




The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Conceptual Site Plan Reconsideration Hearing National Harbor

CSP-98012-02

REQUEST		STAFF RECOMMENDATION	
This case was continued from the Planning Board hearing date of March 14, 2024 to March 21, 2024. Reconsideration Hearing		With the conditions recommended herein: • Approval of Conceptual Site Plan CSP-98012-02	
Location: On the west side of Oxon Hill Road, across from its intersection with Careybrook Lane.			
Gross Acreage:	537.17		
Zone:	RTO-L-C/RTO-L-E/RR		
Prior Zone:	M-X-T/R-M/R-R		
Reviewed per prior Zoning Ordinance:	Section 27-1704 (e)		
Gross Floor Area:	7,325,000 sq. ft.		
Dwelling Units:	Up to 2,500		
Planning Area:	80		
Council District:	08		
Municipality:	None		
Party of Record (Requester)/Address: The Peterson Companies L. C. 12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033		Planning Board Date:	03/21/2024
Staff Reviewer: Jill Kosack Phone Number: 301-952-4689 Email: Jill.Kosack@ppd.mncppc.org		Planning Board Action Limit:	N/A
		Memorandum Date:	02/08/2024
		Date Received:	12/15/2023
		Previous Parties of Record: (Applicant)	12/15/2023
		Previous Parties of Record: (M-NCPPC)	12/29/2023 01/23/2024
		Planning Board Date:	02/22/2024


The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/.
Please call 301-952-3530 for additional information.




February 8, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division 

FROM: Jill Kosack, Planner IV, Urban Design Section 
Development Review Division

SUBJECT: **Conceptual Site Plan CSP-98012-02**
Reconsideration Hearing
National Harbor

By letter dated December 15, 2023, Andre Gingles, representing the applicant, The Peterson Companies L. C., requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 10(a)), and a reconsideration of Conceptual Site Plan CSP-98012-02, which was approved by the Prince George's County Planning Board on November 5, 2015. The resolution (PGCPB Resolution No. 15-117) was adopted by the Planning Board on December 3, 2015. On January 11, 2024, the Planning Board granted a waiver of the Rules of Procedure, to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Maryland Supreme Court has interpreted good cause to include subsequent new or different factual information that would justify a different conclusion, but not a mere change of mind. The Planning Board granted the request for reconsideration based on inadvertence and other good cause, in furtherance of substantial public interest.

The applicant's specific request is for reconsideration of Condition 2 of the CSP-98012-02 resolution. CSP-98012-02, as an amendment to the original CSP-98012 approval, was approved to add 3.14 acres of land (Parcels 41, 42, and 71) to the National Harbor waterfront entertainment/retail complex, for the purpose of expanding the complex. Condition 2 reads as follows:

2. **Prior to the issuance of any building permit for a structure placed within 100 feet of a residential lot (not owned by the applicant, its heirs, successors or assigns) shall be subject to DSP approval.**

In their letter dated December 15, 2023, the applicant proposed to have Condition 2 revised as follows, with the intent to not apply to residential uses:

- 2. Prior to the issuance of a permit for non-residential buildings or structures proposed within 100 feet of any residential lot (not owned by the applicant, its heirs, successors, or assigns), a Detailed Site Plan for the property which is the subject of the permit shall be approved by the Planning Board or its Designee.**

The relative finding (pages 9–10) indicated that Condition 2 was in response to Condition 31.a. of the Prince George’s County District Council approval of CSP-98012. This condition reads, as follows:

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

Upon review of the CSP-98012-02 resolution and the original CSP-98012 District Council decision, staff concur that Condition 2 does not fully comport with the intent of Condition 31.a., which was to require a detailed site plan (DSP) when incompatible uses were proposed adjacent to existing residential areas. When the original Condition 31.a. was drafted, residential uses were not permitted under the “Waterfront Entertainment Retail Complex” use, pursuant to Prince George’s County Council Bill CB-44-1997. Hence, the initial CSP was approved without mention, contemplation, or consideration of residential uses, guidelines for, or placement of the same. However, CB-20-2005 permitted the addition of residential dwellings (not to exceed 2,500 units) to the National Harbor development, without a requirement to revise the CSP, and did not require nor add specific design guidelines for residential uses/buildings.

When CSP-98012-02 was approved, residential development had already commenced at the National Harbor property. Staff concur that the effect of the wording of Condition 2 of CSP-98012-02, to require a DSP in situations with compatible development, residential adjacent to residential, was not the intent. The CSP approval already includes buffering provisions adjacent to all existing residential lots, including a minimum 40-foot buffer zone and a 75-foot building restriction line, which remain in effect regardless of the requirement for a DSP.

Therefore, staff concur with the applicant's revised Condition 2. However, staff's recommended condition differs from the applicant's requested wording because it does not allow for the required DSP to be approved by the Planning Board's designee, as the original Condition 31.a. does not allow for that designation. Regarding the findings, staff recommend that Finding 8 be revised to clarify that a DSP is required only for nonresidential buildings.

If the Planning Board approves the reconsideration, staff will prepare an amended resolution to reflect the amended conditions, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a Reconsideration of Conceptual Site Plan CSP-98012-02 (PGCPB Resolution No. 15-117), to **amend Condition 2, and amend Finding 8** as follows (deleted text indicated with [brackets] and ~~striketrough~~, new language/added text indicated with underline):

Amendment 1—Condition 2 (page 20):

2. Prior to the issuance of any building permit for a nonresidential structure placed within 100 feet of a residential lot (not owned by the applicant, its heirs, successors or assigns), ~~[shall be subject to DSP approval]~~ a detailed site plan for the property, which is the subject of the permit, shall be approved by the Prince George's County Planning Board.

Amendment 2—Finding 8 (page 10):

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

This condition remains intact, and a DSP will be required if any of the specified development is proposed, including any building, loading areas, service areas, exterior storage areas, and mechanical equipment within 100 feet of a residential lot (not owned by the applicant, the applicant's heirs, successors, or assignees). The Planning Board adopted a condition of approval that the CSP be revised to identify the 100-foot distance from the specified residential lots.

Any requirement for a Detailed Site Plan on the Waterfront Parcel, except as required herein or by Condition No. 8, is waived.

The 3.14 acres of additional land area will be part of the Waterfront Parcel and will, therefore, not be required to submit a DSP, unless a nonresidential building is placed within 100 feet of a residential lot, or one of the types of development specified in Condition 31 is proposed.

[No further amendments to Finding 8]