordinance. The layout presented is the only practical layout available for this use.

“This layout would comply with the parking locations generally required by the Zoning Ordinance for this use in other zones. The building size minimum in Footnote 27 (100,000 square feet), the requisite extensive parking for a building of this size, along with associated setbacks and landscape requirements, result in the proposed design as the most efficient layout, particularly because it allows maximum protection of environmental features.

“If a variance from the requirements of Section 27-471(f)(2) is not granted, the site will lose a significant amount of parking. This will result in peculiar practical difficulties requiring a greater parking space departure, loss of business due to inadequate and inefficient parking, and/or further impact to environmental features to address an alternative design and layout. All of these possibilities place an exceptional and undue hardship upon the owner of the property.”

The Planning Board concurs with the applicant’s assertion that the strict application of the parking location requirement would result in a practical difficulty of making it nearly impossible to site a department store, which meets the minimum square footage required by Footnote 27 for the use, on this property without impacting the environmental features and while trying to meet the other zoning requirements.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Applicant’s Justification: The applicant provided the following summarized justification in response to this requirement:

“The 2002 Prince George’s County Approved General Plan designates the subject property within the ‘Developed Tier.’

“The General Plan identifies goals and intent for each Tier individually as well as goals and intent for Economic Development, Housing, Revitalization, Urban Design, and Historic Preservation. This variance application will not substantially impair the intent, purpose, or integrity of any of these goals of either the General Plan or the Master Plan as the following will demonstrate.

“Developed Tier:

"The General Plan states that the intent of the Developed Tier is to provide a network of sustainable, transit supporting mixed use, pedestrian oriented, medium to high density neighborhoods.

"It is clear that the proposed use does not detract from this stated purpose. All communities require supporting retail in order to perpetuate a self-sustaining and desirable community. There has been no significant new retail in this corridor in over a decade. The subject application proposes a 100,779 square foot retail variety store that will service the surrounding area in an effort to create that self-sustaining community identified as a goal of the Developed Tier. However, due to the individual operating needs of the proposed use the subject property requires the location of the parking lot to be in front of the building; and to maximize the parking space available, loading must front Felker Avenue. Without these elements, the building cannot operate efficiently making the site less desirable and certainly less optimal. This then potentially contributes to a condition where the use either fails or does not develop the site at all thus jeopardizing the creation of the sustainable neighborhood.

"Economic Development:

"The General Plan states that with the exception of the provision of high quality schools, quality economic development is the highest countywide priority.

"The proposed use creates an uncommon opportunity to bring a nationally recognized department/variety store to the local area with the additional benefit that it is easily accessible from major interstate highways as well as large local thoroughfares. The location of this store not only creates opportunities for employment on the local level but also supports the community with tax revenue through an increase in property and sales taxes. With much of the infrastructure for this use already in place and under County maintenance, the opportunity exists to capture a return on that investment which creates a net positive income for the County from this site.

"Housing:

"The General Plans identifies the need to enhance the quality and character of residential neighborhoods.

"The Property is adjacent to property owned by the Board of Education and proximate to existing residential neighborhoods. This development will result in the construction Felker Avenue from near Oxon Hill Road to the entry of the new Oxon Hill High School. And thereby a new dynamic and functional entry point and reduce traffic through the existing

residential community. This in turn creates a more desirable school atmosphere and adjoining residential neighborhood.

“Revitalization:

“The General Plan states that it is necessary to create a healthy climate for private sector investment and an improved quality of life in the counties older communities.

“The subject application proposes a use located within one of the older Prince George’s County communities. This private sector investment presents a unique opportunity to enhance the community and improve the quality of life on several levels. The addition of this retail center will allow for market place competition, thus ensuring that residents get the best value. This directly translates into an enhanced quality of life in an older community.

“Urban Design:

“The General Plan states that urban design principles shall be used to achieve quality development.

“Urban design principles can be seen within the management of public space created to be experienced and used, such as the building front walkways, store entry detail, sitting area, side pedestrian space and prevalent glass features. This area of the public space will be used freely on a day-to-day basis by the general public. It will assist in developing the ‘popularity’ of the location along with ‘focal point’ proximity to the new high school and the multi-modal accessibility. Equally important, the development brings ‘frequent visit’ type of retailer to a location within walking distance of a significant residential population.

“Historic Preservation:

“The General Plan states that there is a need to identify and evaluate all historic resources. There are no historic resources on the Property.

“Thus as demonstrated above, the intent of the General Plan and the Master Plan, which incorporates the above principles, has not been substantially impaired.”

The Planning Board concurs with the applicant’s assertion that the variance will not impair the intent, purpose, or integrity of the 2002 *Prince George’s County Approved General Plan* or the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Further analysis of the master plan issues is discussed in Finding 13.c. below.

Section 27-471(f)(3) reads as follows:

No loading docks shall be permitted on any side of a building facing a street, except where the lot is bounded by three (3) or more streets.

On the subject development, all of the three proposed loading docks for the department or variety store are located on the western side of the building on Lot 6, facing Felker Avenue. Lot 6 is not bounded by three or more streets, so the requirement still applies. The applicant has requested a variance to this requirement and their justification is similar to that of the previous variance.

Section 27-230(a) of the Zoning Ordinance sets forth the following required findings for approval of a variance:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

“A department/variety store use is permitted in the I-3 Zone, provided it meets the criteria set forth in Footnote 27 in Section 27-473(b). This footnote describes not only lot size, but proximity to specific zones, frontage requirements, and building size and sales and service limits. These are ‘extraordinary situations or conditions’ defined by the footnote that need be attributable to this parcel. Very few properties in the I-3 zone will meet this situation. This specific lot (Lot 6) meets all of these conditions. In addition, Lot 6 also has topographic conditions which result in extensive environmental constraints along the rear of the lot in the form of wetland and floodplain. These environmental constraints make up about 2.25 acres, or almost 20 percent, of Lot 6. Because of this site’s conformance with the very narrow and particular requirements of Footnote 27 and because of the environmental limitations, this specific parcel of land has extraordinary conditions not found on many lots.”

The Planning Board concurs with the applicant’s assertion that the footnote that allows the department store use in the I-3 Zone is specific and limits the lots that can be developed with such a use; however, this speaks to the allowance of the specific use and not the unique conditions of the specific Lots 6 and 8 themselves. That being noted, Lot 6, which will contain the majority of the proposed site improvements, does contain a large section of environmental features, which the DSP does not plan to impact, that limits the area of development. This, combined with the specific requirements for the proposed use and the narrowing of Lot 6

from south to north, does create a unique situation for siting the development, including the loading docks.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The criterion set forth in Footnote 27 clearly demonstrates that District Council anticipated a possible department or variety store use within the I-3 zone. The requirements also specify a building in excess of 100,000 square feet, which requires a significant amount of parking. Such uses generally have no restrictions on loading space orientation, other than the screening requirements in the Landscape Manual.

"The layout of the building, parking, and loading on Lot 6 was planned to avoid impacts to the PMA. The building configuration and size is only slightly larger than the minimum set forth in Footnote 27, and thus does not allow for the front of the building to face Felker Avenue; the lot is not wide enough to support the functions of the building in this orientation. Reorienting the loading spaces to front the PMA would require shifting the building closer to Oxon Hill Road in order to maintain the necessary turning radii for delivery trucks. This shift would also result in a loss of parking. The layout presented is the only practical layout available for this use.

"This layout would comply with the loading locations generally required by the Zoning Ordinance for this use in other zones. The size minimum in footnote 27 (100,000 square feet) and the requisite extensive parking and loading for a building of this size, along with associated setbacks and landscape requirements, result in the proposed design as the most efficient layout, particularly because it allows maximum protection of environmental features.

"If a variance from the requirements of Section 27-471(f)(3) is not granted, the site will lose a significant amount of parking. This will result in peculiar practical difficulties requiring a greater parking space departure, loss of business due to inadequate and inefficient parking, and/or further impact to environmental features to address an alternative design and layout. All of these possibilities place an exceptional and undue hardship upon the owner of the property."

The Planning Board concurs with the applicant's assertion that the strict application of the loading location requirement would result in a practical difficulty of making it nearly impossible to site a department store, which meets the minimum square footage required by Footnote 27 for the use, on this property without impacting the environmental features and while trying to meet the other zoning requirements. The Planning Board also found that the loading docks facing Felker Avenue is probably the most favorable siting given that the other options are having them face the school to the east, the environmental features to the south, or Oxon Hill Road, a major thoroughfare, to the north.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The 2002 Prince George's County Approved General Plan designates the subject property within the 'Developed Tier.'

"The General Plan identifies goals and intent for each Tier individually as well as goals and intent for Economic Development, Housing, Revitalization, Urban Design, and Historic Preservation. This variance application will not substantially impair the intent, purpose, or integrity of any of these goals of either the General Plan or the Master Plan as the following will demonstrate.

"Developed Tier:

"The General Plan states that the intent of the Developed Tier is to provide a network of sustainable, transit supporting mixed use, pedestrian oriented, medium to high density neighborhoods.

"It is clear that the proposed use does not detract from this stated purpose. All communities require supporting retail in order to perpetuate a self-sustaining and desirable community. There has been no significant new retail in this corridor in over a decade. The subject application proposes a 100,779 square foot retail variety store that will service the surrounding area in an effort to create that self-sustaining community identified as a goal of the Developed Tier. However, due to the individual operating needs of the proposed use the subject property requires the location of the parking lot to be in front of the building; and to maximize the parking space available, loading must front Felker Avenue. Without these elements, the building cannot operate efficiently making the site less desirable and certainly less optimal. This then potentially contributes to a

condition where the use either fails or does not develop the site at all thus jeopardizing the creation of the sustainable neighborhood.

“Economic Development:

“The General Plan states that with the exception of the provision of high quality schools, quality economic development is the highest countywide priority.

The proposed use creates an uncommon opportunity to bring a nationally recognized department/variety store to the local area with the additional benefit that it is easily accessible from major interstate highways as well as large local thoroughfares. The location of this store not only creates opportunities for employment on the local level but also supports the community with tax revenue through an increase in property and sales taxes. With much of the infrastructure for this use already in place and under County maintenance, the opportunity exists to capture a return on that investment which creates a net positive income for the County from this site.

“Housing:

“The General Plans identifies the need to enhance the quality and character of residential neighborhoods.

“The subject property is adjacent to property owned by the Board of Education and proximate to existing residential neighborhoods. This development will result in the construction Felker Avenue from near Oxon Hill Road to the entry of the new Oxon Hill High School. And thereby a new dynamic and functional entry point and reduce traffic through the existing residential community. This in turn creates a more desirable school atmosphere and adjoining residential neighborhood.

“Revitalization:

“The General Plan states that it is necessary to create a healthy climate for private sector investment and an improved quality of life in the counties older communities.

“The subject application proposes a use located within one of the older Prince George’s County communities. This private sector investment presents a unique opportunity to enhance the community and improve the quality of life on several levels. The addition of this retail center will allow for market place competition, thus ensuring that residents get the best value. This directly translates into an enhanced quality of life in an older community.

“Urban Design:

“The General Plan states that urban design principles shall be used to achieve quality development.

“Urban design principles can be seen within the management of public space created to be experienced and used, such as the building front walkways, store entry detail, sitting area, side pedestrian space and prevalent glass features. This area of the public space will be used freely on a day-to-day basis by the general public. It will assist in developing the ‘popularity’ of the location along with ‘focal point’ proximity to the new high school and the multi-modal accessibility. Equally important, the development brings ‘frequent visit’ type of retailer to a location within walking distance of a significant residential population.

“Historic Preservation:

“The General Plan states that there is a need to identify and evaluate all historic resources. There are no historic resources on the Property.

“Thus as demonstrated above, the intent of the General Plan and the Master Plan, which incorporates the above principles, has not been substantially impaired.”

The Planning Board concurs with the applicant’s assertion that the variance will not impair the intent, purpose, or integrity of the 2002 *Prince George’s County Approved General Plan* or the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Further analysis of the master plan issues is discussed in Finding 13.c. below.

- b. The proposal was reviewed for conformance to the requirements of Section 27-473 for allowed uses in the I-3 Zone. A department or variety store is an allowed use in conformance with Footnote 27, which reads as follows:

On a lot of no less than ten (10) or more than twenty (20) acres, located within five hundred (500) feet of property in the M-A-C or C-S-C Zones, said lot having frontage on at least two (2) public streets, and a store containing at least one hundred thousand (100,000) square feet of sales and service floor area (excluding mezzanines) under one roof, of which no more than a total of twenty percent (20%) of sales and service floor area may be dedicated to the sale and/or display of building materials, including, among other things, building supplies, plumbing supplies, electrical supplies, and hardware, either individually or in the aggregate; or the use is located on a lot or parcel that is between ten (10) and twenty (20) acres in size; said lot or parcel is located within five hundred (500) feet of property in the M-A-C Zone and has frontage on at least two public streets; the store has no more than twenty-five thousand (25,000) square feet gross floor area; the store fills medical

prescriptions and sells medical supplies and nonprescription medicines, in addition to general merchandise; and except for medical prescriptions, medical supplies, and nonprescription medicines, the store has no more than fifty percent (50%) of its gross floor area devoted to the sale of a single type of merchandise, such as food or specialty items.

The subject property, Lots 6 and 8 together, contain a gross tract area of 13.36 acres. Lot 6, which contains the actual store building, is 11.3657 gross acres, which fulfills the first requirement in this footnote. Both Lots 6 and 8 are located within 500 feet of property in the C-S-C Zone, specifically the hotel property located on the southwest corner of the intersection of Felker Avenue and Oxon Hill Road. Both Lots 6 and 8 have frontage on two public streets, Oxon Hill Road and Felker Avenue, and Indian Head Highway (MD 210) and Felker Avenue, respectively. The proposed store contains at least 100,000 square feet of sales and service floor area under one roof, specifically 100,779 square feet, of which no more than 20 percent will be dedicated to the sale of and display of building materials. Therefore, the proposed development meets the footnote requirements to allow the use to be permitted.

In the review of the DSP, the issue came up that a Super Walmart is a department store and a food and beverage store and that the two uses are looked at as separate. However, the applicant submitted a letter (Green to Gingles, December 13, 2010) from The Maryland-National Capital Park and Planning Commission's (M-NCPPC) associate general counsel giving an interpretation on this issue. The following is a summary of this issue as discussed in this letter:

“You requested confirmation that a department or variety store permitted under Footnote 27 may include the variety of retail trade activity the proposed user provides at its other department stores, e.g. men's, women's and children's clothing, furniture, sporting goods, toys, electronics, as well as grocery, pharmacy and personal services, though this is not an all-inclusive list. My conclusion is that neither Footnote 27, nor any other provision of the Zoning Ordinance restricts the retail trade activity that may be sold, provided such retail trade activity is traditionally associated with its other department stores and, if operated by a different entity, the use is also allowed in the zone. This is distinguishable from Department or Variety stores constructed on certain C-S-C zoned properties, wherein there is, by way of example, a specific prohibition against the sale of grocery items. Similar prohibitions do not exist for the I-3 Zone with regard to a Department Store developed pursuant to Footnote 27. Thus, I concur the items noted above, and such other retail/service trade activity generally associated with the proposed Department Store are permitted retail trade activities as part of a department or variety store in the I-3 zone, if being developed pursuant to Footnote 27 and subject to the use being independently allowed in the zone if operated by a different entity.”

A Super Walmart provides such retail trade activity as men's, women's, and children's clothing, furniture, sporting goods, toys, electronics, as well as grocery, pharmacy, and personal services at its other department stores across the country; and a food and beverage store, if operated by a separate entity, is an allowed use in the I-3 Zone. Therefore, the department store, with all of the proposed retail activity proposed within the Super Walmart is permitted in the I-3 Zone as part of the department store.

- c. The proposal is in conformance with the requirements of Section 27-474 regarding regulations in the I-3 Zone, except for 27-474(b).

Per Section 27-474(b), the required building and surface parking and loading setback is 30 feet from a street and 50 feet from a freeway, such as Indian Head Highway (MD 210). The proposed parking lots and building violate this requirement in multiple areas. The proposed parking lot on Lot 8 is set back a minimum of 29 feet from Indian Head Highway requiring a variance of 21 feet. The proposed parking lots located on Lot 6 along Felker Avenue and Oxon Hill Road are set back a minimum of 11 feet from the right-of-way, requiring a variance of 19 feet. The building itself only encroaches on this required setback in one location along Felker Avenue, where it is set back only 25 feet from the right-of-way, requiring a variance of 5 feet.

Additionally, the required building and surface parking and loading setback is 20 feet plus one foot for each foot of building height from adjoining land in any nonresidential zone. Given a building height of 26.67 feet, the total setback is 47 feet, which the building itself meets. However, this setback, except for 50 percent of the additional yard required by the building height, applies to surface parking and loading areas too, for a required setback of 33.5 feet. The proposed parking lot does not meet this requirement along the eastern property line, adjacent to the school site, where it is set back a minimum of 11 feet requiring a variance of 22.5 feet.

The applicant has requested variances to account for these multiple setback encroachments.

Section 27-230(a) of the Zoning Ordinance sets forth the following required findings for approval of a variance:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"A department/variety store use, as described in Section 27-473(b)(1)(E), is permitted in the I-3 Zone, provided it meets the criteria set forth in Footnote 27.

“This footnote describes not only lot size, but proximity to specific zones, frontage requirements, and building size and sales and service limits. These are ‘extraordinary situations or conditions’ defined by the footnote that need be attributable to this parcel. Very few properties in the I-3 zone will meet this situation. This specific lot (Lot 6) meets all of these conditions. In addition, Lot 6 also has topographic conditions which result in extensive environmental constraints along the rear of the lot in the form of wetlands and floodplain. These environmental constraints make up about 2.25 acres, or almost 20 percent, of Lot 6. Because of this site’s conformance with the very narrow and particular requirements of Footnote 27 and because of the environmental limitations, this specific parcel of land has extraordinary conditions not found on many lots.”

The Planning Board concurs with the applicant’s assertion that the footnote that allows the department store use in the I-3 Zone is specific and limits the lots that can be developed with such a use; however, this speaks to the allowance of the specific use and not the unique conditions of the specific Lots 6 and 8 themselves. That being noted, Lot 6, which will contain the majority of the proposed site improvements, does contain a large section of environmental features, which the DSP does not plan to impact, that limits the area of development. This, combined with the specific requirements for the proposed use and the narrowing of Lot 6 from south to north, does create a unique situation for siting the development while trying to meet all setback requirements. Additionally, in regard to the setback requirement from Indian Head Highway (MD 210), there is a large vertical grade change (over 20 feet) from the highway elevation to the elevation of the proposed parking lot on Lot 8 which contributes to the unique site conditions in this area.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Applicant’s Justification: The applicant provided the following summarized justification in response to this requirement:

“The criterion set forth in Footnote 27 clearly demonstrates that District Council anticipated development of department/variety store uses within the I-3 zone in certain areas. The requirements also specify a building in excess of 100,000 square feet, which requires a significant amount of parking.

“Department or variety stores of this size generally require significantly smaller setbacks. Ten feet from the street plus one additional foot per foot of building height over 30 feet is typical. Side and rear yards adjacent to non-residential uses are generally not required, unless the building is taller than 30 feet. In this instance, the I-3 Zone requires setbacks that are 30 feet from Oxon Hill Road and Felker Avenue and 47 feet from the sides and rear.

“The layout of the building and parking on Lot 6 was planned to avoid impacts to the PMA. This constraint, plus the parking requirements and functionality of the building dictated the ultimate layout condition proposed in the DSP. In this layout, the parking lot and retaining wall/fence encroach into the I-3 identified side yard of 47 feet. The side yard is approximately 10 feet to provide a landscape buffer and within that buffer is a retaining wall, which varies in height but is less than 4 feet, topped by a 6-foot board-on-board fence. Fencing between the business park and the adjacent Board of Education property is a condition of CSP 87116 (Condition 6). Complying with the extensive side yard buffer of 47 feet would result in the loss of approximately 31 parking spaces on a site already requiring a departure from parking standards. Likewise, the extensive setback for parking along Oxon Hill Road and Felker Avenue, if required, would result in an additional loss of approximately 27 parking spaces. A loss of 58 spaces is over 10 percent of the required number of spaces required for the building.

“Additionally, the building encroaches slightly into the setback along Felker Avenue. A relocation of the building to avoid this would require additional losses in parking in order to keep the distances required to maintain the necessary day-to-day functions for the rear and sides of the building while still avoiding the PMA.

“This layout would comply, however, with the setbacks generally required by the Zoning Ordinance for this use in other zones. The size minimum in Footnote 27 (100,000 square feet) and the requisite extensive parking for a building of this size, along with associated setbacks and landscape requirements, result in the proposed design as the most efficient layout particularly because it allows maximum protection of environmental features.

“If the variance from the requirements of Section 27-474(b) is not granted, the site will lose a significant amount of parking. This will result in peculiar practical difficulties requiring a greater parking space departure, loss of business due to inadequate parking, and/or further impact to environmental features to address an alternative design and layout. All of these possibilities place an exceptional and undue hardship upon the owner of the property.”

The applicant does not make mention of the variance needed for the encroachment of the parking lot onto the setback requirement from Indian Head Highway (MD 210), but the same arguments can apply to that setback as to the others mentioned. The Planning Board concurs with the applicant's assertion that the strict application of the building and parking lot setbacks would result in a practical difficulty of making it nearly impossible to site a department store, of a size to meet the footnote to permit the use, and all the required parking on Lots 6 and 8.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The 2002 Prince George's County Approved General Plan designated the subject property within the 'Developed Tier.'

"The General Plan identifies goals and intent for each Tier individually as well as goals and intent for Economic Development, Housing, Revitalization, Urban Design, and Historic Preservation. This variance application will not substantially impair the intent, purpose, or integrity of any of these goals of either the General Plan or the Master Plan as the following will demonstrate.

"Developed Tier:

"The General Plan states that the intent of the Developed Tier is to provide a network of sustainable, transit supporting mixed use, pedestrian oriented, medium to high density neighborhoods.

"It is clear that the proposed use does not detract from this stated purpose. All communities require supporting retail in order to perpetuate a self-sustaining, livable community. There has been no significant new retail in this corridor in over a decade. The subject application proposes a 100,779 square foot retail variety store that will service the surrounding area in an effort to create that self-sustaining community identified as a goal of the Developing Tier. However, due to the individual operating needs of the proposed use the subject property requires certain expansions beyond the prescribed building restriction lines for both the building and the parking lot. Without these expansions the building cannot operate efficiently making the site less desirable and certainly less optimal. This then potentially contributes to a condition where the use either fails or does not develop on the site at all thus jeopardizing the creation of the sustainable neighborhood.

"Economic Development:

"The General Plan states that with the exception of the provision of high quality schools, quality economic development is the highest countywide priority.

"The proposed use creates an uncommon opportunity to bring a nationally recognized department/variety store to the local area with the additional benefit that it is easily accessible from major interstate highways as well as large local thoroughfares. The location of this store not only creates opportunities for employment on the local level but also supports the community with tax revenue through an increase in property and sales taxes. With much of the infrastructure

for this use already in place and under County maintenance, the opportunity exists to capture a return on that investment which creates a net positive income for the County from this site.

“Housing:

“The General Plans identifies the need to enhance the quality and character of residential neighborhoods.

“The Property is adjacent to property owned by the Board of Education and proximate to existing residential neighborhoods. This development will result in the construction of Felker Avenue from near Oxon Hill Road to the entry of the new Oxon Hill High School, thereby creating a new dynamic and functional entry point and reducing traffic through the existing residential community. This in turn creates a more desirable school atmosphere and adjoining residential neighborhood.

“Revitalization:

“The General Plan states that it is necessary to create a healthy climate for private sector investment and an improved quality of life in the counties older communities.

“The subject application proposes a use located within one of the older Prince George’s County communities. This private sector investment presents a unique opportunity to enhance the community and improve the quality of life on several levels. The addition of this retail center will allow for market place competition, thus ensuring that residents get the best value. This directly translates into an enhanced quality of life in an older community.

“Urban Design:

“The General Plan states that urban design principles shall be used to achieve quality development.

“Urban design principles can be seen within the management of public space created to be experienced and used, such as the building front walkways, store entry detail, sitting area, side pedestrian space and prevalent glass features. This area of the public space will be used freely on a day-to-day basis by the general public. It will assist in developing the ‘popularity’ of the location along with ‘focal point’ proximity to the new high school and the multi-modal accessibility. Equally important, the development brings a ‘frequent visit’ type of retailer to a location within walking distance of a significant residential population.

“Historic Preservation:

“The General Plan states that there is a need to identify and evaluate all historic resources. There are no historic resources on the Property.

“Thus as demonstrated above, the intent of the General Plan and the Master Plan, which incorporates the above principles, has not been substantially impaired.”

The Planning Board concurs with the applicant's assertion that the variance will not impair the intent, purpose, or integrity of the 2002 *Prince George's County Approved General Plan* or the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Further analysis of the master plan issues is discussed in Finding 13.c. below.

- d. The plan is in conformance with all of the other Zoning Ordinance requirements, except for Sections 27-568 and 27-614(b) and (c). The applicant submitted respective departure applications for both of these requirements, Departure from Parking and Loading Standards, DPLS-370, which is the subject of a separate resolution, and Departure from Sign Design Standards, DSDS-674, which is discussed further herein.

The two freestanding signs proposed with this DSP do not meet the requirements of Sections 27-614(b) and (c) of the Zoning Ordinance. Per Section 27-614(b)(1), the height of a freestanding sign shall not be more than the lowest point of the roof of any building in the employment park. The proposed Walmart is the first building to be built in the employment park and it is proposed with a flat roof, the lowest height of which is 26.67 feet high. The proposed monument sign on Lot 6 meets this requirement at approximately 8 feet high, but the pylon sign originally proposed on Lot 8 does not meet this requirement as it is proposed at 50 feet high, requiring a departure of 24 feet.

Although the applicant did not specify it, departures are also required for both the proposed monument sign and the proposed pylon sign in regards to sign area. Per Section 27-614(c)(4), the area of the sign shall be not more than one square foot for each five lineal feet of street frontage along the street on which the sign faces. In this application, the monument freestanding sign faces Oxon Hill Road on Lot 6, which has a street frontage of 452 feet, allowing a sign area of 90 square feet, and the proposed sign is 95 square feet, requiring a departure of 5 square feet. The proposed freestanding pylon sign faces Indian Head Highway (MD 210) on Lot 8, which has a street frontage of approximately 606 feet, allowing a sign area of 121 square feet, and the proposed sign is 182 square feet, requiring a departure of 61 square feet.

At the Planning Board hearing, the applicant formally withdrew the companion departure application for the signs, DSDS-674. The Planning Board found that the monument sign should be redesigned to meet all of the Zoning Ordinance requirements and the pylon sign should be removed from the plans. Therefore, a condition requiring such has been included in this approval.

8. **Conceptual Site Plan SP-87116:** On November 19, 1987, the Planning Board approved Conceptual Site Plan SP-87116 subject to seven conditions, of which the following are applicable to the review of this detailed site plan and warrant discussion as follows:

1. **A 100-year floodplain approval is required by the Department of Environmental Resources prior to submission of a Detailed Site Plan or Record Plat (whichever occurs first) for development deemed to have any relationship to the floodplain.**

In this case, a record plat has already been filed and recorded for Lots 6 and 8, which shows a platted floodplain on the southern end of Lot 6 only.

2. **Perennial streams flowing through the site shall be protected by a minimum 50-foot undisturbed buffer on each side. This buffer shall be expanded to include the 100-year floodplain, adjacent slopes in excess of 25 percent, and adjacent non-tidal wetlands. This undisturbed buffer shall not apply to the minimum area necessary for the extension of Felker Avenue.**

The plan as submitted shows the existing stream and its associated 75-foot-wide stream buffer on each side of the stream. The plan shows the buffer expanded to include all associated wetlands, wetland buffers, and 100-year floodplain, which makes up the primary management area (PMA). There are no impacts proposed for this application. The impacts associated with Felker Avenue were addressed as part of a previous application for a grading permit.

3. **Due to the quality vegetation on site, the applicant should submit a Forest Stand Delineation for all wooded areas to be reviewed by the Natural Resources Division prior to the submission of a Detailed Site Plan.**

An approved natural resources inventory (NRI), which includes detailed forest stand delineation, was submitted with the subject application.

4. **A 50-foot-wide nondisturbance area shall be established along all Commission (Maryland-National Capital Park and Planning Commission), Board of Education and other residentially-zoned properties where the Forest Stand Delineation performed November 16, 1987, indicated tree stands 1, 2 and 5.**

The 50-foot-wide nondisturbance buffer area mentioned in this condition was identified on the approved record plat for a portion of the eastern property line of Lot 6, which borders a Board of Education property and is included in the subject application. The DSP shows this buffer area correctly and does not show any disturbance to it.

5. **An adequate buffer shall be provided along all Commission (Maryland-National Capital Park and Planning Commission), Board of Education and other residentially-zoned properties. The type and extent of this buffer shall be determined at the time of Detailed Site Plan.**

The subject property, Lots 6 and 8, contain only one area that borders any of the property types identified in this condition. The eastern property line of Lot 6 adjoins a Board of Education property developed with a pre-kindergarten through eighth grade public school. The submitted DSP shows a minimum ten-foot-wide landscape strip between the site development and this property line that includes a partial length of retaining wall, a maximum of five feet high, with a six-foot-high composite board-on-board fence on top of it and then a combination of existing woodland along the southern end and a proposed mix of trees along the northern end. This issue is further discussed in the following condition response; however, the Planning Board finds the proposal to be generally adequate to buffer the adjacent school site.

- 6. Fencing shall be provided along all properties owned by the Board of Education. The type and extent of this fencing shall be determined at the time of Detailed Site Plan.**

As described in the previous condition response, the subject property only has one border with a Board of Education property, the eastern edge of Lot 6. The submitted DSP proposes a partial length of six-foot-high composite board-on-board fence along this property line. The Planning Board found that this fence be extended southward to the proposed limit of disturbance on-site and then continue westward to connect into the proposed retaining wall that runs behind the building. This will then provide more screening for the adjacent school site and create more of a barrier to prevent unsafe pedestrian access between the two sites. This has been included as a condition in this approval.

- 7. Vehicular ingress/egress for all lots shall be determined at the time of Preliminary Plat of Subdivision.**

This issue is examined further in Finding 9 below in relation to the determinations made at the time of preliminary plan of subdivision.

- 9. Preliminary Plan of Subdivision 4-88054:** On January 4, 1996, the Planning Board reconsidered and reapproved Preliminary Plan of Subdivision 4-88054 (PGCPB Resolution No. 88-250(A)) subject to 20 conditions, of which the following are applicable to the review of this detailed site plan and warrant discussion as follows:

- 1. Approval of an on-site conceptual stormwater management plan by the Department of Environmental Resources prior to the submission of a Detailed Site Plan or Final Plat of Subdivision, whichever occurs first.**

The applicant submitted a copy of the approved stormwater management concept for the subject property, 17180-2001-01.

- 2. Perennial streams flowing through the site shall be protected by a minimum 50-foot undisturbed buffer on each side. This buffer shall be expanded to include the**

100-year floodplain, adjacent slopes in excess of 25 percent or greater, and adjacent nontidal wetlands. This undisturbed buffer shall not apply to the minimum area necessary for the extension of Felker Avenue.

The plan as submitted shows the existing stream and its associated 75-foot-wide stream buffer on each side of the stream. The plan shows the buffer expanded to include all associated wetlands, wetland buffers, and 100-year floodplain, which makes up the primary management area (PMA). There are no impacts proposed for this application. The impacts associated with Felker Avenue were addressed as part of a previous application for a grading permit.

3. **Due to the quality vegetation on-site, the applicant should submit a Forest Stand Delineation for all wooded areas to be reviewed by the Natural Resources Division prior to the submission of a Detailed Site Plan.**

An approved natural resources inventory (NRI), which includes detailed forest stand delineation, was submitted with the subject application.

4. **A 50-foot-wide nondisturbance area shall be established along all Commission (The Maryland-National Capital Park and Planning Commission), Board of Education and other residentially zoned properties where the Forest Stand Delineation performed November 16, 1987, indicates tree stands 1, 2 and 5.**

The 50-foot-wide nondisturbance buffer area mentioned in this condition was identified on the approved record plat for a portion of the eastern property line of Lot 6, which borders a Board of Education property and is included in the subject application. The DSP shows this buffer area correctly and does not show any disturbance to it.

5. **An adequate buffer shall be provided along all Commission (The Maryland-National Capital Park and Planning Commission), Board of Education and other residentially zoned properties. The type and extent of this buffer shall be determined at the time of Detailed Site Plan.**

See the discussion in response to CSP Condition 5 in Finding 8 above.

6. **Fencing shall be provided along all properties owned by the Board of Education. The type and extent of this fencing shall be determined at the time of Detailed Site Plan.**

See the discussion in response to CSP Condition 6 in Finding 8 above.

7. **Conformance to approved Conceptual Site Plan, SP-87116.**

Conformance to the approved Conceptual Site Plan, SP-87116, is discussed in Finding 8 above.

8. **Prior to signature approval of the preliminary plat, the applicant shall revise the plat to show both Lots 1 and 2 to have frontage on Felker Avenue. The plan shall show that all lots will have frontage on Felker Avenue.**

Both of the subject lots, Lots 6 and 8, that are the subject of this application have frontage on Felker Avenue.

9. **The following note shall be placed on the Final Plat of Subdivision:**

"No direct access to Oxon Hill Road is permitted. All access shall be off of Felker Avenue."

The most recent revised recorded plat for the subject property mistakenly changed this note to add a clause to the end stating "unless approved by MDSHA." As discussed further in Finding 13, this was modified incorrectly as Section 24-121(a)(3) of the Subdivision Regulations requires that, when lots are proposed on land adjacent to an existing roadway of arterial classification, such as is the case with Oxon Hill Road, they shall be designed to front on either an interior street or a service road. Direct access onto Oxon Hill Road would require a variation request approved by the Planning Board as a part of the preliminary plan of subdivision, which was not done and, therefore, cannot be approved by the Maryland State Highway Administration (SHA) only. The submitted DSP shows direct access to Oxon Hill Road and a note that it is subject to a reconsideration of the approved preliminary plan; however, if the DSP is to be approved, it cannot show improvements that pre-suppose separate approvals that are not part of the subject review. Therefore, a condition has been included in this approval that the access drive and note be removed from the DSP prior to certification.

13. **The applicant shall post a bond, letter of credit or suitable financial guaranty in the amount of \$360,000 prior to record plat approval as its financial contribution for improvements to MD 210, Oxon Hill Road, the Capital Beltway and associated ramps as shown in Exhibit 2 of the 1988 PortAmerica traffic study.**

14. **Prior to the issuance of a building permit for each lot, the applicant shall pay to Prince George's County a percentage of the financial contribution guaranteed pursuant to Condition 13, with a total payment not to exceed \$360,000. The amount paid shall be as follows:**

a.	Lot 1:	\$54,400
b.	Lot 2:	\$78,100
c.	Lot 3:	\$180,900
d.	Lot 4:	\$23,300
e.	Lot 5:	\$23,300

In the event that a construction contract is awarded for any of the following improvements prior to receipt of the total amount to be paid to Prince George's

County pursuant to Condition 14, the balance of the total amount shall become payable at the request of Prince George's County:

- a. Ramp H (as identified on Exhibit 2 of the 1988 PortAmerica traffic study) from PortAmerica to the northbound I-295 S-curve ramp.**
- b. Ramp A-1 from northbound I-95/I-495 to PortAmerica Road B.**
- c. Ramp M from PortAmerica to northbound I-95/I-495.**

The two previous conditions require a financial contribution to several critical ramps that were components of the improvements to the MD 210/Oxon Hill Road/Capital Beltway (I-95/495) interchange. The bonding in Condition 13 was completed prior to final plat. The payment under Condition 14 became due at the time a construction contract was awarded for the improvements. Such contract was awarded several years ago and the improvements are complete and open to the public. While this condition is enforceable at the time of building permit, it would appear that the time to collect these funds passed when the improvements came under contract. Insofar as any agreement for future payment to the county may govern this condition, the county must enforce that agreement.

- 15. No building permit shall be issued for any building or buildings in excess of 300,000 square feet of general office space or different uses generating no more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development, except as provided in the following conditions.**

This condition sets a trip cap of 600 AM peak hour trips and 555 PM peak hour trips for the site. An evaluation of the subject proposal, vis-à-vis the trip cap, has been submitted by the applicant. While that document indicates that the trip cap is met for the overall Potomac Business Park site, there are several issues posed by that analysis:

- Given that the use is a single store and not a shopping center comprised of many smaller stores, the pass-by trip rate assumed is lower than typically used. A recent article in Institute of Transportation Engineers (ITE) *Journal* (Discount Superstore Trip Generation, June 2009 issue) actually takes measurements at Walmart supercenters across the United States and notes a weekday peak hour pass-by rate of 26 percent. This pass-by rate was used.
- Rates for discount superstore (Use 813 in ITE *Trip Generation, 9th Edition*) were used, and this is appropriate.
- The analysis assumes 103,000 square feet on Lot 3 of Potomac Business Park. This translates to a floor-to-area ratio (FAR) of 0.16. This is much lower than the typical FAR

for general office buildings of 0.40. Nonetheless, the applicant has indicated that this square footage is all that can be achieved on Lot 3 due to other site constraints.

In summary, the revised trip cap analysis submitted with the application is acceptable. The summary, showing trip cap compliance, is provided below:

Trip Generation Summary, DSP-11011				
Land Use	Use Quantity	Metric	AM Peak Hour	PM Peak Hour
			Total Trips	Total Trips
Office	103,000	square feet	206	191
Fire House			20	20
Discount Superstore	100,799	square feet	169	466
Overflow Parking	associated with discount superstore use			
Less pass-by for retail	15 percent		-44	-122
Total			351	555
Trip Cap			600	555

17. **Should any improvements to the intersection beyond those already programmed be approved by the Maryland State Highway Administration to MD 414/MD 210, the applicant will be permitted to be issued building permits for a building or buildings in excess of 300,000 square feet of general office space, or different uses generating no more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development to the extent otherwise permitted by law, rule or regulation, for as many square feet as it contributes to the cost of construction of the improvement based on a pro rata share of traffic capacity created at the intersection by the improvement.**

This condition indicates that the trip cap may be expanded in accordance with a larger contribution to cost of MD 210/MD 414 improvements, with the contribution to be commensurate with a determination of additional capacity at that location. Given that the specified improvements are constructed and open to traffic, the time for contributing to the improvements is long past. Therefore, it is determined that this condition is no longer a consideration.

18. **The applicant shall agree to provide the entire cost of signal installation for the intersection of MD 414 with Felker Avenue, when deemed necessary by the Maryland State Highway Administration.**

This condition must be enforced at the time of building permit. It is noted, however, that the applicant has already provided a signal warrant study to SHA. This study has been reviewed, and

further documentation requested by SHA has been provided by the applicant. At this time, SHA is reviewing final improvements and a decision is likely prior to the time of building permit.

20. Approval of the floodplain by the Department of Environmental Resources prior to submission of a Detailed Site Plan or Final Plat of Subdivision, whichever occurs first.

In this case, a final plat of subdivision has already been filed and recorded for Lots 6 and 8, which shows a platted floodplain on the southern end of Lot 6 only.

10. **Prince George's County Landscape Manual:** The proposed development is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*.
- a. Section 4.2, Requirements for Landscape Strips Along Streets, would apply to all public and private road frontages, which would include the northern and western boundaries of Lot 6 and the eastern and western boundaries of Lot 8. The requirements of Section 4.2 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 provides the appropriate schedule and shows the requirement being fulfilled. There are two issues, though, as first it appears that the very southern end of Lot 6's frontage on Felker Avenue and Lot 8's frontage on Felker Avenue do not appear to be accounted for in the calculation and one schedule is being used for all four separate road frontages. Separate schedules should be provided for each lot's frontage on each road so as to ensure proper calculations and distribution of plant materials. A condition requiring this revision has been included in this approval.
 - b. Section 4.3(c)(1), Parking Lot Perimeter Landscape Strip Requirements, requires a landscape strip in any zone when a parking lot is adjacent to a property line and the adjacent use is not incompatible. This occurs in only one location on the subject detailed site plan, the southern property line of Lot 8. The submitted plans did not recognize this or provide the appropriate schedule and notes; however, it does provide plants in this location, close to the amount required. Therefore, a condition has been included in this approval requiring the addition of a schedule for this section showing the requirement being met.

Section 4.3(c)(2), Parking Interior Planting Requirements, requires a certain percentage of the parking lot, according to the size of the lot, to be interior planting area and to be planted with one shade tree for each 300 square feet of interior landscaped area provided. The DSP has multiple proposed parking areas on Lots 6 and 8, all of which are subject to this section. The provided schedules and plans show the requirements being met for all of the parking areas, except for "Parking Lot A," which is the largest lot in front of the building on Lot 6. The applicant has requested alternative compliance to this section and

the findings of the Alternative Compliance Committee regarding this request are as follows:

Parking Lot A

REQUIRED: 4.3(c)(2), Parking Lot Interior Planting Requirements.

Parking Lot Area	146,912 square feet
Interior Landscaped Area	19,099 sq. ft. or 13%
Shade Trees	64

PROVIDED: 4.3(c)(2), Parking Lot Interior Planting Requirements.

Parking Lot Area	146,912 square feet
Interior Planting Area Provided	11,997 sq. ft. or 8.2%
Number of Shade Trees Provided	65

Recommendation:

The applicant is requesting Alternative Compliance from Section 4.3(c)(2), Parking Lot Interior Planting Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Section 4.3(c)(2) requires an interior planting area of 13 percent in parking compounds larger than 50,000 square feet and a nine-foot-wide parking island perpendicular to parking for every two bays. The subject plan provides the required number of shade trees plus one additional shade tree, but does not contain the required interior planting area.

The request for alternative compliance is necessary due to the space limitations on Lot 6. It is impractical to provide the minimum number of parking spaces that are necessary for the subject proposal and meet the interior planting area requirements. The underlying Detailed Site Plan DSP-11011 has a companion Departure from Parking and Loading Spaces DPLS-370, for a reduction of 25 required parking spaces, which further indicates the space limitations on the subject property.

Additionally, the site is located in the I-3 Zone. The I-3 Zone requires that parking lots be setback 30-feet from most rights-of-way, resulting in green area between the parking lot and the street that is above the requirement of Section 4.2, Requirements for Landscape Strips along Streets, of the Landscape Manual. On average, the subject site provides a 20- to 30-foot-wide landscape strip between the parking lot and the right-of-way, whereas the Landscape Manual generally requires a ten-foot-wide strip. The proposed green area along the rights-of-way provides added visual benefit to the appearance of Parking Lot A, and many of these perimeter plantings will provide needed shade to Parking Lot A.

The Alternative Compliance Committee believes that the parking lot interior planting area proposed for Parking Lot A meets the design guidelines and planting requirements contained in Section 4.3(b) and (c)(2) of the Landscape Manual. There is a planting island provided every ten spaces on average; and a nine-foot-wide planting island is provided perpendicular to parking for every two bays. The applicant also proposes to install 3 to 3½-inch caliper shade trees, which exceed the minimum size requirements contained in the Landscape Manual. The submitted landscape plan also proposes shrub plantings within the interior planting islands. The Alternative Compliance Committee believes the shrub plantings are appropriate in larger planting islands, where there is sufficient soil volume to support the proposed shade trees and shrubs. During detailed site plan review, the applicant should be encouraged to reduce or eliminate the number of shrubs proposed in planting islands with an area of 400 square feet or less to encourage the long-term survivability of the proposed shade trees.

The Alternative Compliance Committee finds the applicant's proposal to be equally effective as an alternative to Section 4.3(c)(2).

The Planning Board approves of Alternative Compliance for Section 4.3(c)(2), Parking Lot Interior Planting Requirements, of the *Prince George's County Landscape Manual* for Parking Lot A, subject to the following:

- (1) During detailed site plan review, the applicant should be encouraged to reduce or eliminate the number of shrubs proposed in planting islands with an area of 400 square feet or less within all of the surface parking lots to encourage the long-term survivability of the proposed shade trees.

The specified condition has been included in this approval.

- c. Section 4.4, Screening Requirements, require that all loading spaces, trash and recycling areas, and mechanical equipment be screened from all adjacent public roads. The various submitted plans are inconsistent in labeling and showing these areas on the plan, but generally, the proposed trash and loading area is located in the southwestern corner of the building on Lot 6. No clear screening is identified on the landscape plan, although some evergreen trees are shown in part of the area between the loading docks and Felker Avenue. Therefore, a condition has been included in this approval requiring clearer identification and labeling of all areas to be screened and the type of screening proposed, specifically, regarding the loading areas, trash area, the bale and pallet recycle area, and any transformers.
- d. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses. The proposed retail use, over 60,000 square feet, is considered a high-impact use and requires buffers against the school site to the east of Lot 6 and the hotel site to the north of Lot 8. The landscape plan provides the appropriate schedules for these areas; however, there are a few mistakes in them. For Buffer I against the school site,

the proposed fence must extend for the entire length of this bufferyard if the allowed 50 percent reduction in width and plant material is being used. For Buffer II against the school site, the linear feet is incorrect as this needs to extend the entire remainder of the length of the eastern property line of Lot 6, to include the environmental areas. Conditions have been included in this approval requiring these revisions.

- e. Section 4.9, Sustainable Landscaping Requirements, requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The submitted landscape plan provides the required schedule and notes showing the requirements being met; however, the total of plants shown is incorrect and should be revised to match the plant schedule. A condition requiring this revision has been included in this approval.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract is in excess of 40,000 square feet and it contains more than 10,000 square feet of existing woodland. A revised Type 2 Tree Conservation Plan, TCP2-122-95/01 has been submitted with the subject application.

The site has a woodland conservation threshold of 1.78 acres and an overall requirement of 2.30 acres. The project proposes to meet the requirement with 0.78 acre of woodland preservation, 0.54 acre of woodland planting, and 0.98 acre of off-site woodland conservation. Because the remaining requirement of 0.98 is less than one acre, it may be met with fee-in-lieu.

Some minor revisions are required. The site contains on-site and off-site clearing areas that are not identified on the plan. These areas should be identified and labeled separately on the plan, including all off-site and floodplain clearing. The tree conservation plan (TCP) shows a proposed tree line. This should be removed from the plan. The reforestation notes must be shown on the plan. In the TCP approval block and title block, change "II" to "2." Conditions have been included in this approval requiring these revisions.

12. **Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance. The requirement for the subject property is ten percent of the gross tract area or 0.20 acre (8,707 square feet) for Lot 8 and 1.14 acres (49,509 square feet) for Lot 6, based on the I-3 zoning. No worksheet was provided for the tree canopy coverage (TCC) requirements; however, a quick estimation shows that the requirement will be met for Lot 6 by a combination of existing trees to be preserved on-site and the proposed landscape trees, and for Lot 8 by proposed landscape trees. Therefore, a condition has been included in this approval requiring the addition of the standard worksheet showing the TCC requirement being met on-site for each lot.
13. **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. **Historic Preservation**—The subject project will have no effect on identified historic sites, resources, or districts.
- b. **Archeological**—The Planning Board reviewed a brief history of the subject property and historic sites within a one-mile radius as follows:
 - (1) During the early 1800s, the subject property was part of the 112-acre farm compiled by Charles Beall, a free African American. It was very unusual for a free African American to have the ability to acquire such a large tract of land in the early 1800s. In the late 1700s, Beall was able to purchase the freedom of his wife and children, as well as two other African Americans. Beall also donated a one-half acre lot to the Methodist Church for the construction of a place of worship. Both black and white congregants worshipped together in the building, although they were segregated on each side of the church. Blacks and whites worshipped together in this building until after the Civil War when there was a dispute over ownership. The African American congregation eventually built their own church, St. Paul's Methodist Church, located at the intersection of St. Barnabas and Tucker Roads.

Charles Beall sold his 112-acre farm to McKinsey Talbert in 1825. Talbert was the uncle of Dr. John H. Bayne, owner of Salubria. In the early 20th century, the subject property was under the ownership of William E. Miller, founder of Rosecroft Raceway. Some of Miller's equestrian facilities are visible in the 1938 aerial photographs.
 - (2) Because of the significant history associated with the subject property, the applicant should develop interpretive signage to incorporate into the proposed development, as a means of public outreach. The subject property is associated with other historic properties in the vicinity and could add to a unified narrative on the historical development of the Oxon Hill area.
 - (3) Section 106 review may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.
 - (4) The applicant's proposed 50-foot sign should be studied to determine its visual impact on any designated historic properties in the vicinity, including Mr. Welby, Butler House, Oxon Hill Manor, Salubria, and the Addison Family Cemetery. Any lighting associated with the proposed sign should be designed to minimize its impacts on views from the historic properties identified above.

Recommendations

- (1) The applicant should revise the detailed site plan to provide for at least one location for interpretive signage. The wording of the signage shall be subject to approval by the M-NCPPC staff archeologist.
- (2) Prior to issuance of the use and occupancy permit for the proposed development, the applicant shall install the interpretive signage and provide proof to the Historic Preservation Section that the installation is complete.
- (3) If state or federal monies or federal permits are required for this project, Section 106 review may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust and the federal agency responsible for the funds or permits for their review of potential effects on historical resources on the subject property prior to approval of any grading permits.

The applicable comments have been included in this approval as conditions.

- c. **Community Planning**—This application is inconsistent with the 2002 General Plan Development Pattern policies for Developed Tier centers.

This detailed site plan does not conform to the mixed land use recommendation in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (master plan). However, the application conforms to the existing I-3 Zone. The subject property is within the Oxon Hill Regional Center future mixed-use rezoning area where application for mixed-use zoning is recommended to implement the concepts and guidelines contained in the plan text.

This application is located in the transition area of the Oxon Hill Regional Center, designated for future development at lower scale transit-oriented (TOD) densities and intensities than the core area in order to serve potential future light-rail transit station stops. The illustrative concept, Map 22 (page 52 of the master plan), shows a potential transit stop on the subject property as well as a potential development concept. The illustrative plan for the site shows an alternative site design that conforms to the established setback created by the two existing buildings on adjacent properties, as well as, vehicular connectivity framework surrounding the subject property. The following are applicable urban design goals in the Urban Design Chapter, page 96, of the master plan that should be incorporated in the design of the subject development:

- **Promote compact, compatible, high-quality design, particularly for mixed-use, transit oriented and supportive development in centers, corridors and mixed-use activity centers.**
- **Ensure that development is consistent with urban design best practices to create a sense of place and community identity.**
- **Improve pedestrian safety, connectivity, and walkability to foster a safe, pedestrian-friendly environment.**

The application as proposed is inconsistent with the above goals as it represents a typical suburban development pattern that is contrary to the principles of compact transit-oriented development (TOD) and place making. The building setback and the enormous parking area visible from Oxon Hill Road are inconsistent with the redevelopment vision of the Oxon Hill Regional Center that emphasizes pedestrian and transit-oriented design, a new grid pattern of walkable, interconnected streets and blocks, and transit-serviceable development. The applicant's request for a variance to exceed the 25 percent of parking lot located adjacent to Oxon Hill Road, to which the building's main entrance is oriented, is contrary to the plan concept to bring buildings closer to the street and provide parking in a less visible location, at the side or rear of the building. The following are applicable urban design strategies that should be incorporated in the design of the subject development, contained under Policy 1 of the Urban Design Chapter of the master plan:

- **Develop compact centers with interconnected street grid patterns that promote efficient automobile and foot traffic circulation.**
- **Provide continuous street wall formed by adjoining buildings and set along a consistent build-to line from the street to create a comfortable sense of enclosure along major streets and in mixed-use centers and other areas of high pedestrian activities.**
- **Locate parking areas to the sides and rear of buildings (never in the front, between the street and building), and provide innovative circulation and landscaping design for parking areas to reduce conflicts between cars and pedestrians and reduce the amount of impervious surfaces.**

The applicant should explore site and building design options such as those identified below that will be more consistent with the master plan vision and help facilitate the future transformation of the area to a more urban feel.

- The master plan concept illustration on Oxon Hill Regional Center Vision Diagram, Page 50, Map 20.

- Two smaller pad sites close to Oxon Hill Road with setbacks consistent with existing buildings (see the attached proposed Rockville Pike Walmart concept).
- A two-story Walmart located closer to the street, with setbacks consistent with existing buildings.

It is recognized that the type of design recommended above could have an even greater impact on parking than the applicant's current proposal, which requires a departure. However, the goals of transit-oriented development include decreasing dependence on automobiles, alleviating congestion, and achieve a better, more efficient use of the site. Therefore, Community Planning would be in support of a parking departure to reduce the number of required parking spaces.

In response to revised site exhibits submitted by the applicant regarding the Oxon Hill Road streetscape design, updated comments are set forth below:

In response to the setback issue and the master plan concept to bring buildings closer to the street and provide parking in a less visible location (at the side or rear of the building) that were identified the applicant proposes alternative setback features and streetscape treatment. This alternative utilizes low walls and trellises to define a setback line from Oxon Hill Road consistent with buildings on adjacent lots. However, the size of these streetscape features should be increased, especially the proposed horizontal brick walls, to have an increased impact along Oxon Hill Road and Felker Avenue. Absent of placing the building close to the street, this alternative treatment presents an interim approach to defining a street wall and screening parked automobiles until the provision of transit and the redevelopment of Oxon Hill Regional Center which will incorporate pedestrian and transit-oriented development principles. At such time, it is anticipated that the site could be reconfigured to implement the development and design vision for the Oxon Hill Regional Center transition area of the master plan.

The proposed height of the pylon sign at 50 feet is excessive. Approval of the sign would set an undesirable precedent for other retailers in the area, who would potentially want high visibility signage for business identification. A proliferation of such tall signage would create visual clutter along the roadways and skyline.

The applicable comments have been included in this approval as conditions.

- d. **Transportation Planning**—The site has frontage on Oxon Hill Road, which is a master plan arterial facility with a public transportation facility. This roadway is recommended for a right-of-way of 146 to 154 feet to accommodate roadway and transit needs. Given that the adjacent section is outside of the Oxon Hill core area, as designated in the *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the smaller right-of-way (without the widest sidewalks) would govern. The plan shows Oxon Hill Road to have a right-of-way of variable width. The tax maps

indicate an existing right-of-way ranging from 130 feet (near the eastern property line) to 143 feet. The additional right-of-way required along the frontage is between 1.5 feet and 8 feet; this additional right-of-way can easily be accommodated along the site's clear frontage. No structures (parking or otherwise) are proposed within the ultimate right-of-way of Oxon Hill Road. Felker Avenue is an undesignated industrial/commercial roadway with an acceptable right-of-way of 70 feet.

Circulation is, to a great degree, dictated by the building size and shape and the various site constraints. The circulation pattern that brings virtually all vehicles accessing the use directly in front of the main entrance to the use is clearly suboptimal, but the various constraints leave few options. Therefore, on-site circulation is deemed to be acceptable.

The site plan conflicts with Condition 9 of Preliminary Plan of Subdivision 4-88054. The plan should be revised to remove the driveway access onto Oxon Hill Road, along with the accompanying note, prior to signature approval.

Provided that the access conforms to the underlying preliminary plan, it is determined that the site plan is acceptable from the standpoint of transportation.

Further discussion of the preliminary plan Condition 9 can be found in Finding 9 above.

- e. **Subdivision Review**—The Planning Board reviewed an analysis of the conditions of approval of Preliminary Plan of Subdivision 4-88054 that are applicable to the subject detailed site plan.

The record plat contains 12 notes and the following notes (**in bold**) relate to the review of this application:

1. **All structures on this site shall be fully sprinklered in accordance with Article 13 of the National Fire Protection Association Standards.**

A note should be added to the general notes that all structures will be fully sprinklered in accordance with Article 13 of the National Fire Protection Association (NFPA) standards.

2. **Prior to the issuance of any building permits, the applicant shall provide evidence to the Chief of the Prince George's County Police Department that the following have been met:**

- a. **The site plan submitted for building permit application shall address the provisions of specific up to date security hardware such as deadbolt locks and secure door and window frame construction that shall be installed and operable prior to installation of appliances, electrical fixtures, carpeting, and plumbing fixtures. Approval shall**

be stated in writing by the Police Chief prior to the approval of any building permits

- b. All front elevations of all buildings shall be provided with building numbers at least six inches in height, conspicuously located and easily identifiable from the street. All building numbers and front entrance ways shall be provided with bright lighting. Plans or illustrations of these elements shall be submitted with any application for building permit.
- c. Construction equipment/trailers shall be in a central location and fenced. The developer/builder shall be required to fully alarm all points of access (windows & doors) to the construction office/trailer(s) and implement any reasonable crime prevention measures recommended by the Police Department to prevent future thefts and vandalism.
- d. All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.
- e. Ground floor units of office buildings shall be alarmed with adequate intrusion alarms. Consideration should be given to alarms for individual suites.
- f. Parking areas shall be brightly lighted & located in unisolated areas. Planting shall be low growing plants/shrubbery.

Conformance to these issues will be reviewed prior to approval of any building permits.

- 3. The applicant shall post a bond, letter of credit or suitable financial guaranty in the amount of \$360,000 prior to record plat approval as its financial contribution for improvements to MD 210, Oxon Hill Road, the Capital Beltway, and associated ramps as shown on Exhibit 2 of the 1988 Port America traffic study.
- 4. Prior to the issuance of a building permit for each lot, the applicant shall pay to Prince George's County a percentage of the financial contribution guaranteed pursuant to Note 3, with a total payment not to exceed \$360,000. The amount paid shall be as follows:
 - a. Lot 1: \$54,400 (aka Lot 6)
 - b. Lot 2: \$78,000 (aka Lot 6)
 - c. Lot 3: \$180,000

- d. Lot 4: \$23,300 (aka Lot 7)
 - e. Lot 5: \$23,300 (aka Lot 8)
5. In the event that a construction contract is awarded for any of the following improvements prior to receipt of the total amount to be paid to Prince George's County pursuant to Note 4, the balance of the total amount shall become payable at the request of the Prince George's County:
- a. Ramp H (as identified on Exhibit 2 of the 1988 Port America traffic study).
 - b. Ramp A-1 from Northbound I-95/I-495 to Port America Road.
 - c. Ramp M from Port America to Northbound I-95/I-495.

Conformance to Notes 3, 4, and 5 will be reviewed and determined by the Department of Public Works and Transportation (DPW&T) prior to approval of any building permits.

6. No building permit shall be issued for any building or buildings in excess of 300,00 square feet of general office space or different uses generating no more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development, except as provided in the following conditions.
7. The applicant may be issued permits in excess of 300,000 square feet of general office space, or different uses generating no more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development, based upon a program of transportation systems management techniques to be submitted and approved by the Transportation Planning Division of the Maryland National Capital Park and Planning Commission.
8. Should any improvements to the intersection beyond those already programmed be approved by the Maryland State Highway Administration to Route 414/Route 210, the application will be permitted to be issued building permits for a building or buildings in excess of 300,00 square feet of general office space or different uses generating no more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development, to the extent otherwise permitted by law, rule or regulation, for as many square feet as it contributes to the cost of construction of the improvement based on a pro-rate share of traffic capacity created at the intersection by the improvement.

Conformance to Notes 6, 7, and 8 will be reviewed and determined prior to approval of any building permits.

9. **A detailed site plan for each lot shall be approved by the Prince George's County Planning Board prior to the issuance of each building and shall conform to the overall site development plan which was approved by the Prince George's County Planning Board on November 19, 1987, SP-87116 or as amended by any subsequent revision thereto.**

The subject application has been submitted in fulfillment of this requirement, and conformance to SP-87116 is discussed in Finding 8 above.

10. **The applicant shall agree to provide the entire cost of signal installation for the intersection of MD 414 with Felker Avenue, when deemed necessary by the Maryland State Highway Administration.**

Conformance to Note 10 should be reviewed and determined by SHA.

11. **No direct access to Oxon Hill Road is permitted. All access shall be off Felker Avenue, unless approved by MSHA.**

The site plan shows access to Oxon Hill Road. All previously recorded plats do not include the "unless approved by MSHA" clause, which was added on the most recently revised Planning Director approved plat. Oxon Hill Road is classified as an arterial roadway in the *Approved Countywide Master Plan of Transportation* and direct access to it requires approval of a variation by the Planning Board. The preliminary plan of subdivision approval did not include a variation for direct access and, therefore, the access must be removed. See further discussion of this issue in regards to preliminary plan Condition 9 in Finding 9 above.

12. **Approval of this plat is based upon a reasonable expectation that public water and sewer service will be available when needed and is conditioned on fulfilling all of the commitments contained in the Washington Suburban Sanitary Commission Authorization No. 89 AW/S 8212A.**

Based on the information provided on PGAtlas, the property is currently in water and sewer Category 3, planned or existing community system, and will therefore be served by public systems.

Prior to the approval of the DSP:

- (1) Sheet 1 should be revised to:
 - a. Correct the acreage shown on Note 2.

- b. Change the number of Proposed Lots to 3 or remove Lot 7 from the application.
 - c. Add a note to add the preliminary plan number (4-88054).
 - d. Add a note that "all structures on the site shall be fully sprinklered in accordance with Article 13 of the National Fire Protection Association standards."
 - e. Add the plat reference (MMB 233-87) on the lot data on the drawing.
 - f. Correct the bearings and distances along the southwestern property line of Lot 6 to match the record plat (shows near the 1,000 station point of Felker Avenue).
 - g. Remove the access to Oxon Hill Road.
- (2) Sheet 3 should be revised to:
- a. Add the plat reference (MMB 233-87) on the lot data on the drawing.
 - b. Remove the access to Oxon Hill Road.
- (3) Sheet 4 should be revised to:
- a. Add the plat reference (MMB 233-87) on the lot data on the drawing.
 - b. Correct the bearings and distances along the southwestern property line of Lot 6 to match the record plat (shows near the 1,000 station point of Felker Avenue).
- (4) Sheet 5 should be revised to:
- a. Add the plat reference (MMB 233-87) on the lot data on the drawing.

Recommendation:

- (1) Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or 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) Correct Note 11 of Record Plat MMB 233-87 to state “No direct access to Oxon Hill road is permitted. All access shall be off Felker Avenue.” consistent with Condition 9 of the PGCPB Resolution No. 88-250(A).

Detailed Site Plan DSP-11011 is in substantial conformance with approved Preliminary Plan of Subdivision 4-88054 and the recorded final plat, if the above comments have been addressed. There are no other subdivision issues at this time.

The applicable comments have been included in this approval as conditions.

- f. **Trails**—The submitted detailed site plan application referenced above has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Both the MPOT and area master plan identify one master plan trails issue in the vicinity of the subject property. Oxon Hill Road is designated as a master plan bikeway/trails corridor. The MPOT includes the following description for the planned improvements along Oxon Hill Road:

Oxon Hill Road Sidewalks and Designated Bike Lanes: Continuous sidewalks and on-road bicycle facilities are needed along this heavily traveled commercial corridor. Pedestrian safety issues also need to be addressed and improved crosswalks, pedestrian refuges, and other features may be appropriate.

A standard sidewalk exists along the subject property’s frontage of Oxon Hill Road. Additional dedication is required along Oxon Hill Road for both the future transit line and bike lanes. The bike lanes will be accommodated within this additionally dedicated right-of-way. A recently constructed sidewalk exists along the site’s frontage of Felker Avenue. These sidewalks provide some pedestrian access to the site from the surrounding communities, although Oxon Hill Road has fairly high traffic volumes and speeds, with little buffer between motor vehicles and pedestrians and limited crossing opportunities.

The MPOT also includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all

modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT also includes the following policy regarding pedestrian connections between and within communities.

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

Internal Pedestrian Access

Sidewalks exist along the subject site's frontages of both Felker Avenue and Oxon Hill Road. Multiple sidewalk and crosswalk connections are provided from Felker Avenue to the building entrance and a pedestrian route and crossing is designated from the ADA (Americans with Disabilities Act) parking to the building entrance. One concern is that the main traffic route accessing the site crosses the pedestrian zone in front of the building, creating the potential for conflicts between pedestrians and incoming traffic. Secondly, no pedestrian connections are designated through the large expanse of parking lot coming from Oxon Hill Road and the east. Pedestrians accessing the site from the east will have to walk through the entire length of the parking lot to access the site, a distance of approximately 390 linear feet.

The site also shows a small "overflow" parking lot on the west side of Felker Avenue. An at-grade pedestrian crosswalk is indicated on the plans linking this parking lot with the proposed commercial center. Warning signage and a high-visibility raised crosswalk (DPW&T Standard 700.02) is recommended at this location to calm traffic, raise the visibility of the pedestrian crossing, and provide an attractive and visible pedestrian route from the parking lot to the proposed building. This treatment should not only serve to calm traffic, but will also increase the visibility of the pedestrian crossing. A similar treatment has been utilized along Governor Oden Bowie Drive in front of the County Administration Building.

Major Issues

- The feasibility of rerouting traffic through the site to minimize the conflict with the main pedestrian zone in front of the building needs to be explored.
- A pedestrian route to the building entrance should be designated for pedestrians coming along Oxon Hill Road from the east.
- Right-of-way dedication needs to accommodate the provision of future bicycle lanes along Oxon Hill Road. The amount of dedication will be determined by SHA.

- Pedestrian safety of the at-grade crossing of Felker Avenue needs to be addressed. A raised crosswalk is recommended, pending approval by DPW&T (see attached detail for Standard 700.02).

Conclusion

- (1) In conformance with the 2009 MPOT and the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - (a) A minimum of ten bicycle parking spaces shall be provided at a location convenient to the building entrance. The location and number of spaces (bicycle racks) shall be approved by the Urban Design Section and the trails coordinator prior to signature approval of the DSP.
 - (b) Prior to signature approval, the plans shall be revised to include one designated sidewalk/walkway from Oxon Hill Road to the building entrance through the eastern edge of the parking lot. This walkway shall utilize the easternmost ten-foot-wide planting strip, consist of a minimum four-foot-wide sidewalk, and incorporate curb cuts and striped crosswalks as appropriate.
 - (c) Prior to signature approval, the plans shall be revised to indicate a raised crosswalk and pedestrian safety signage (per DPW&T Standard 700.02) at the at-grade pedestrian crossing of Felker Avenue, unless modified by DPW&T.

The applicable comments have been included in this approval as conditions.

- g. **Permit Review**—The Planning Board reviewed several comments, which are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of approval of this detailed site plan.
- h. **Environmental Planning**—The site contains significant environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 27-285(b)(4) of the Zoning Ordinance. The on-site regulated environmental features include streams and their associated 75-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain. The proposed development does not propose any impact to regulated environmental features. The existing impacts to the primary management area (PMA) as shown on the plans are within a previously dedicated land area for Felker Avenue that has been developed under previous approvals which are not subject to the requirement of this application.

A copy of the approved stormwater management concept plan and letter were submitted with the subject application. The concept plan appears to show all stormwater to be directed to an existing stormdrain system that is ultimately conveyed to a regional stormwater management pond. According to the approval letter, no quantity or quality control is required. The DSP and TCP2 are consistent with the concept plan.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated February 15, 2012, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire Department at the time of the issuance of permits.
- j. **Department of Public Works & Transportation (DPW&T)**—In a memorandum dated February 8, 2012, DPW&T provided a standard response on issues such as frontage improvements, soils, storm drainage systems, and utilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced by DPW&T at the time of the issuance of permits. DPW&T also indicated that the subject DSP is consistent with approved Stormwater Management Concept Plan, 17180-2001-01. DPW&T also indicated that they do not support the companion DPLS request as it will result in overflow parking on public roadways.
- k. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.
- l. **Prince George's County Health Department**—In a memorandum dated February 17, 2012, the Health Department provided the following summarized comments:
 - (1) Increased traffic volumes in the area can be expected which is considered a chronic environmental stressor and adds to fine particulate air pollution, which is associated with childhood asthma and detrimental cardiovascular outcomes.
 - (2) Conversion of large areas of open space into impervious surface requires demonstration that the site is in conformance with the county's Watershed Implementation Plan.
 - (3) Demonstrate that the capacity of the Washington Suburban Sanitary Commission (WSSC) wastewater treatment plan and sewage pumping station serving the site are adequate to serve the project.
 - (4) Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
 - (5) Artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded so as to minimize light trespass.

- (6) Indicate the dust and noise control procedures to be implemented during the construction phase of this project. No dust or construction noise should be allowed to impact adjacent properties.

The applicable comments have been either been addressed by other review agencies, will be addressed at the time of permitting, or are included in this approval as conditions.

- m. **Maryland State Highway Administration (SHA)**—In a memorandum dated February 29, 2012, SHA indicated that the access to Oxon Hill Road may create operational problems, that the location of the entrance to Felker Avenue appears appropriate, but would require a more thorough review, and that they had reviewed a traffic signal warrant study but required additional information to complete their review.
 - n. **National Park Services (NPS)**—In an e-mail dated February 1, 2012, NPS indicated that they opposed any departure from sign design standards on this project; however, no NPS property would be immediately impacted by the sign departure that is part of the subject application. Rather, they stated that Indian Head Highway (MD 210) serves as a gateway corridor to many historic sites in the area, such as Oxon Cove Park, Oxon Hill Manor, Fort Foote Park, and Harmony Hall, and it is important to protect the aesthetic quality of the corridor.
 - o. **Prince George's County Board of Education**—The Board of Education did not provide comments on the subject application.
 - p. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated February 17, 2012, WSSC provided a standard response on issues such as pipe and easement requirements. They also indicated that the proposed site development was previously submitted to them and is a conceptually approved project.
 - q. **Verizon**—Verizon did not provide comments on the subject application.
 - r. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
 - s. **Town of Forest Heights**—The Town of Forest Heights did not provide comments on the subject application.
14. Based upon the foregoing analysis and as required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if approved with conditions proposed below, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

15. Per Section 27-285(b)(4) of the Zoning Ordinance, 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 regulated environmental features on the subject property have been preserved or restored to the fullest extent possible.

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 Type 2 Tree Conservation Plan (TCP2-122-95-01) and APPROVED Alternative Compliance No. AC-12007, and further APPROVED Detailed Site Plan DSP-11011 for the above-described land, with Variances and subject to the following conditions:

Section 27-471(f)(2) of the Zoning Ordinance to allow up to 75 percent of a parking lot to be located in the yard to which the building's main entrance is oriented.

Section 27-471(f)(3) of the Zoning Ordinance to allow loading docks to be permitted on the side of a building facing a street.

Section 27-474(b) of the Zoning Ordinance to allow surface parking areas to be set back a minimum of 29 feet from a freeway, 11 feet from a street, and 11 feet from adjoining land in any nonresidential zone and to allow the building to be set back a minimum of 25 feet from a street.

1. Prior to certification of the detailed site plan, the applicant shall:
 - a. Provide the dimensions of the loading spaces on the detailed site plan.
 - b. Revise the notes and tables on the detailed site plan as necessary to reflect the 100,779 gross floor area of the building.
 - c. Add tree canopy coverage worksheets to the detailed site plan showing the requirement being met on-site for Lots 6 and 8 separately.
 - d. Provide at least one location and a detail for a historical interpretive sign on-site on the detailed site plan. The wording of the signage shall be subject to approval by the Historic Preservation and Public Facilities Planning Sections as the designee of the Planning Board.
 - e. Revise the gross tract acreage in General Note 2 on the detailed site plan to remove the previously dedicated Felker Avenue.

- f. Add general notes to the detailed site plan regarding the preliminary plan number, the approved Plat Number (MMB 233-87), and that "All structures on the site shall be fully sprinklered in accordance with Article 13 of the National Fire Protection Association Standards."
- g. Revise the detailed site plan to show the correct bearings and distances along the southwestern property line of Lot 6 to match the record plat.
- h. Revise the detailed site plan to remove the driveway access to Oxon Hill Road and any notes regarding it.
- i. Revise the detailed site plan to extend the proposed six-foot-high, composite board-on-board fence southward to but not beyond, the proposed limit of disturbance on-site and then continue it westward to connect into the proposed retaining wall that runs behind the building.
- j. Revise the detailed site plan to provide a location and detail for a minimum of ten bicycle parking spaces, convenient to the building entrance.
- k. Revise the detailed site plan to include one designated sidewalk/walkway from Oxon Hill Road to the building entrance through the eastern edge of the parking lot. This walkway shall run through the easternmost ten-foot-wide planting island, consist of a minimum four-foot-wide sidewalk, and incorporate curb cuts, handicapped ramps, and striped crosswalks as appropriate.
- l. Revise the detailed site plan to indicate a raised crosswalk and pedestrian safety signage (per Department of Public Works and Transportation (DPW&T) Standard 700.02) at the at-grade pedestrian crossing of Felker Avenue, unless modified by DPW&T.
- m. Revise the landscape and lighting plan to note that all light fixtures will be full cut-off in order to reduce light pollution.
- n. Revise the detailed site plan to demonstrate the provided parking space sizes for standard, compact, and handicap on the coversheet, including a breakdown of the total number of spaces of each size.
- o. Revise the landscape plan for Schedule 4.3-2, Parking Lot A, to indicate that Alternative Compliance AC-12007 has been approved for the reduction in interior landscaped area.
- p. Revise the detailed site plan to note and label the correct required setbacks, provided parking amount, and proposed signage areas and heights.

- q. Revise the DSP to remove the proposed pylon sign on Lot 8 and to redesign the monument sign on Lot 6 to meet all Zoning Ordinance requirements. Revise all labels and notes on the coversheet as necessary.
- r. Revise the DSP and landscape plans to show, and fully detail, the enhanced streetscape design features, as shown on the hardscape plan submitted on April 2, 2012, along Lot 6's frontages of Oxon Hill Road and Felker Avenue, to be reviewed by the Urban Design Section as designee of the Planning Board. The final design features shown on the DSP shall be revised as follows:
 - (1) The decorative walls shall be faced in brick veneer, be four feet high with a decorative cap, have square pillars at the ends, corners, and every ten feet on straight runs, and run approximately 50 percent of the frontage along Oxon Hill Road and 30 percent of the frontage along Felker Avenue up to the main vehicular entrance, when combined with the walls with trellises on top.
 - (2) The decorative wall features shall be faced in brick veneer and the trellis features shall be faced in metal and/or plastic. These features shall extend the full width of the adjacent plazas, and either connect into the other decorative walls along the frontage or turn the corner around the ends of the plazas to create more streetscape presence.
- s. Revise the DSP to label and reference detail locations for all crosswalks, retaining walls, and fences, including fences on top of retaining walls, and to correctly show the proposed contours tying into existing contours.
- t. Revise the landscape plan as follows:
 - (1) Provide legible labels of all plant material on the landscape plan and in the details.
 - (2) Provide separate Section 4.2 schedules for each lot's frontage on different streets.
 - (3) Provide clear identification and labeling of all areas to be screened per Section 4.4 of the *Prince George's County Landscape Manual* and the type of screening proposed, specifically regarding the loading areas, trash area, the bale and pallet recycle area, and any transformers.
 - (4) Provide a proposed fence for the entire length of the Section 4.7 Buffer I, if the allowed 50 percent reduction in width and plant material is being used.
 - (5) The Section 4.7 Buffer II shall extend the entire remainder of the length of the eastern property line of Lot 6, to include the environmental areas.

- (6) Revise the Section 4.9 schedule so that the plant totals match the number of plants listed in the plant schedule.
 - (7) Provide a schedule for Section 4.3(c)(1), Parking Lot Perimeter Landscape Strip Requirements, showing the requirement being met for the area where the proposed parking lot is adjacent to the southern property line of Lot 8.
 - (8) Reduce the number of proposed shrubs, to no less than three, located in planting islands with an area of 400 square feet or less within all of the surface parking lots to encourage the long-term survivability of the proposed shade trees.
 - (9) Revise the Alternative Compliance, AC-12007, as necessary.
2. Prior to certification of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - a. Identify and label the on-site and off-site woodland clearing areas.
 - b. Remove the proposed tree line.
 - c. Show the reforestation notes.
 - d. Change "II" to "2" in the title and approval blocks.
 - e. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to issuance of a use and occupancy permit, the applicant shall install the proposed historical interpretive signage and provide proof to the Historic Preservation Section that the installation is complete.
4. If state or federal monies or federal permits are required for this project, Section 106 review may require an archeological survey for state or federal agencies. The applicant shall provide proof to the Historic Preservation Section staff that they have forwarded all necessary materials to the Maryland Historical Trust and the federal agency responsible for the funds or permits for their review of potential effects on historical resources on the subject property prior to approval of any grading permits.
5. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or 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. Correct Note 11 of Record Plat MMB 233-87 to state "No direct access to Oxon Hill road is permitted. All access shall be off Felker Avenue." consistent with Condition 9 of the

PGCPB Resolution No. 88-250(A). Any revision of the DSP necessary as a result of changed access shall be approved by the Planning Board or its designee.

6. Prior to certification of approval, the applicant shall use their best efforts to obtain written permission from the Board of Education to provide additional buffer planting on the Board of Education side of the common property line.
7. No camping shall be allowed in the parking lots.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Squire, with Commissioners Washington, Squire, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff opposing at its regular meeting held on Thursday, May 24, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of June 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 6/7/12