



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

- A G E N D A -

THE PRINCE GEORGE'S COUNTY PLANNING BOARD

Regular Session

Thursday, January 11, 2024

10:00 AM

THE FOLLOWING ORDER OF AGENDA ITEMS IS FOR THE CONVENIENCE OF THE PLANNING BOARD AND IN NO WAY INDICATES THE ORDER IN WHICH CASES WILL BE CALLED. **ANYONE WISHING TO SPEAK AND/OR BECOME A PARTY OF RECORD MUST SIGN UP AND SUBMIT DOCUMENTATION BY 12:00 P.M. THE TUESDAY BEFORE THE MEETING BY VISITING OUR WEBSITE AT <http://pgplanning.org/812>.** PLEASE BE ADVISED THAT PERSONS WISHING TO SPEAK MAY BE SUBJECT TO TIME LIMITS AS DEEMED NECESSARY IN ORDER TO REASONABLY ACCOMMODATE ALL WHO WISH TO SPEAK. INDIVIDUALS WITH SPECIAL NEEDS ARE ASKED TO CONTACT THE PLANNING BOARD OFFICE AT 301/952-3560.

ATTENTION: In case of inclement weather, please call 301-952-5330 as to the status of the Planning Board meeting.

I. ADMINISTRATIVE ITEMS

Jessica Jones, Planning Board Administrator

1. Commissioners' Items - NONE
2. Draft Minutes of PGCPB Meeting – January 4, 2024
- 3A. Legislative Updates and Approval
STAFF RECOMMENDATION:
(BORDEN)
- 3B. Executive Session - NONE

II. CONSENT AGENDA

All items listed under the Consent Agenda have been distributed to each member of the Planning Board for review, are considered to be routine, and will be acted upon by one motion. There will be no discussion of these items as it has been indicated that there is no opposition to the staff's findings or recommendation. If discussion is desired, or if there is opposition to the recommendation, that item will be removed from the Consent Agenda and considered separately. NOTE: IT IS THE RESPONSIBILITY OF THE APPLICANT AND OTHER PERSONS OF RECORD TO BE PREPARED TO DISCUSS ON THIS SAME DATE ANY ITEM THAT IS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

THE FOLLOWING ITEMS WILL BEGIN AT 10:00 A.M.

4A. SUBDIVISION SECTION ITEMS (Inquiries call 301-952-3530)

DRAFT RESOLUTIONS -NONE

4B. URBAN DESIGN SECTION ITEMS (Inquiries call 301-952-3530)

DRAFT RESOLUTIONS - NONE

4C. ZONING SECTION ITEMS (Inquiries call 301-952-3530)

DRAFT RESOLUTIONS - NONE

4D. **5-22075 HILLEL AT THE UNIVERSITY OF MARYLAND, PARCEL 1**

Council District: 03

1 Parcel (0.87 acre)

NAC Zone (Prior Zone M-U-I/D-D-O), 4-17038 & DSP-17052

Fee-in-lieu: No

Located along Yale Avenue, 260 feet north of its intersection with College Avenue. (PA 66)

State of Maryland, Applicant

Soltesz, LLC, Engineer

Action must be taken on or before 1/27/2024.

STAFF RECOMMENDATION:

APPROVAL

(VATANDOOST)

[Staff Report.pdf](#)

III. REGULAR AGENDA

5. **ZMA-2022-005 HYDE LANDING**

NOTE: THIS ITEM WAS CONTINUED FROM THE PLANNING BOARD MEETING OF NOVEMBER 30, 2023.

Council District: 09 Municipality: None

Location: In the northwest and northeast quadrants of the intersection of MD 223 (Piscataway Road) and Steed Road.

Planning Area: 81B

Growth Policy Area: Established Communities

Zoning: LCD

Gross Acreage: 425.46 Date Accepted: 6/27/2023

Applicant: Hyde Field Acquisition LLC

Request: Zoning map amendment request to rezone the property from the LCD Zone to the R-PD Zone.

STAFF RECOMMENDATION:

APPROVAL of Request for Continuance to February 1, 2024
(LOCKHART)

[Memorandum.pdf](#)

[Power Point.pdf](#)

[Additional Material_01102024.pdf](#)

6. **CSP-98012-02 NATIONAL HARBOR**

NOTE: THIS ITEM MUST BE HEARD BEFORE ITEM 7 (REQUEST FOR RECONSIDERATION)

NOTE: By letter dated December 15, 2023, Andre Gingles is requesting a Waiver of the Planning Board Rules of Procedure for a reconsideration request submitted beyond 14 days of the final decision (Section 10a).

(TCP)

Council District: 08 Municipality: None

Location: On the west side of Oxon Hill Road, across from its intersection with Careybrook Lane.

Planning Area: 80

Growth Policy Area: Established Communities

Zone: M-X-T / R-M / R-R

Gross Acreage: 537.17 Date Received: 12/15/2023

Applicant: The Peterson Companies

STAFF RECOMMENDATION:
(KOSACK)

[Memorandum.pdf](#)

[Power Point.pdf](#)

[Back-up.pdf](#)

[Additional Material_01102024.pdf](#)

7. **CSP-98012-02 NATIONAL HARBOR**

NOTE: THIS ITEM MUST BE HEARD AFTER ITEM 6 (WAIVER OF THE RULES OF PROCEDURE). SEE CASE FILES UNDER ITEM 6.

NOTE: This Conceptual Site Plan was approved by the Planning Board on November 5, 2015 and the Resolution was mailed out on December 8, 2015. Andre Gingles requests a reconsideration hearing for Condition 2.

(TCP)

Council District: 08 Municipality: None

Location: On the west side of Oxon Hill Road, across from its intersection with Careybrook Lane

Planning Area: 80

Growth Policy Area: Established Communities

Zone: M-X-T / R-M / R-R

Gross Acreage: 537.17 Date Received: 12/15/2023

Applicant: The Peterson Companies

STAFF RECOMMENDATION:

DISCUSSION

(KOSACK)

FINAL PLAT OF SUBDIVISION **5-22075**

HILLEL AT THE UNIVERSITY OF MARYLAND, PARCEL 1

FINDING: IN CONFORMANCE WITH PRELIMINARY PLAN OF SUBDIVISION **4-17038**,
AND DETAILED SITE PLAN **DSP-17052**.

STAFF RECOMMENDATION: **APPROVAL**



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>

Zoning Map Amendment Hyde Landing

ZMA-2022-005

REQUEST		STAFF RECOMMENDATION	
<p>The applicant requests a continuance from the Planning Board hearing date of January 11, 2024, to February 1, 2024.</p> <p>To rezone the property from the Legacy Comprehensive Design (LCD) Zone to the Mixed-Use Planned Development (MU-PD) Zone.</p>		<p>APPROVAL of Continuance</p>	
<p>Location: In the northwest and northeast quadrants of the intersection of MD 223 (Piscataway Road) and Steed Road.</p>			
Gross Acreage:	425.46		
Zone:	LCD		
Prior Zone:	R-S and L-A-C		
Gross Floor Area:	N/A		
Dwelling Units:	1,288		
Planning Area:	81B		
Council District:	09		
Municipality:	N/A		
<p>Applicant/Address: Hyde Field Acquisition LLC 5265 Westview Drive, Suite 210 Frederick, MD 21703</p>			
<p>Staff Reviewer: Dominique Lockhart Phone Number: 301-952-3411 Email: Dominique.Lockhart@ppd.mncppc.org</p>		Planning Board Action Limit:	N/A
		Memorandum Date:	12/21/2023
		Date Accepted:	06/27/2023
		Informational Mailing:	03/09/2023
		Acceptance Mailing:	06/22/2023
		Sign Posting Deadline:	10/31/2023

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.



December 21, 2023

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section *JDH*
Development Review Division

FROM: Dominique Lockhart, Planner III, Zoning Section
Development Review Division *DAL*

SUBJECT: **Zoning Map Amendment ZMA-2022-005**
Hyde Landing
Planning Board Agenda January 11, 2024 – Request for Continuance

In a memorandum dated December 19, 2023, the applicant's representative, Matthew Tedesco, requests a continuance of the Prince George's County Planning Board hearing date for the above-referenced application, from January 11, 2024, to February 1, 2024. The continuance is necessary to provide staff and the applicant with additional time to continue to review the revised application submittal and respond to any comments. The requested zone of the application is being revised from Mixed-Use Planned Development (MU-PD) to Residential Planned Development (R-PD). In addition, the continuance will provide more time for the applicant to continue to meet and work with the Hyde Landing Stakeholder Committee (HLC), which is a self-created group of various community leaders in the area of the subject property, that the applicant has been meeting with for many months.

Staff agree with the newly proposed hearing date. If granted, additional postings will not be required. Although not technically required, the applicant will order new hearing signs that reflect the revised request for R-PD and the February 1, 2024, hearing date.

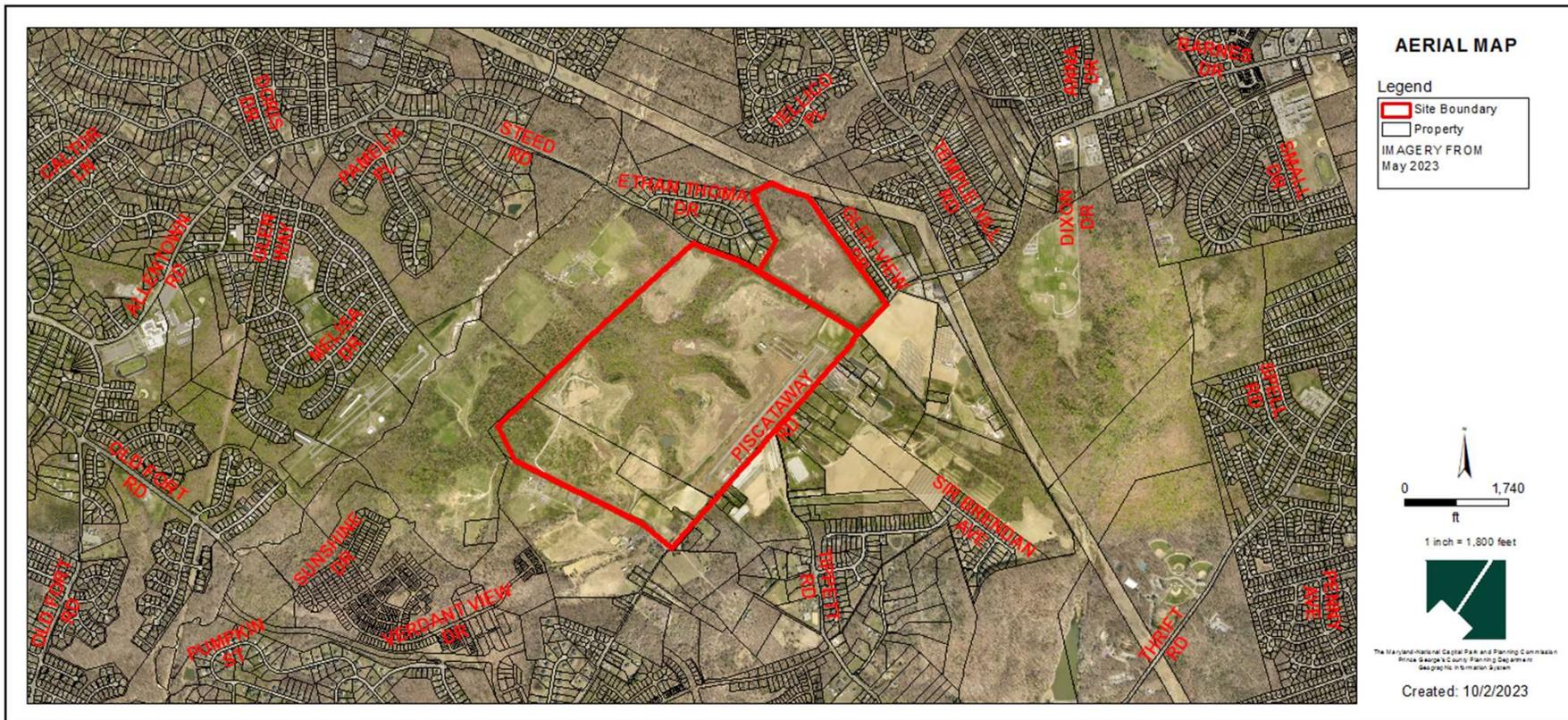
RECOMMENDATION

The Zoning Section recommends that the Planning Board APPROVE the request for continuance and schedule this application for the Planning Board hearing date of February 1, 2024.

HYDE LANDING

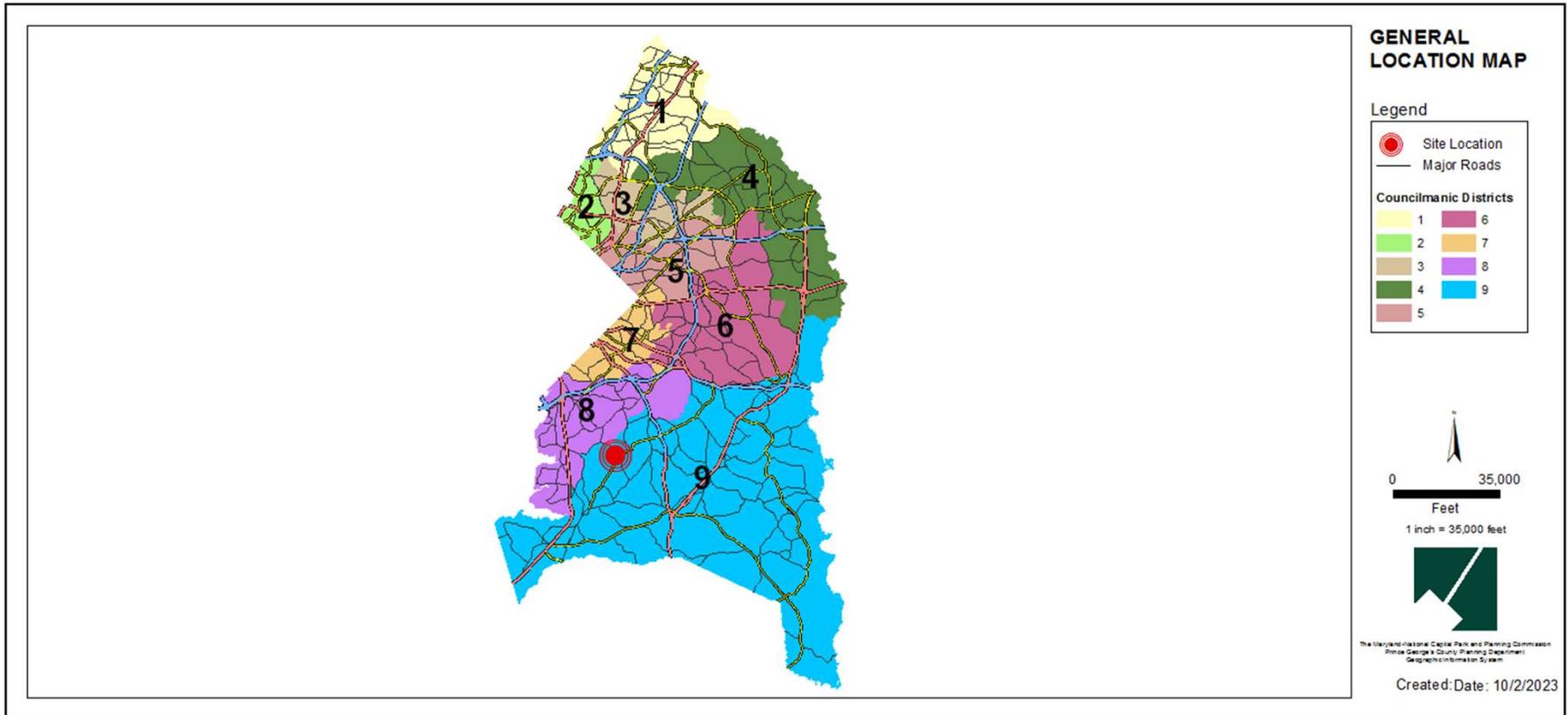
Zoning Map Amendment

Staff Recommendation: APPROVAL of continuance

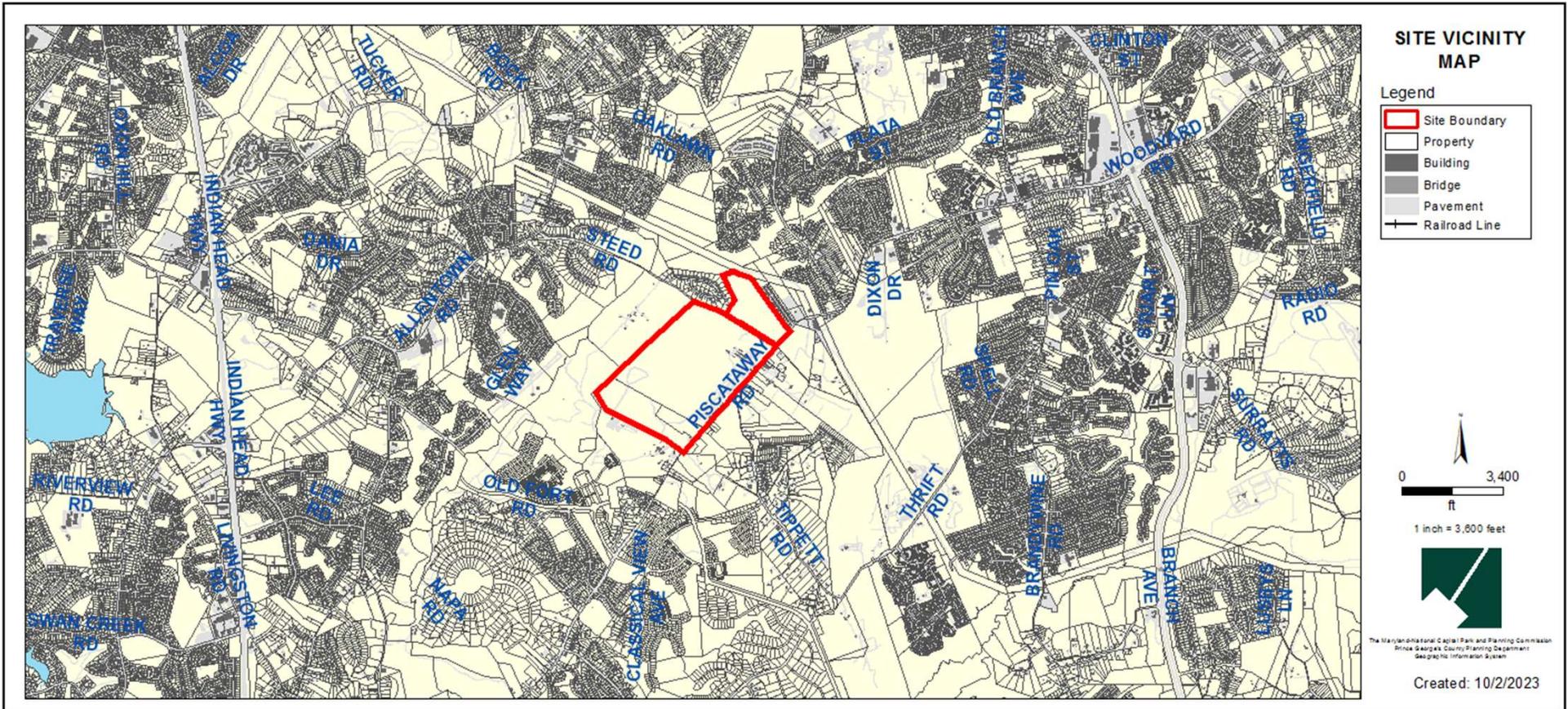


GENERAL LOCATION MAP

Council District: 09
Planning Area: 81B



SITE VICINITY MAP

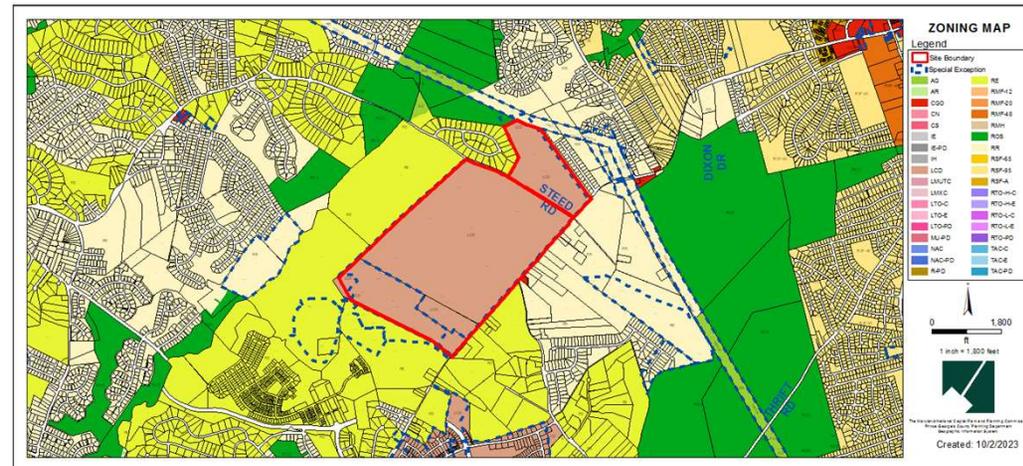
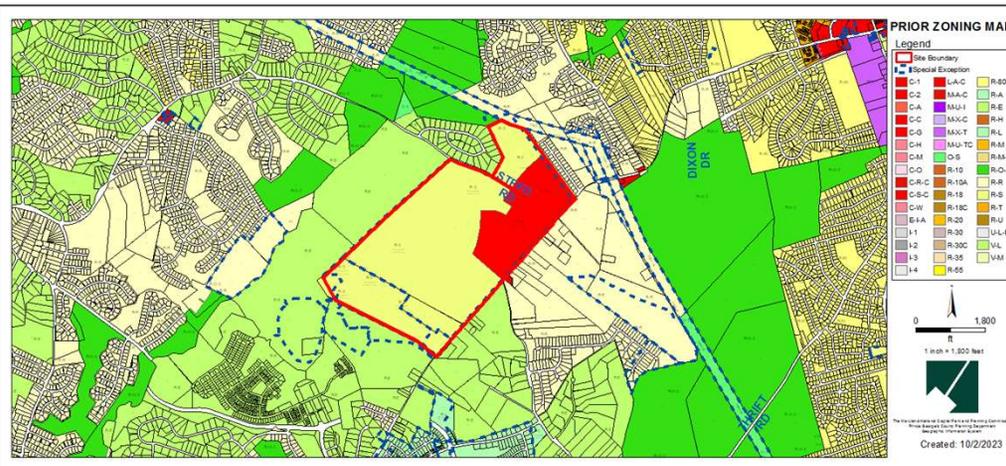


ZONING MAP (PRIOR AND CURRENT)

Property Zone: LCD

PRIOR ZONING MAP

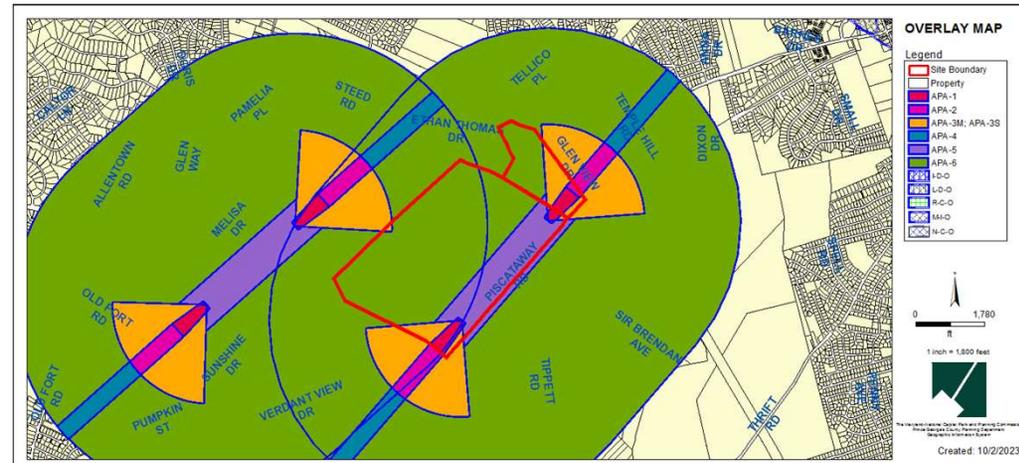
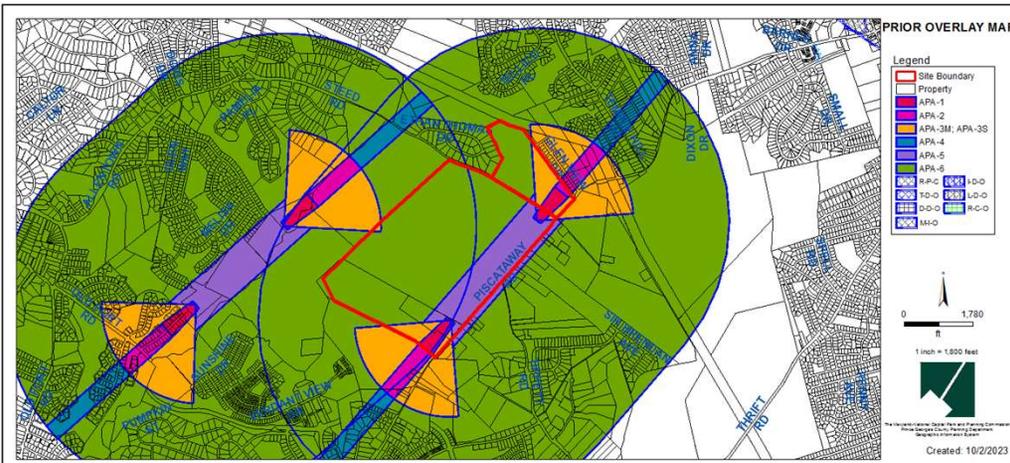
CURRENT ZONING MAP



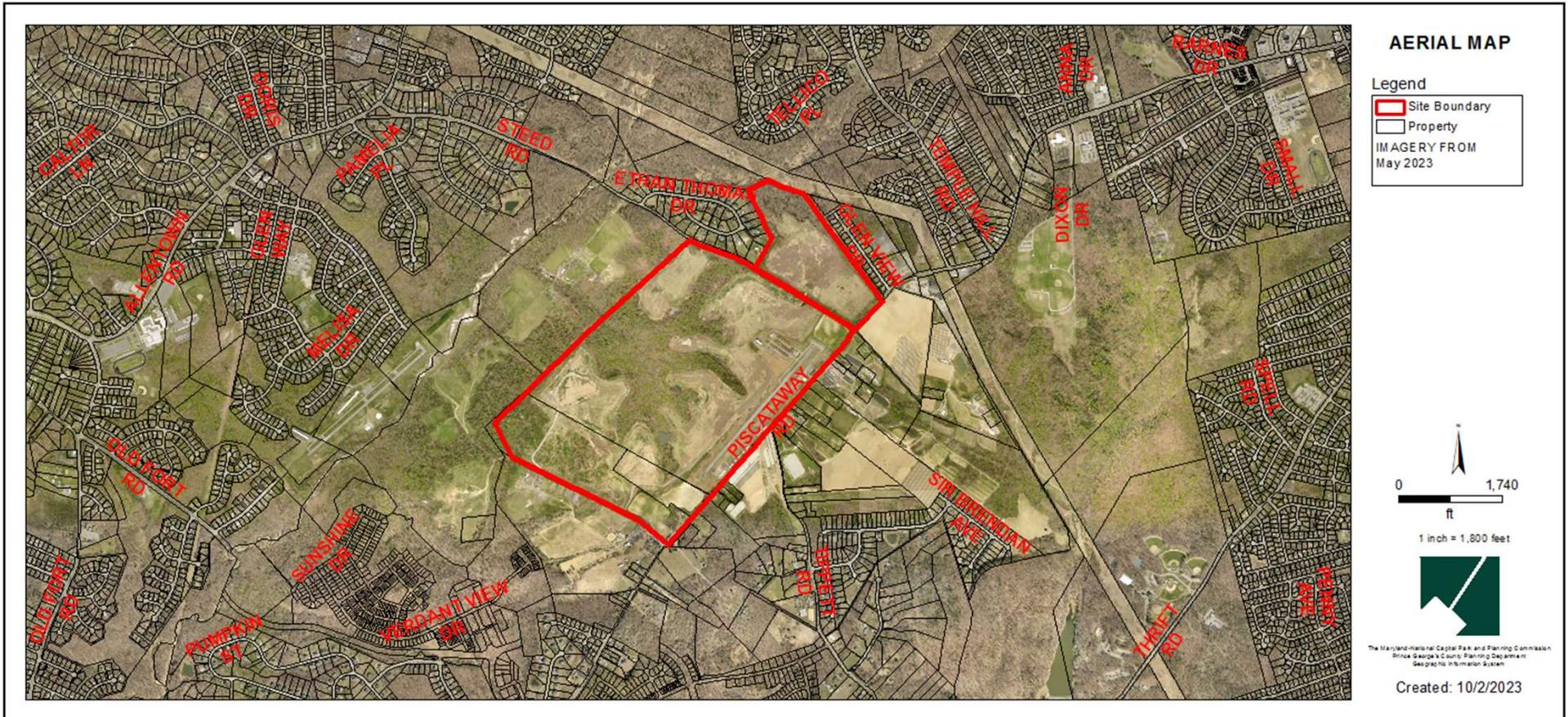
OVERLAY MAP (PRIOR AND CURRENT)

PRIOR OVERLAY MAP

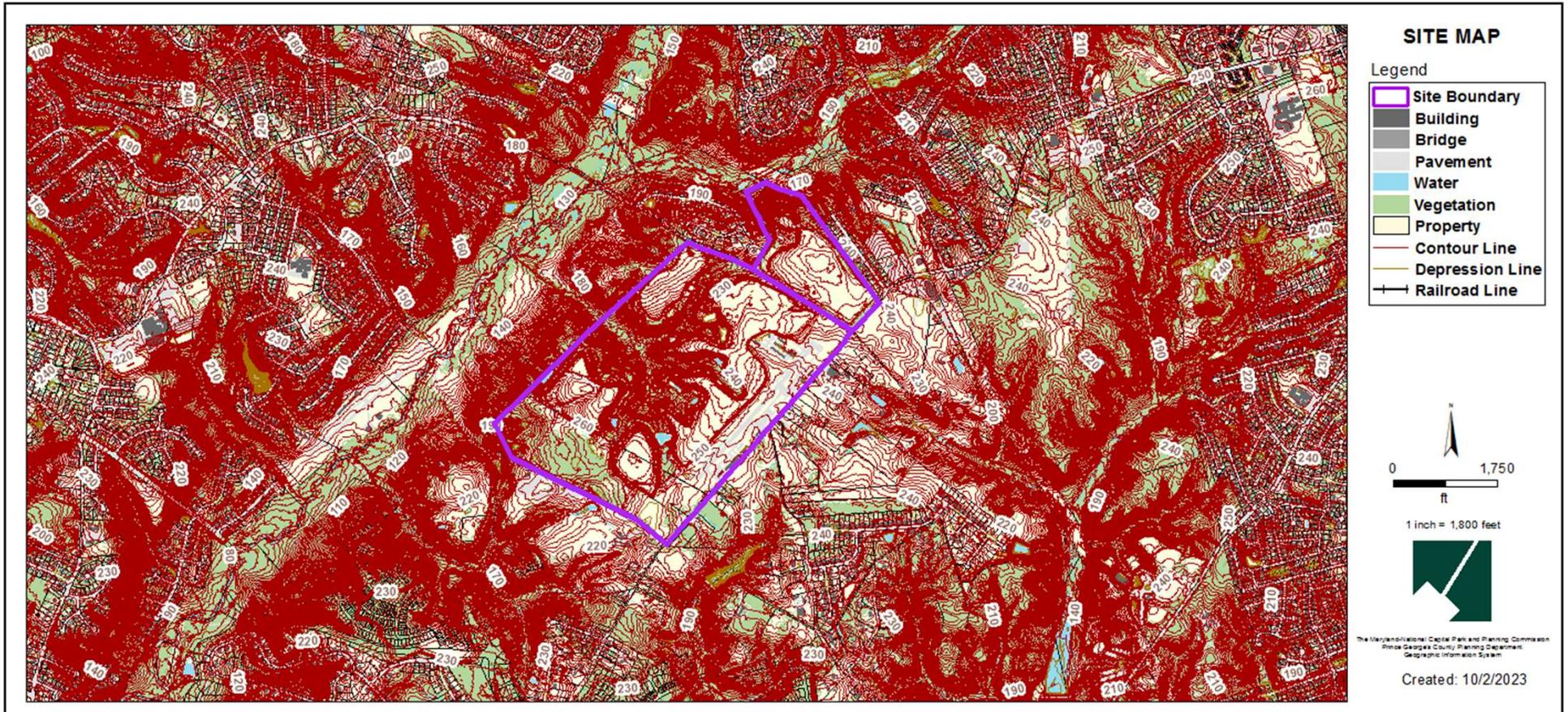
CURRENT OVERLAY MAP



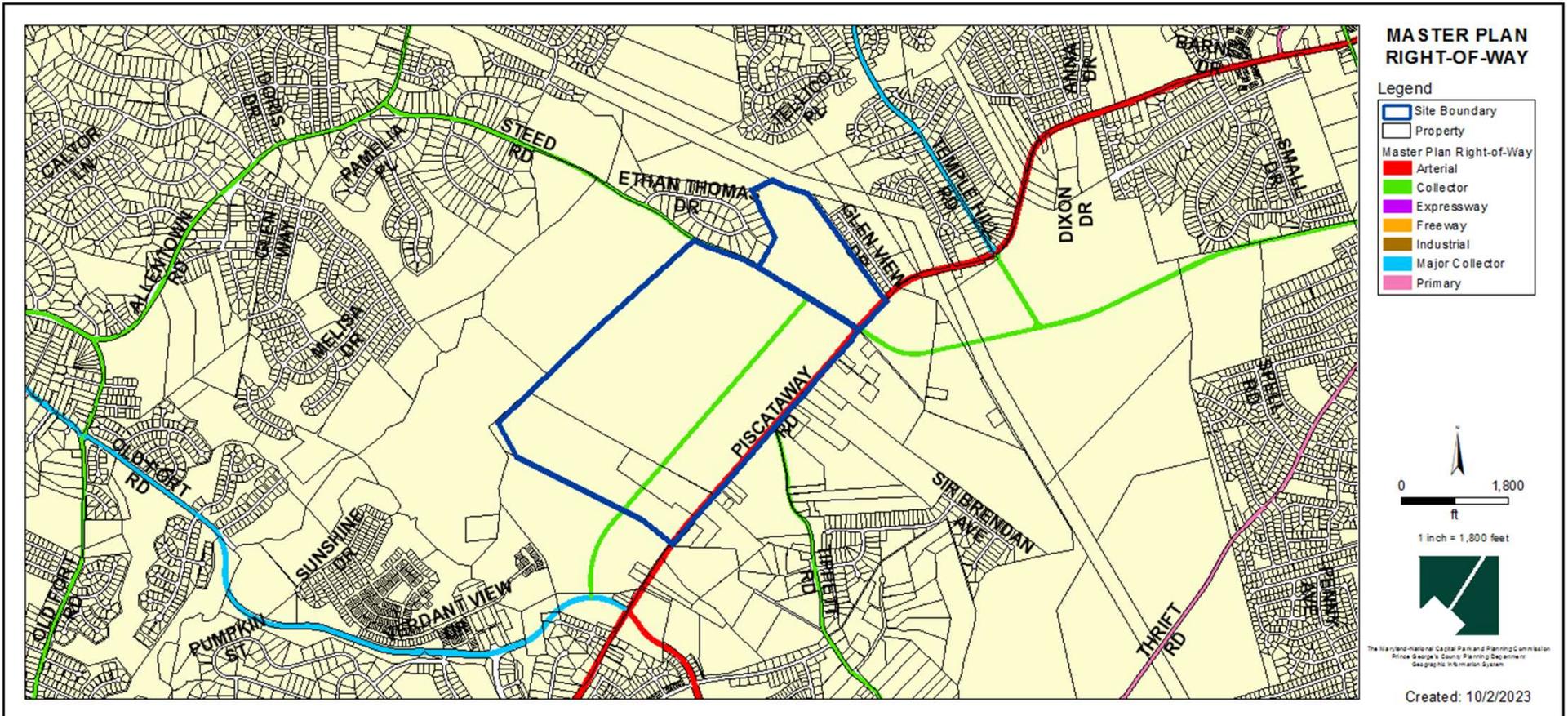
AERIAL MAP



SITE MAP



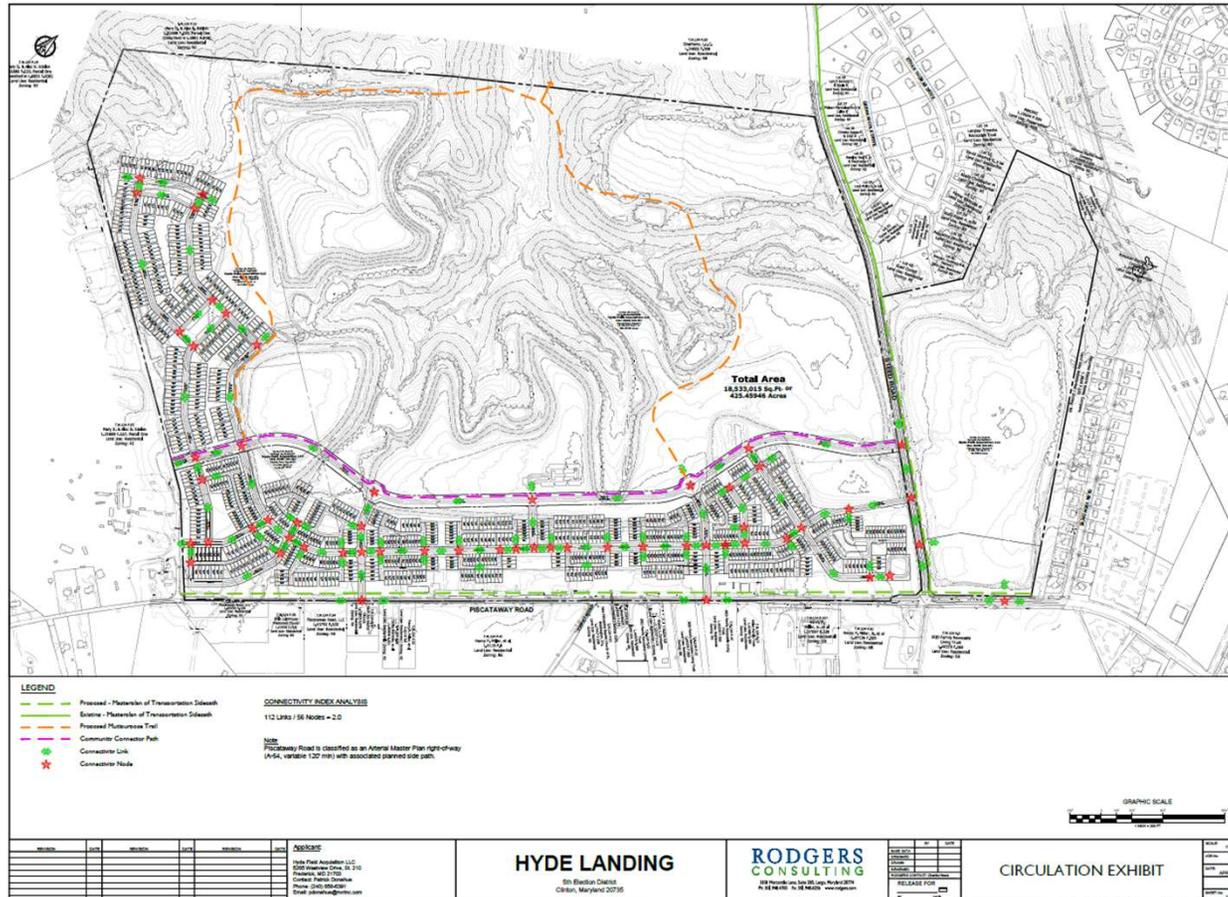
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



CIRCULATION EXHIBIT

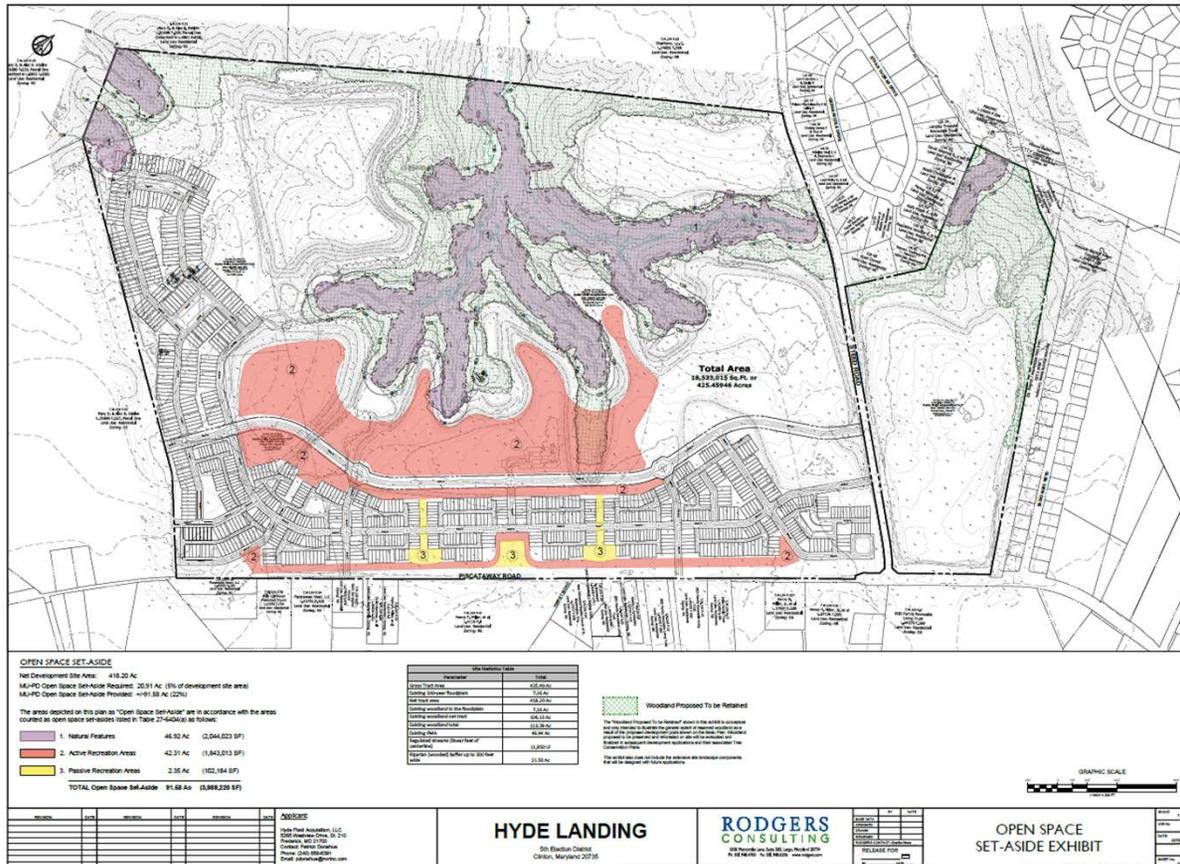


Item: 5

1/11/2024 (Continuance from 11/30/2023)

Slide 12 of 15

OPEN SPACE SET-ASIDE EXHIBIT



STAFF RECOMMENDATION

APPROVAL of continuance

- ZMA-2022-005

Major/Minor Issues:

- None

Applicant Required Mailings:

- Informational Mailing: 03/9/2023
- Acceptance Mailing: 06/22/2023

Additional Back-up

For

**ZMA-2022-005
Hyde Landing**

From: [Dennis Briggs - djbriggs13@gmail.com](mailto:djbriggs13@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 1:51:45 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Shapiro,

Dear Planning Board Commissioners:

I am writing in support of the Hyde Landing project in Clinton, Maryland, specifically emphasizing its potential to help address critical infrastructure challenges, particularly concerning long-standing infrastructure concerns in the local area that include the Piscataway Road (MD 223) and Steed Road intersection and the Brandywine Road and MD 223 intersection.

The proposed redevelopment of Hyde Landing outlines important improvements that will begin to help address the infrastructure issues in the area, including additional turning lanes, expanded road capacities, bike lanes, and pedestrian-friendly walkways. The Hyde Landing project will be a catalyst to helping to improve infrastructure, enhance safety, and ensure smoother vehicular flow in our community.

While there are many other benefits associated with the Hyde Landing project, given the urgent need for a project that will enhance and provide a major impact on improving community safety and mobility, I respectfully urge the Planning Board to support and recommend approval for the Hyde Landing project (ZMA-2022-005).

Thank you for your attention to this crucial matter.

Sincerely,

Dennis Briggs

Brandywine, Maryland

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Dear Commissioner Washington,

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Thank you for your attention to this crucial matter.

Sincerely,

Justin Schisler

Brandywine, Maryland

From: [Justin Schisler - schisler26@gmail.com](mailto:Justin.Schisler-schisler26@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 1:51:57 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Commissioner Geraldo,

Dear Planning Board Commissioners:

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Sincerely,

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From: [Collin Tarbox - ctarbox0@gmail.com](mailto:ctarbox0@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 1:51:58 PM

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To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 1:52:07 PM

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Dear Commissioner Doerner,

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Sincerely,

Justin Schisler

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From: [Aubrey Briggs - aebriggs13@gmail.com](mailto:aebriggs13@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 1:52:16 PM

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Date: Friday, January 5, 2024 1:52:18 PM

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Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 1:52:19 PM

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From: [Tony De Mino - tony@plusonemasonry.com](mailto:Tony.De.Mino@plusonemasonry.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:22:26 PM

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Dear Vice Chair Bailey,

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Sincerely,

Tony De Mino

Largo, Maryland

From: [Tony De Mino - tony@plusonemasonry.com](mailto:Tony.De.Mino@plusonemasonry.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:22:26 PM

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To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:22:28 PM

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Dear Chair Shapiro,

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Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:22:28 PM

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From: [Tony De Mino - tony@plusonemasonry.com](mailto:Tony.De.Mino@plusonemasonry.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:22:29 PM

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Tony De Mino

Largo, Maryland

From: [Jeff Huber - lunaconcrete@gmail.com](mailto:Jeff.Huber-lunaconcrete@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:26:49 PM

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Sincerely,

Jeff Huber

Upper Marlboro, Maryland

From: [Jeff Huber - lunaconcrete@gmail.com](mailto:Jeff.Huber-lunaconcrete@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:26:46 PM

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Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:26:47 PM

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Subject: Re: Hyde Landing ZMA-2022-005
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From: [Marco Acuna - mas.construction.inc67@gmail.com](mailto:Marco.Acuna-mas.construction.inc67@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Saturday, January 6, 2024 5:02:22 PM

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Dear Chair Shapiro,

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Sincerely,

Marco Acuna

Hyattsville , Maryland

From: [Marco Acuna - mas.construction.inc67@gmail.com](mailto:Marco.Acuna-mas.construction.inc67@gmail.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Saturday, January 6, 2024 5:02:22 PM

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Subject: Re: Hyde Landing ZMA-2022-005
Date: Friday, January 5, 2024 2:26:45 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Shapiro,

Dear Planning Board Commissioners:

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Thank you for your attention to this crucial matter.

Sincerely,

Jeff Huber

Upper Marlboro, Maryland

From: [Teresa Luna - tluna@lunaconcreteinc.com](mailto:tluna@lunaconcreteinc.com)
To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Monday, January 8, 2024 5:56:06 PM

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Dear Commissioner Washington,

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To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Tuesday, January 9, 2024 11:17:52 AM

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To: [PPD-PGCPB](#)
Subject: Re: Hyde Landing ZMA-2022-005
Date: Tuesday, January 9, 2024 11:37:24 AM

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Pauline C

Laurel, Maryland

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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 CSP-98012-02 Waiver of the Rules of Procedure and Reconsideration Request National Harbor

REQUEST	STAFF RECOMMENDATION
Waiver of the Rules of Procedure and Reconsideration Request	Discussion

<p>Location: Located on the west side of Oxon Hill Road, across from its intersection with Careybrook Lane.</p>																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Gross Acreage:</td> <td>537.17</td> </tr> <tr> <td>Zone:</td> <td>RTO-L-C/RTO-L-E/RR</td> </tr> <tr> <td>Prior Zone:</td> <td>M-X-T/R-M/R-R</td> </tr> <tr> <td>Reviewed per prior Zoning Ordinance:</td> <td>Section 27-1704 (e)</td> </tr> <tr> <td>Gross Floor Area:</td> <td>7,325,000 sq. ft.</td> </tr> <tr> <td>Dwelling Units:</td> <td>Up to 2,500</td> </tr> <tr> <td>Planning Area:</td> <td>80</td> </tr> <tr> <td>Council District:</td> <td>08</td> </tr> <tr> <td>Municipality:</td> <td>None</td> </tr> </table>	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	
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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.



December 22, 2023

MEMORANDUM

TO: The Prince George's County Planning Board

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

VIA: James Hunt, Chief, Development Review Division 

SUBJECT: **Conceptual Site Plan CSP-98012-02
Waiver of the Rules of Procedure and Reconsideration Request
National Harbor**

By letter dated December 15, 2023, Andre Gingles, representing the applicant, The Peterson Companies, LLC, requested a waiver of the Prince George's County Planning Board's Rules of Procedure, which requires that a reconsideration request be submitted no less than 14 calendar days after the date of notice of the final decision (Section 10(a)). The resolution of approval for Conceptual Site Plan CSP-98012-02 (PGCPB Resolution No. 15-117) was adopted by the Planning Board on December 3, 2015. Suspension of the Planning Board's rules requires the concurring vote of four members of the Board (Section 12(a)). If the Planning Board grants the requested waiver, the applicant specifically requests reconsideration of Condition 2 of the resolution. Per Section 10(e) of the Rules of Procedure, reconsideration may only be granted if, in furtherance of substantial public interest, the Planning 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.

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.**

The relative finding indicated that this condition was in response to Condition 31.a. of the 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)*.**

When the original Condition 31.a. was drafted, residential uses were not permitted under the “Waterfront Entertainment Retail Complex” use, pursuant to 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 the 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 and included townhouses approved within the 100-foot setback of Condition 31.a. of CSP-98012-02.

The applicant’s proposed revision to Condition 2 is given in the November 20, 2023, statement of justification (SOJ), requesting the reconsideration. The applicant asserts that this request is due to inadvertence and error in the drafting of Condition 2, as several words were deleted from the original Condition 31.a., and it was not modified to consider the residential uses now permitted on the property. Additionally, the applicant asserts that the effect of the wording of Condition 2 of CSP-98012-02, to apply such a large setback to compatible development, residential adjacent to residential, was inadvertent and worthy of reconsideration. The applicant asserts that the continuation of residential development, with the compatibility and setbacks already established on-site, which includes a minimum 40-foot buffer zone as shown on the approved CSP-98012-02, is good cause to allow for reconsideration and subsequent appropriate modification of Condition 2 of CSP-98012-02.

If the Planning Board grants the applicant’s request for a waiver and reconsideration, staff will provide an analysis on the merits of the request at a later Planning Board hearing.

NATIONAL HARBOR

Conceptual Site Plan

Waiver of the Rules of Procedure and Request for Reconsideration

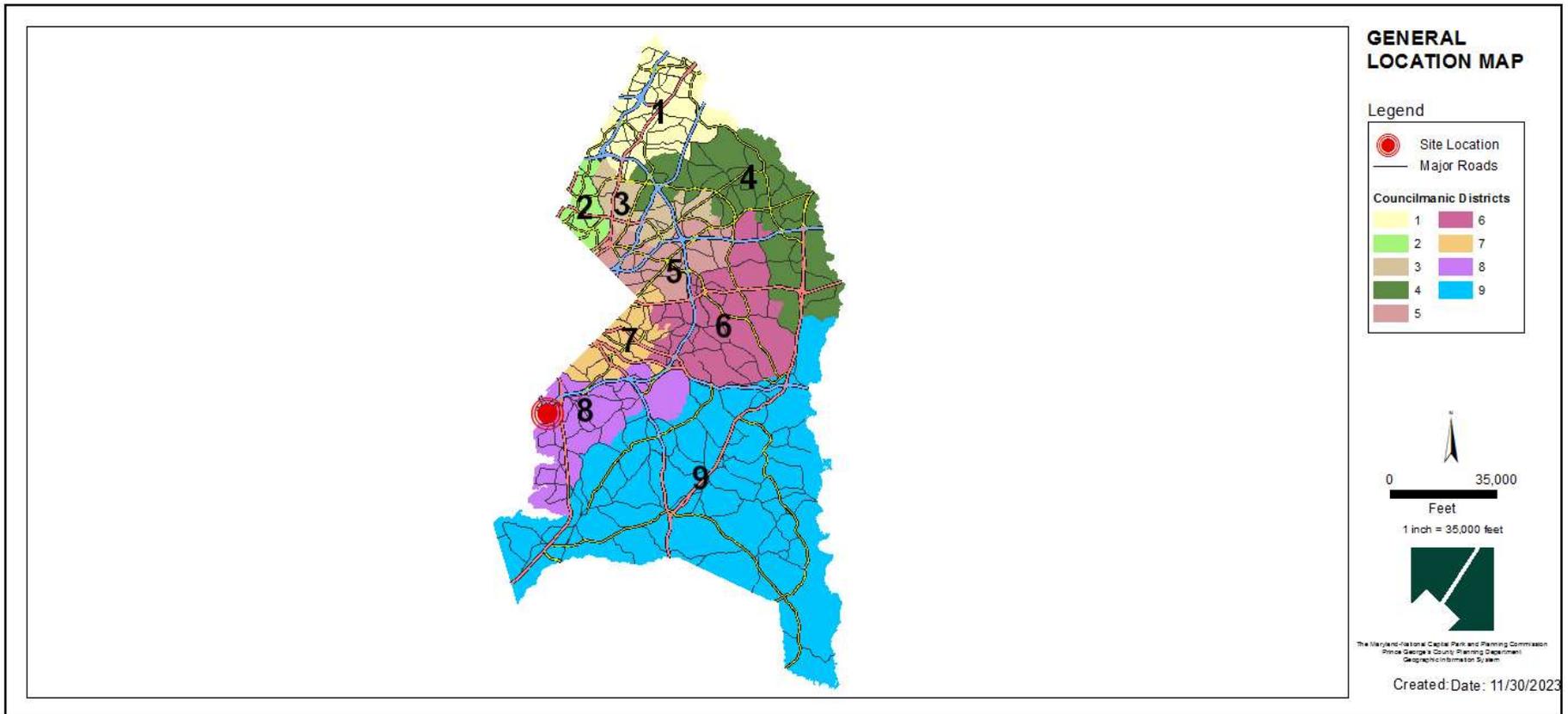
Staff Recommendation: DISCUSSION



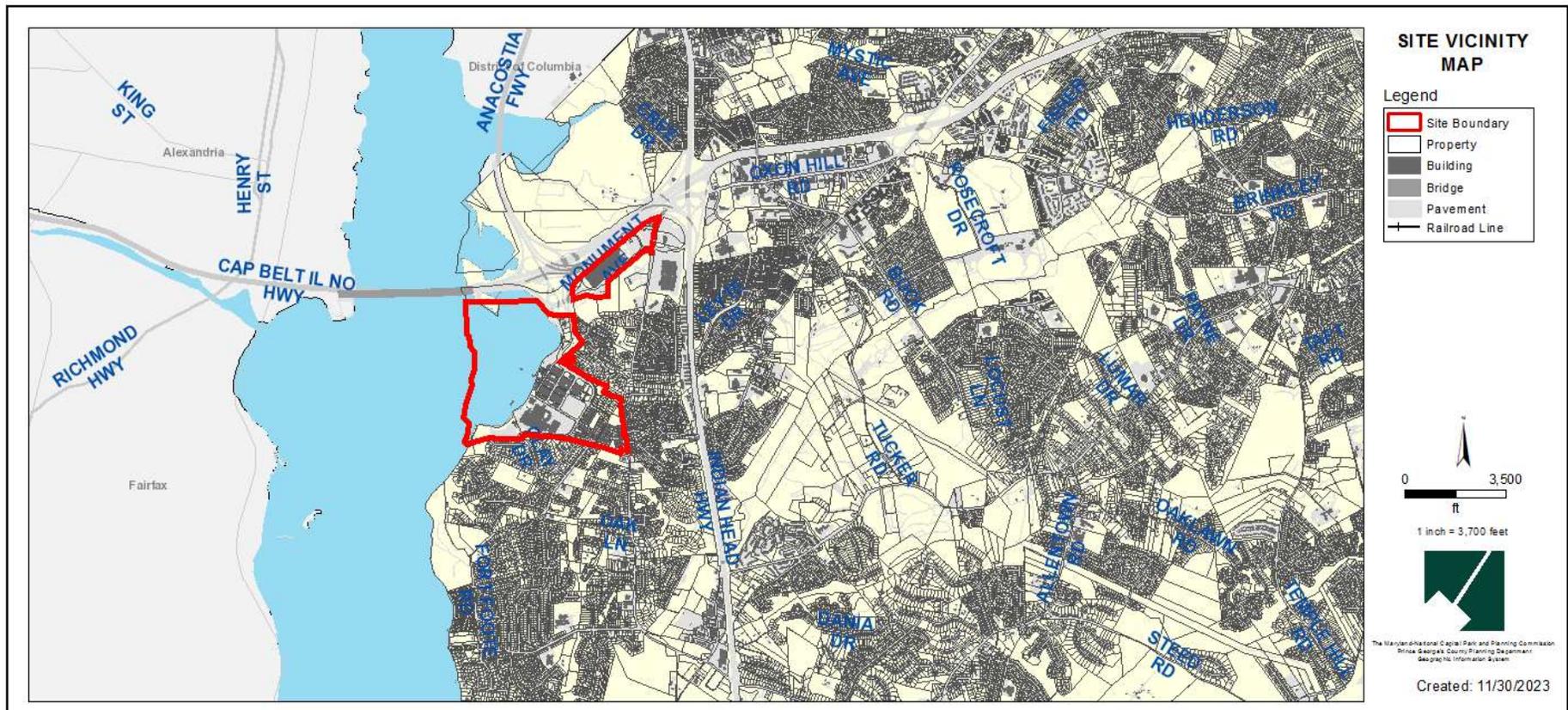
GENERAL LOCATION MAP

Council District: 08

Planning Area: 80



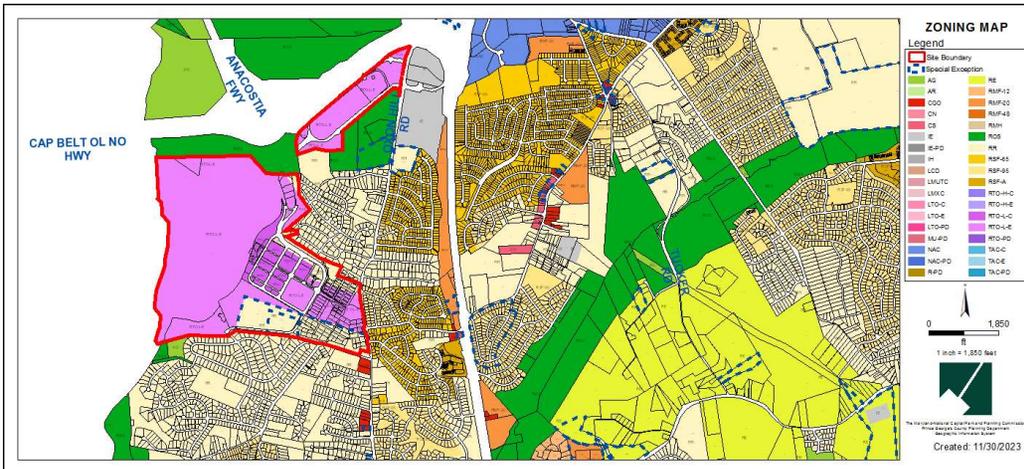
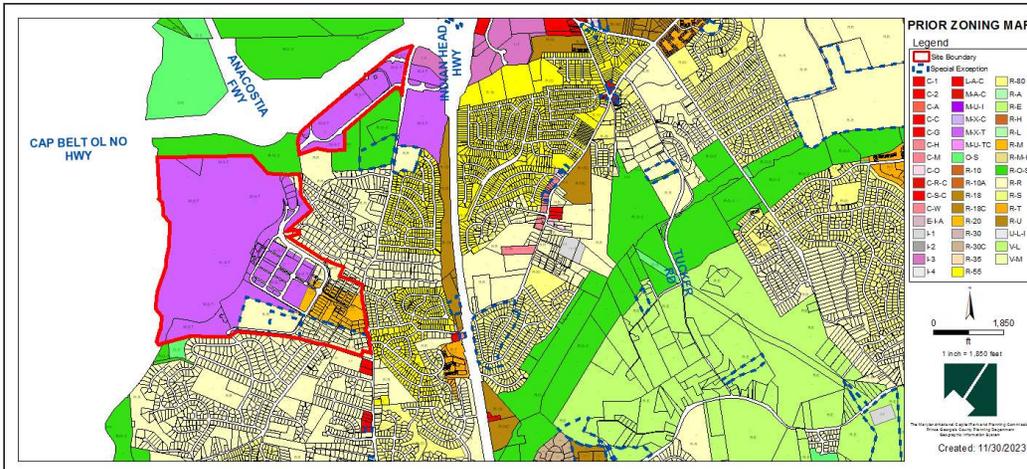
SITE VICINITY MAP



ZONING MAP (PRIOR & CURRENT)

Current Zone: RTO-L-C/RTO-L-E/RR

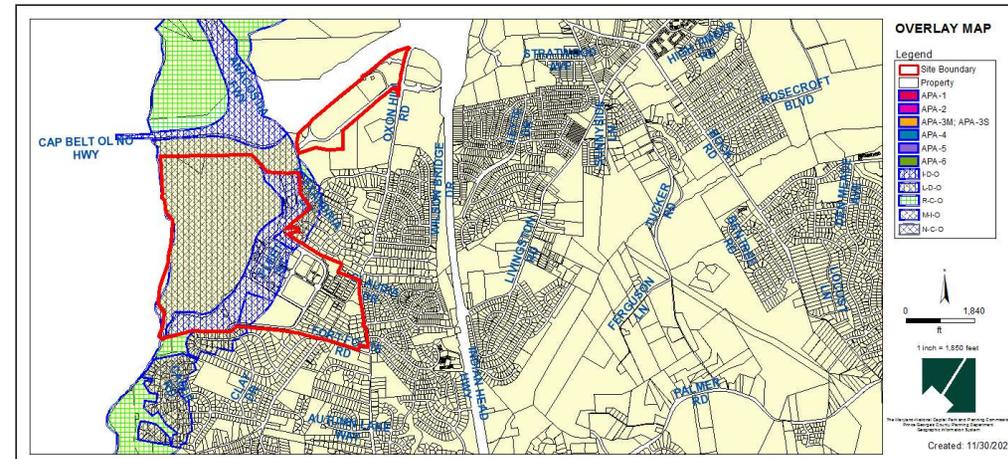
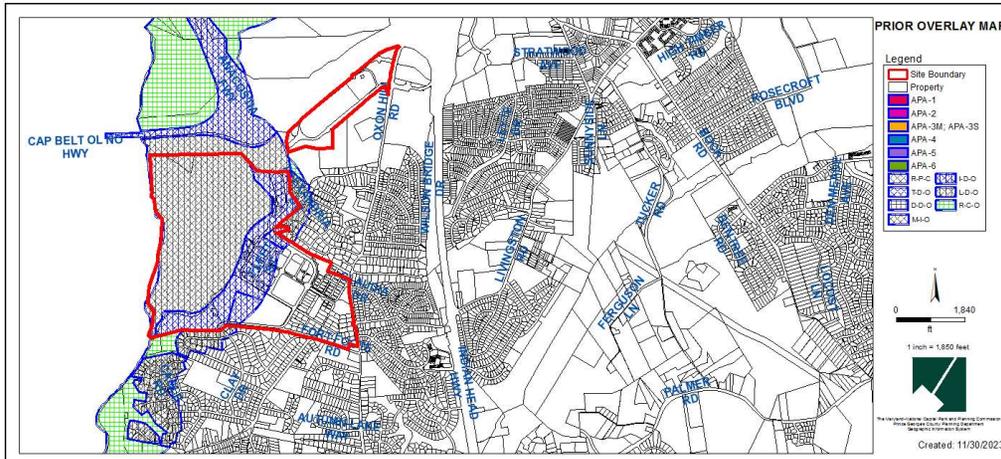
Prior Zone: M-X-T/R-M/R-R



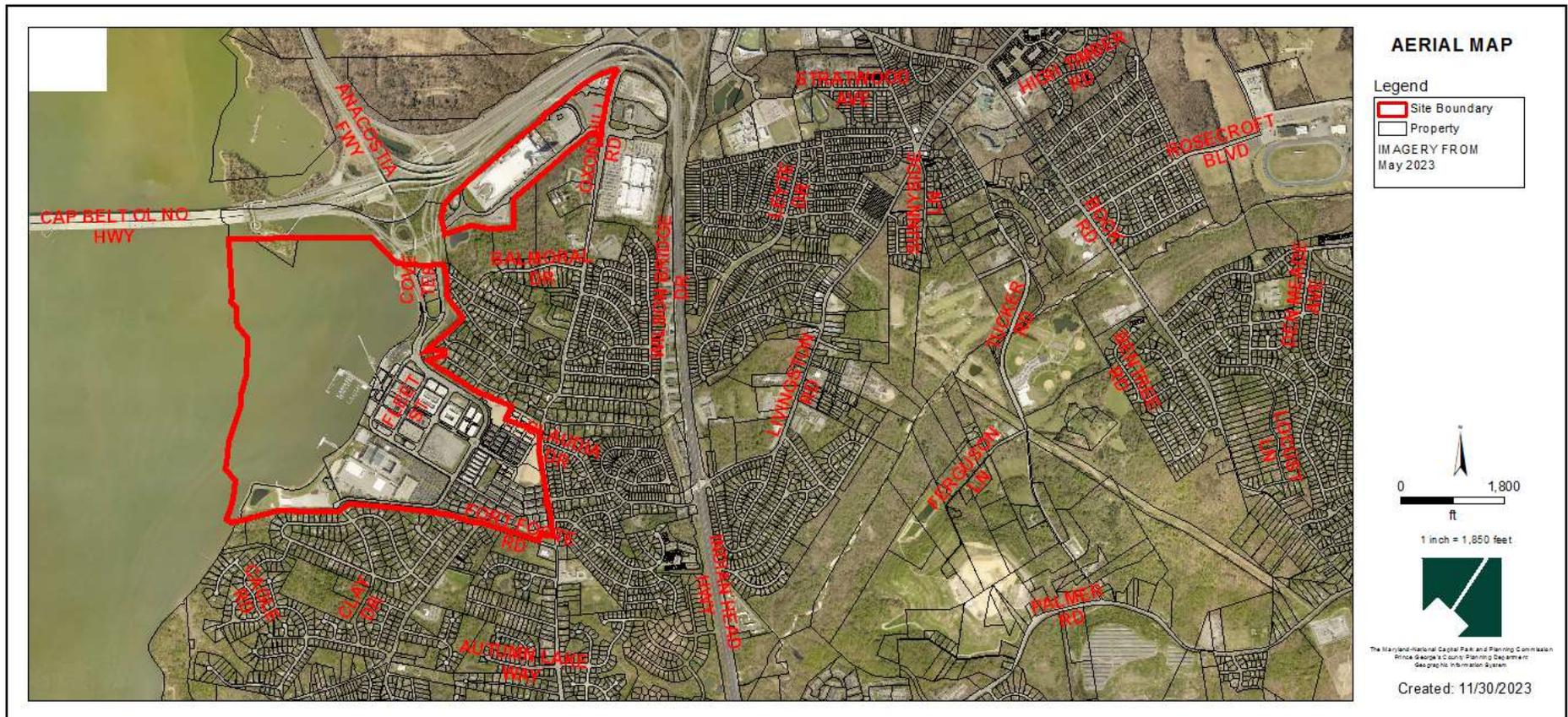
OVERLAY MAP (PRIOR & CURRENT)

Current Zone: I-D-O

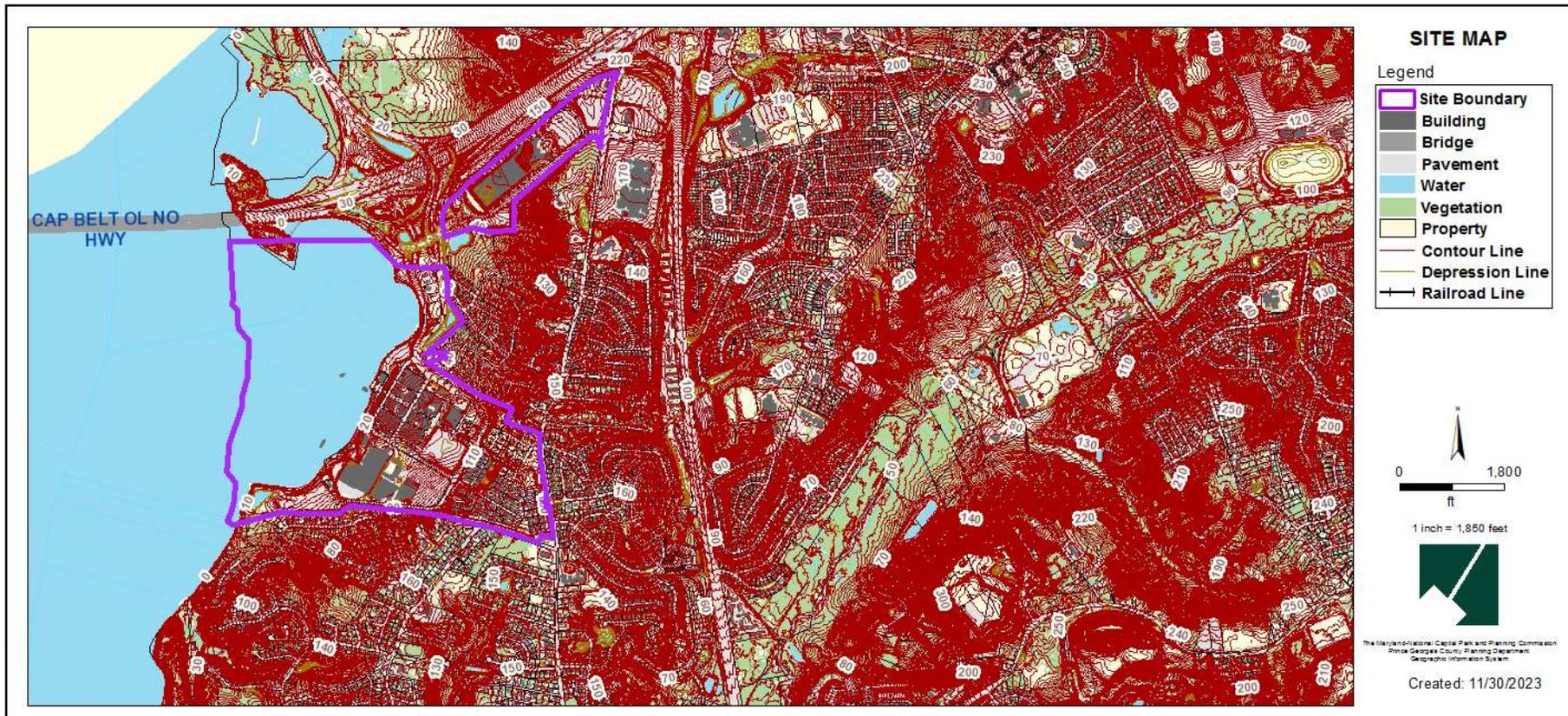
Prior Zone: I-D-O



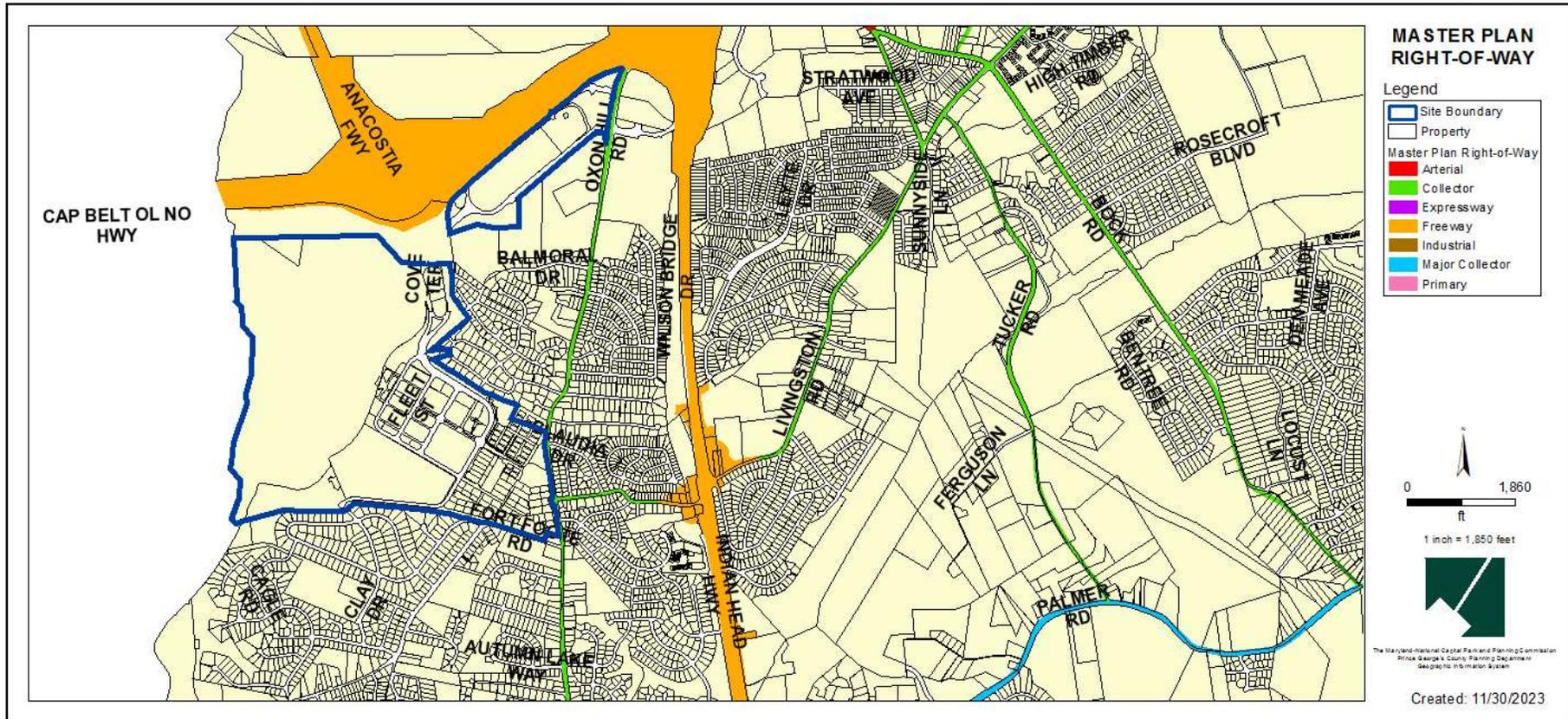
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



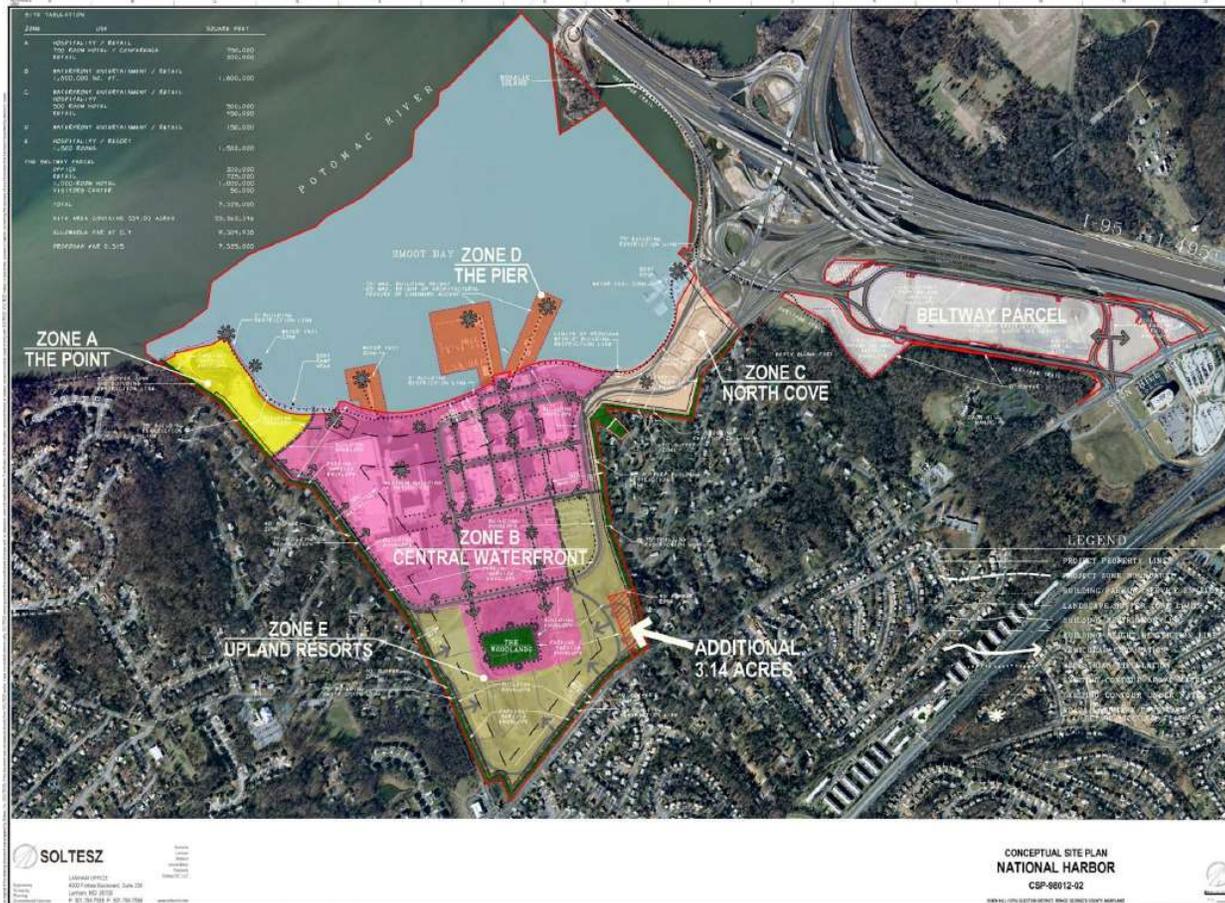
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



CSP PROPERTY BOUNDARY



OVERALL CONCEPTUAL SITE PLAN



ENLARGED ADDITIONAL AREA



STAFF RECOMMENDATION

DISCUSSION

Issues:

- N/A

Applicant Required Mailings:

- Applicant: 11/20/23
- Staff: 12/4/23



GINGLES, LLC

December 15, 2023

Peter A. Shapiro, Chairman
Prince George's County Planning Board
County Administration Building, 4th Floor
Upper Marlboro, Maryland 20772

Re: Request For Reconsideration
CSP 98012-02 National Harbor

Dear Mr. Chairman:

The Peterson Companies (the "Applicant") is the developer and owner of real property located south of the Capitol Beltway and West of Oxon Hill Road and National Harbor Boulevard ("National Harbor Property"). The purpose of this correspondence is to provide sufficient justification to the Prince George's County Planning Board (the "Board") for the reconsideration of Condition 2 contained in the Conceptual Site Plan ("CSP"), CSP-98012-02 and to request the Board to suspend its Rules of Procedure pursuant to Sections 10 and 12 of the Board's Rules of Procedure ("Rules"),

Development, construction, and operations have continuously occurred on the National Harbor Property since 2004. The National Harbor Property was previously subject to a CSP approved April 23, 1998, CSP-98012 ("Initial CSP"). On November 5, 2015, an amendment to the Initial CSP was approved, CSP-98012-02. CSP 98012-02 was approved by the Board subject to conditions, including Condition No. 2, which is a modified version of Condition No. 31(a) of the Initial CSP. The Applicant is seeking a request for reconsideration of CSP 98012-02 to modify the language of Condition No. 2 of CSP-98012-02.

The Initial CSP, Condition No. 31(a), required the Applicant to submit a Detailed Site Plan ("DSP") to:

"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, any building within 100 feet of a residential lot (not owned by the applicant, its heirs,

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successor or assigns), including loading areas, service areas, exterior storage areas, and mechanical equipment.”

The language submitted by the Applicant at that time of the Initial CSP expressed a variety of commercial, entertainment, retail, hospitality, and service uses that would occur on the Waterfront Entertainment/Retail Complex (“Waterfront Parcel”). In accordance with CB-44-1997, a Waterfront Entertainment/Retail Complex is “a contiguous land assemblage, fronting the Potomac River, and developed with an array of commercial lodging, recreational, entertainment, social, cultural, or similar uses which are interrelated by one or more themes.” **Residential uses were not permitted under the “Waterfront Entertainment Retail Complex” use pursuant to CB -44-1997.** Hence the Initial CSP was approved without mention, contemplation, or consideration of residential uses, guidelines for, or the placement of the same. However, references to residential use were added by the enactment of CB-20-2005, a subsequent text amendment to the then Zoning Ordinance. CB-20-2005 eliminated the need to amend the CSP to include residential uses and did not require nor add specific design guidelines for residential uses/buildings.

As noted above, residential uses were not permitted within a Waterfront Entertainment Retail Complex during the review and approval of the Initial CSP. We note the Initial CSP approval included certain findings regarding the existing residential property that was on the perimeter of the property made part of the CSP application. Such findings included:

- a. Page 10—“Each of the existing residences will be buffered from National Harbor with a landscape strip a minimum of 40 feet wide which will contain a variety of plant material including shade, ornamental and evergreen trees.”
- b. Page 10—“...the scale of the proposed building program for National Harbor generally transitions from a lower scale at the interface of the residential areas to a larger scale at the center of the property where larger heights are allowed. For example, no buildings of any kind will be constructed around the perimeter of the entire Waterfront Parcel within 75 feet of the property line.”
- c. Page 20—“National Harbor, because it will be an intensely developed commercial enterprise, adjacent to medium density residential development, must create significant buffers along most of its edges to protect residential uses...”
- d. Page 22—“...allows the District Council to waive the requirement for a Detailed Site Plan at the time it reviews the Conceptual Site Plan for a Waterfront Entertainment/Retail Complex if the District Council finds there are sufficient design guidelines, compatible location of activities and uses and general safeguards to decrease or eliminate harmful impacts on adjacent property, while providing flexibility in design and development...Additionally, staff has included conditions requiring Detailed Site Plans for certain buildings near adjacent residential homes.”
- e. Page 48—“The submitted CSP indicates greater than normal buffer zones and building restriction lines...”

It is clear the findings and conditions of the Initial CSP approval did not contemplate residential development within National Harbor Property. The Zoning Ordinance under which the Initial CSP was approved required a 50-foot side yards in the largest County residential zone. The side yard would be 25 feet for the R-R zone, which zoning was part of the National Harbor Property and specifically part of the Waterfront Parcel. The County Landscape Manual has minimums of 60 feet for buildings and 50 feet for landscape buffers in instances of the most incompatible uses. The National Harbor Property's Initial CSP exceeds these minimums.

When CSP-98012-02 was approved, residential development had already commenced at the National Harbor Property and included townhouses approved within the 100-foot distance setback of Condition No. 31(a) of the Initial CSP. The Applicant contends that it was the intention of the Planning Board that Condition No. 31(a) would apply to non-residential buildings. The findings included in CSP-98012-02, referenced conditions in the Initial CSP including Condition No. 31(a), and found that the condition remains intact and in full force, Finding No (8). Condition No. 2, of CSP-98012-02, which is the subject of the Request for Reconsideration, stipulates that "Prior to the issuance of any building permit for a structure within 100 feet of a residential lot (not owned by the applicant, its heirs, successors or assigns) shall be subject to DSP approval". The Applicant asserts that the condition was modified and erroneously deleted several words that should have remained in the condition despite the expression in Finding No (8) stated above. During the Board's recent review of permits, Staff applied the 100-foot distance setback condition to some of the proposed townhouse dwellings, such condition had not been applied to previously approved permits for townhouse dwellings.

The Board has remained cognizant during the National Harbor Property review and approval processes to ensure the development of the National Harbor Property would not unduly and negatively impact the existing perimeter residential properties. Because residential was not contemplated nor allowed at the time of the Initial CSP, no effort was made to place residential uses adjacent to the existing residential—which design and planning would have created the compatibility expressed in the zoning map amendment applicable to the National Harbor Property. After the enactment of CB-20-2005, which allowed residential use, the Applicant developed the perimeter of the National Harbor Property with residential dwelling units, concurrent with a building setback that exceeds that of the Zoning Ordinance and Landscape Manual and shows evidence of conformity with the intent of Condition 31(a) of the Initial CSP, a condition which did not contemplate residential development in its inception.

The Applicant would assert the effect of the wording of Condition No. 2 of CSP-98012-02 to apply such a significant setback to compatible development—as evidenced by the Zoning Ordinance and Landscape Manual—was inadvertent—and worthy of reconsideration. The continuation of residential development with the compatibility and reasonable setbacks already established, Applicant asserts, is good cause to allow for reconsideration and subsequent appropriate modification of Condition No. 2 of CSP-98012-02.

As previously noted, some townhouses have been approved, constructed, and sold to buyers and these properties are within 100-foot distance setback. CB-20-2005 specifically negated the requirement for an amendment of the CSP to include the residential uses/buildings additionally it did not incorporate specific guidelines for those uses/buildings. However, after consultation with Staff, the Applicant concurs the appropriate course is to submit the Request for Reconsideration. In sum, Applicant asserts the condition was not intended to be applicable to residential uses/buildings when viewed in the context of the initial approval and subsequent amendment to the Zoning Ordinance allowing a Waterfront Entertainment/Retail Complex. Section 10(e) of the Planning Board's Rules of Procedure provide 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 Applicant's Request for Reconsideration meets this standard, and Condition 2 of CSP-98012-02 should be modified.

In light of the fact that CSP 98012-02 was approved several years ago and the conflict regarding Condition No. 2 of CSP-98012-02 has just been raised during recent permit review process, the Applicant is requesting that the Board consider a Suspension of the Rules, in accordance with Section 12(a) of the Rules, to consider the Applicant's request. Should the Board move favorably on the Suspension and Reconsideration, the Applicant would proffer a revised Condition No. 2, as follows:

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 DSP for the property which is the subject of the permit shall be approved by the Planning Board or its Designee.

Thank you for your attention to this matter and feel free to contact myself or Mr. Hatcher should there be questions.

Sincerely,



André Gingles
GINGLES, LLC

cc: Christopher Hatcher, Esquire
Prentiss Giboney, Esquire

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Suite 570
Laurel, MD 20707
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

PGCPB No. 15-117

File No. CSP-98012-02

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual 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 November 5, 2015 regarding Conceptual Site Plan CSP-98012-02 for National Harbor, the Planning Board finds:

1. **Request:** The subject application proposes 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.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/R-M/R-R	M-X-T/R-M/R-R
Use(s)	Waterfront Entertainment/Retail Complex	Waterfront Entertainment/Retail Complex
Total Gross Acreage	534.03	537.17
M-X-T	420.12	420.12
	(64.7 Beltway Parcel; 241.4 under water)	(64.7 Beltway Parcel; 241.4 under water)
R-M	36.61	36.61
R-R	77.30	80.44
Total Square Footage	7,325,000	7,325,000
Allowable FAR (as approved in CSP-98012)	9,304,938 sq. ft./0.4 FAR	
Total FAR (proposed in CSP-98012-02)	7,325,000 sq. ft./0.313 FAR	

3. **Location:** The subject property is located southwest of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210), west of Oxon Hill Road, and north of Fort Foote Road, in Planning Area 80 and Council District 8. The specified parcels being added to the development are located on the west side of Oxon Hill Road, opposite its intersection with Careybrook Lane.

4. **Surrounding Uses:** The entire property is generally bounded to the north by the public right-of-way of the Capital Beltway (I-95/495) and property owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Reserved Open Space (R-O-S) Zone; to the northeast by single-family detached residences in the Rural Residential (R-R) Zone; to the

east by the public right-of-way of Oxon Hill Road, with residential properties in the R-R, One-Family Detached Residential (R-80), and One-Family Detached Residential (R-55) Zones beyond; to the south by residential properties in the R-R Zone; and to the west by the Potomac River, with approximately 241.4 acres of property under Smoot Bay.

5. **Previous Approvals:** National Harbor has a long approval history and consists of two major land areas, the Waterfront Parcel and the Beltway Parcel. The R-R Zone represents the original zoning applied to the area when it first became subject to zoning authority in 1957. The subject 3.14 acres of additional property, zoned R-R, is not the subject of any previous zoning map amendments.

All properties zoned Mixed Use–Transportation Oriented (M-X-T) within the National Harbor development were rezoned through eight zoning map amendments approved in the 1980s and 1990s. The M-X-T Zone was originally approved for part of the National Harbor site with conditions in 1983 in response to six individual rezoning applications, A-5619, A 5620, A-5621, A-5635, A-5636, and A-9433, which were consolidated for a waterfront project proposal known as the Bay of America. The property proposed to be added to the CSP is zoned R-R and is located approximately 630 feet from the M-X-T-zoned property.

The 1984 Approved Subregion VII Sectional Map Amendment recognized the existing M-X-T and R-R Zones for this property. An addition to the M-X-T Zone at the northeast end of the property, along Oxon Hill Road, was approved with conditions by application A-9593 in 1986, in conjunction with a second development proposal known as Port America, currently known as the Beltway Parcel.

The R-M Zone on the southeastern side of the property, near Oxon Hill Road, was approved with conditions by application A-9825 in 1990, also in conjunction with Port America.

In 1998, the Prince George’s County District Council affirmed the Prince George’s County Planning Board’s decision (PGCPB Resolution No. 98-110) on Conceptual Site Plan CSP-98012 for National Harbor for approximately 534 acres of land in the M-X-T, R-R, and R-M Zones.

In 2001, Preliminary Plan of Subdivision 4-01048 for the entire 534 acres was approved by the Planning Board pursuant to PGCPB Resolution No. 01-163.

On September 27, 2005, the Prince George’s County Council adopted Council Bill CB-20-2005 amending the definition of a waterfront entertainment/retail complex, to permit residential uses.

In April 2006, the *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (Henson Creek-South Potomac Master Plan and SMA) retained the subject site in the M-X-T, R-R, and R-M Zones.

In 2008, a revision to the CSP was submitted and approved at the Planning Director level for the purpose of adjusting the basic zones (A-E) of the development proposal.

6. **Design Features:** This revision to the CSP proposes to add three R-R-zoned parcels of land, Parcels 41, 42, and 71, to the property area. These R-R-zoned parcels are located at the east end of the existing CSP area, fronting on Oxon Hill Road, and will be part of the Waterfront Parcel. The intent, character, scope, amount, and types of the development, as previously approved, are not being revised with this application, only the land area. Due to the limited nature of the subject revision, all previous conditions and findings of approval, not discussed herein, remain in full force and effect.

National Harbor was approved to be organized into five basic Zones (A–E) and the Beltway Tract, with the provision that the zones may be broken into sub-zones or enlarged, combined, or decreased in size, as warranted by the development. Densities and uses were approved to be allowed to be moved between the zones, so long as the total density is not increased for the project. The five zones were approved as follows:

Zone A:	The Point
Zone B:	Central Waterfront
Zone C:	North Cove
Zone D:	The Pier
Zone E:	Upland Resorts

The original approved CSP provided the descriptions of the character and function of the various zones, and proposed setbacks and height limits, which remain in full force and effect with the subject application. The additional parcels will be part of Zone E, Upland Resorts. Some previously approved plan features will be extended onto the additional parcels, as they will now form an outside corner of the property.

These include the 40-foot buffer zone from all adjacent properties, the 75-foot building restriction line, and the 500-foot depth from the property line within which the maximum building height is 75 feet.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T, R-M, and R-R Zones and the site plan design guidelines of the Prince George's County Zoning Ordinance.
- a. The subject application does not propose any change in the proposed use, which is a waterfront entertainment/retail complex. Per Section 27-107.01 of the Zoning Ordinance, a waterfront entertainment/retail complex is defined as:

A contiguous land assemblage, no less than twenty-five (25) acres, fronting on the Potomac River, and developed with an array of commercial, lodging, residential, recreational, entertainment, social, cultural, or similar uses which are interrelated by one (1) or more themes. A gas station located within a Waterfront Entertainment/Retail Complex may include a car wash as an accessory use, provided the car wash is within or is part of the building(s) for which design and architecture are approved in the Detailed Site Plan for the gas station.

- b. The proposed use is allowed in the M-X-T, R-M, and R-R Zones subject to Sections 27-548.01.02, 27-532.03, and 27-445.08, respectively. All of these Sections have almost exactly the same requirements; however, language from Section 27-445.08 is quoted here since the additional land is zoned R-R.

(b) A Waterfront Entertainment/Retail Complex is permitted in the R-R Zone subject to the following criteria:

- (1) Private and/or public vehicular access shall be sufficient to accommodate the traffic generated by the project; and**

This determination was made with the original approval, and the conditioned trip caps and required transportation improvements remain in full force and effect as established with the previous approvals, including the preliminary plan of subdivision. The proposed revision involves only the addition of land area and does not propose any revisions to the amount or types of development previously approved. The plan does not specifically call out the proposed use of the additional property.

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

The subject application for the addition of land area to the Waterfront Parcel does not propose any changes to the previously approved setbacks, tree conservation, landscaping and screening, green space, lot coverage, parking, and loading, which remain in full force and effect.

Therefore, a condition is included requiring the plan to be revised to indicate the required 100-foot buffer required in Condition No. 31 below.

- (c) The requirement for a Detailed Site Plan may be waived by the District Council at the time of its review of the Conceptual Site Plan if the District Council makes the findings required in paragraph (f), below.**

The District Council made said determination in the original approval of CSP-98012 (Condition 31 of the Order Affirming the Planning Board Decision), waiving the requirement for a detailed site plan (DSP), except in certain circumstances as discussed below in Finding 8.

(d) **An applicant seeking approval of a Waterfront Entertainment/Retail Complex shall submit an application and site plan containing the following information, which information shall also serve as the site design guidelines for such projects:**

(1) **A general description of the project and the proposed activities;**

The subject application for the addition of land area to the Waterfront Parcel does not propose any changes to the previously approved general description of the project and proposed activities.

(2) **The proposed traffic circulation system;**

The subject application for the addition of land area to the Waterfront Parcel proposes minor changes to the previously approved traffic circulation system in order to provide roadway frontage within the 3.14 acres of land.

(3) **The general location and size of all activities;**

The subject application for the addition of land area to the Waterfront Parcel and does not propose any changes to the previously approved general location and size of activities. However, a large amount of development has already been constructed, or is in construction currently, on the site. Some of this existing development conflicts with the information shown on the CSP and in the site tabulation table. These should be updated to reflect the current approved and/or built development at this time, so as to reflect the as-built conditions of the site. This update would be for information purposes only, as the use requirements allow for the moving, altering, and revision of all improvements within the established development envelopes previously approved. A condition has been included in this approval requiring such an update.

(4) **A text indicating the theme, design, and architectural concepts that will be implemented throughout the property applicable to the use;**

The subject application for the addition of land area to the Waterfront Parcel does not propose any changes to the previously approved text indicating theme, design, and architectural concepts.

- (5) **Information contained in Section 27-282(e), provided that the locations of all improvements may be moved, altered, and revised within an established development envelope. No building permit may be issued without certification of a site plan by the Planning Director. Provided the property is designated in the County General Plan as a Metropolitan Center, the addition of residential dwellings, not to exceed two thousand five hundred (2,500) units, shall not require a revision to an approved Conceptual Site Plan. Building permits for residential dwellings shall not be issued until construction of the convention center/hotel has commenced.**

The above underlined text was the subject of CB-20-2005 that amended the definition of a waterfront entertainment/retail complex for the purpose of permitting residential uses. The subject application establishes a development envelope within the area of the additional land which can then contain any improvements, including residential dwellings, as noted in this section. As of June 2015, M-NCPPC has recommended approval in the review of building permits for 670 multifamily units and 230 townhouse condominium units, for a total of 900 residential dwelling units.

8. **Conceptual Site Plan CSP-98012, and its subsequent revision:** Conceptual Site Plan CSP-98012 was approved by the Planning Board on April 23, 1998 with 35 conditions. On June 10, 1998, the District Council affirmed the Planning Board's approval with four additional conditions. A single revision to Conceptual Site Plan CSP-98012-01 was approved on September 9, 2008 at Planning Director level for the purpose of revising the basic zone boundaries (A-E) as established in the original CSP.

The subject CSP application is in conformance with the conditions of previously approved Conceptual Site Plan CSP-98012 and its subsequent revision, which remain in full force and effect. The following conditions warrant discussion and each condition is listed in **boldface** type below, followed by comment:

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

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

The subject application for the addition of land area to the Waterfront Parcel does not propose any changes to the previously approved development totals listed in this condition. This condition remains in full force and effect.

However, this condition does not address the 2,500 dwelling units allowed through the adoption of subsequent legislation previously noted in this report as CB-20-2005. Nevertheless, all development included in the CSP is subject to the above trip cap, including any development proposed on the additional 3.14 acres of land.

7. **Prior to signature approval, the Conceptual Site Plan should be revised as follows:**
 - a. **The on-ramp from Oxon Hill Road onto northbound I-295 should be grade-separated at the point where it crosses the northern access roadway through the Beltway Parcel.**
 - b. **There should be no access to or from the Beltway Parcel to the above-mentioned ramp, except to allow traffic from the southern access roadway through the Beltway Parcel to merge onto it.**
 - c. **Access to the Beltway Parcel should be via the northern and southern access roadways.**

This condition was already satisfied, as the original CSP was signed and approved. It should be noted that the additional acreage does not propose any access from Oxon Hill Road.

8. **The applicant shall be required to submit a limited Detailed Site Plan for the proposed speed-parking garage located within the Waterfront Parcel. The submittal shall include a parking generation/demand study for the Waterfront Parcel and a plan for meeting this demand within the National Harbor site. Transportation staff considerations in reviewing this site plan will include access to and from the speed-parking lot, potential queuing by traffic entering the speed-parking lot, and the appropriateness of the tandem parking arrangement given demand and turnover rates within the speed-parking lot. An additional consideration will be the sufficiency of the speed-parking lot as a component in meeting the entire parking demand of the site. As a part of Detailed Site Plan approval, a noise study shall be submitted to the Natural Resources Division demonstrating that adequate noise abatement measures have been taken to reduce noise levels to 65 dBA Ldn at the**

property lines of residential lots. Noise generated by car alarms shall be included in this noise study.

The subject application does not include a speed-parking garage, and this requirement remains intact with this approval should a speed-parking garage be proposed in the future.

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

The subject application does not propose any changes to the previously approved access points to the property and the additional land area, although it has frontage on Oxon Hill Road, is not proposed to have access to Oxon Hill Road. This condition remains in full force and effect.

- 11. All internal public roadways shall be constructed in accordance with DPW&T's standards. All internal private roadways shall be constructed in accordance with The Maryland-National Capital Park and Planning Commission's requirements. Road design in accordance with AASHTO criteria for public and private roads is required.**
- 12. The final cross sections of roads, both private and public, shall be determined at the time of final design with approval by DPW&T and M-NCPPC at that time.**

The two conditions above remain in full force and effect for any roads to be constructed within the land area being added to the area of the CSP.

- 13. The road access point proposed at Oxon Hill Road into Zone E (Upland Resort) shall be an emergency access only, used only by registered emergency vehicles as defined in Maryland Motor Vehicle Law, Transportation Article 11-118. Final design of access control devices shall be reviewed and approved by the DPW&T and County emergency services agencies prior to issuance of the first building permit for the Waterfront Parcel.**

The subject application does not propose any changes to the previously approved access points to the property and the additional land area does not propose access to Oxon Hill Road. This condition remains in full force and effect.

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

The National Harbor development has a comprehensive internal pedestrian system consisting of trails and sidewalks that connect all zones in both the Waterfront Parcel and the Beltway Parcel, which were constructed as part of prior approvals. The subject application does not propose any changes to the trail system. This condition remains in full force and effect.

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

The Potomac Heritage National Scenic Trail (Potomac Heritage Trail) has been constructed from the Woodrow Wilson Bridge to Oxon Hill Road.

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

This condition remains intact and will be enforced at the time of building permit. Appropriate numbers of bicycle racks may be required for Parcels 41, 42, and 71 at the time of DSP if gross floor area is proposed there in the future.

17. **Prior to certificate approval of the Conceptual Site Plan, the Tree Conservation Plan, TCPI/10/98, shall be revised to provide a minimum of 26.98 acres of combined on-site and off-site woodland conservation and a fee-in-lieu not to exceed \$431,374.68.**

The revised Type I tree conservation plan (TCPI) has been submitted and reviewed and it was found that the plans continue to meet the above condition.

24. **The applicant shall, after approval of final archeological reports (Phases I, II, and III) by the Maryland Historical Trust, supply said reports to the Historic Preservation Section of M-NCPPC.**

The reports applicable to the areas within the waterfront parcels shall be provided prior to the issuance of any building permits (except construction pursuant to a valid Corps of Engineers permit) for the waterfront parcels and the reports applicable to areas on the Beltway shall be provided prior to the issuance of any building permits for the Beltway parcel.

This condition remains intact; however, the archeology planner stated that no investigations are warranted on the 3.14 acre properties being added to the CSP.

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, including 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 building is placed within 100 feet of a residential lot or one of the types of development specified in Condition 31 is proposed.

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

The proposed additional land abuts existing residential development and, therefore, will be required to provide a buffer along the common property line. This will be enforced at the time of DSP or building permit.

- 34. There shall be an 8-foot-high fence in the landscape buffer along all abutting residentially-zoned neighborhoods, which fence shall generally be located 10 feet inside the National Harbor property line. A fence shall also be located along Oxon Hill Road and I-295. The fence shall be constructed of materials that are attractive and ornamental in character and have low maintenance requirements, such as aluminum or powder-coated galvanized tubing designed to imitate wrought iron. Details of the fencing materials shall be included in the limited Detailed Site Plan. Black vinyl-coated chain-link fence is allowed along residential property lines if agreed to in writing by the affected homeowner(s).**

The proposed additional land abuts residentially-zoned neighborhoods and Oxon Hill Road. Therefore, the specified fence will be required to be continued across the additional property at the time of DSP or building permit.

9. **2010 Prince George's County Landscape Manual:** Per Section 27-445.08(b)(2) of the Zoning Ordinance, landscaping and screening shall be addressed in the CSP approval and other provisions of the Zoning Ordinance are not applicable. Therefore, this CSP is not subject to the requirements of the *Prince George's County Landscape Manual*. All landscape-related findings and conditions applicable to the original CSP approval will now also be applicable to all development within the expanded land area. The specified landscape requirements will be enforced at the time of DSP or building permit.
10. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The site was previously reviewed in the late 1980s as Detailed Site Plan DSP-88045, prior to the enactment of the Woodland Conservation Ordinance. The site was later reviewed as Zoning Map Amendment A-9593, Conceptual Site Plan CSP-98012 with Type I Tree Conservation Plan TCPI-010-98, Preliminary Plan of Subdivision 4-01048, and Type II Tree Conservation Plan TCPII-038-00 and subsequent revisions.

The current application is for revision of the CSP limits to include three parcels, known as the O'Loughlin property, totaling approximately 3.14 acres. The O'Loughlin portion of the overall property has only been reviewed previously for TCP2-076-06.

The previously approved site, approved under the original CSP-98012, is not subject to the current environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because this is a revision to that approved CSP, and it has a previously approved preliminary plan under the prior regulations. The additional land area is also not subject to the current Woodland and Wildlife Habitat Conservation Ordinance (WCO) effective September 1, 2010 because there are previous TCP approvals for the specific site, and the proposed revisions do not result in a substantial change to the previously approved TCPI or TCPII.

The O'Loughlin property, which is proposed to be added to the CSP, is subject to the current regulations of Subtitle 27 because it has no previously approved preliminary plan, but is not subject to the current WCO because it has a previous TCPII approved under the prior woodland conservation regulations.

This remainder of the CSP site is subject to the provisions of the Woodland Conservation Ordinance because it has previously approved TCPs. This site has a previously approved TCPI that was approved with the original Conceptual Site Plan, CSP-98012.

A revised TCPI has been submitted which shows the proposed expanded land area. Because both land areas under the revised CSP are grandfathered under the 1993 Woodland Conservation Ordinance, the revised TCPI remains grandfathered.

The submitted TCPI has been revised to include the additional land, which is also reflected in the worksheet. The woodland conservation threshold is now 27.45 acres and the overall woodland conservation requirement is 60.64 acres. The TCPI proposes to meet the requirement with 12.15 acres of on-site woodland preservation, 13.79 acres of on-site woodland planting, 1.69 acres of off-site woodland conservation, and 33.01 acres of fee-in-lieu. It should be noted that these requirements have been fulfilled as part of the permit review process.

11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties that are zoned R-R are required to provide a minimum of 15 percent of the gross tract area in tree canopy. Compliance with this requirement will be evaluated at the time of DSP or grading/building permits.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Archeological Review**—The subject property was surveyed for archeological resources in 1998. One Archeological Site, 18PR558 – a twentieth century artifact scatter and masonry structure, was identified on Parcel 42. The masonry structure was identified as a vacant house dating to the third quarter of the twentieth century. Site 18PR558 was determined to be not eligible for listing in the National Register of Historic Places, and no further work was recommended.

Parcels 41, 42, and 71 have been extensively graded and disturbed. No further archeological investigations are warranted on the subject property. This proposal will not impact any historic or archeological resources.

- b. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* designates the property within the Established Communities policy area. The proposed use is consistent with the General Plan's Development Pattern goals and policies for the Established Communities policy area.

The proposed use is not strictly consistent with the residential low-density recommendation of the 2006 Henson Creek-South Potomac Master Plan and SMA. However, a waterfront entertainment/retail complex is an allowed use in the R-R Zone.

The addition of the three parcels will not alter the intent, character, or scope of the development. Future access from the site to Oxon Hill Road, if proposed, may compound traffic issues for motorists on Oxon Hill Road and residents from adjoining communities. However, no new access points are proposed with the subject application.

- c. **Transportation Planning**—The original Conceptual Site Plan (CSP-98012) was approved for the National Harbor property in 1998. The original National Harbor site of 534 acres included the Waterfront and Beltway parcels. The two named parcels were approved for 7,325,000 square feet of commercial and retail development, and subsequently were the subject of a Preliminary Plan of Subdivision (4-01048). All of the transportation-related conditions of that approval have been met. For the original CSP approval, the following conditions are transportation-related and have been met: Conditions 3, 4, 5, 6, 7, and 10.

The development totals of the approved CSP are not changing, only the land area. Therefore, there are no additional transportation impacts from the proposed revision.

In consideration of these findings, the Planning Board found that the plan conforms to the required findings for approval of the CSP from the standpoint of transportation, in consideration of the requirements of Sections 27-274 of the Zoning Ordinance.

- d. **Subdivision Review**—The justification for this application states that the revision to the CSP is for the sole purpose of increasing the limit of the waterfront entertainment complex by the addition of 3.14 acres. The additional acreage is composed of Parcels 41, 42, and 71, which are vacant legal acreage parcels located on Tax Map 104 in Grids E-3 and E-4. These parcels of land have not been the subject of a preliminary plan or record plat. Pursuant to Section 24-107(c)(7) of the Subdivision Regulations, the development of more than 5,000 square feet of gross floor area on this portion of the site (Parcels 41, 42, and 71) will require the approval of a preliminary plan.

The Subdivision Regulations (Subtitle 24) requires that each lot have frontage and direct access onto a public street, unless alternative access is authorized by the Planning Board (Section 24-128), which would occur through the review of a subdivision application. The CSP proposes no uses. Access must be evaluated in accordance with the Subdivision Regulations at the time of preliminary plan or DSP. There are no other subdivision issues at this time.

- e. **Trails**—Two master plan trails are in the vicinity of the subject site. The Potomac Heritage Trail has been constructed across the Woodrow Wilson Bridge and through the Beltway Parcel, to Oxon Hill Road. This trail was constructed by the National Harbor applicant pursuant to prior approvals. Continuous sidewalks and designated bike lanes are recommended in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) along Oxon Hill Road, including the frontage of the subject site. The Prince George's County Department of Public Works and Transportation (DPW&T) is finishing a County Capital Improvement Plan (CIP) construction project for Oxon Hill Road which will include the facilities recommended in the master plan.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction, the accommodation of pedestrians, and the provision of complete streets:

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.

Sidewalks have been constructed along the internal roads as development has occurred. Wide outside curb lanes are provided along the major roads internal to the site. Designated bike lanes are being provided along Oxon Hill Road by DPW&T as part of the current CIP project.

Conclusion

The submitted CSP revision involves the incorporation of an additional three parcels into the National Harbor site. Previously approved conditions of approval regarding trails, sidewalk, and bicycle facilities still apply. The Potomac Heritage Trail has been completed through the subject site, and the necessary sidewalks and bike lanes are being completed along Oxon Hill Road by DPW&T through a current CIP project. No additional recommendations or conditions of approval are necessary at this time.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated October 2, 2015, DPR indicated that they had no comments on the subject application.
- g. **Environmental Planning**—The Planning Board reviewed an analysis of the application's conformance with the Woodland Conservation and Tree Preservation Ordinance incorporated into Finding 10 above, along with the following summarized comments:
 - (1) The additional land has an approved Natural Resources Inventory (NRI-137-05-01). The area is partially wooded and contains no regulated environmental features. An NRI for the remainder of the site is not required because it is grandfathered. No additional information is required with regard to the existing conditions.
 - (2) A copy of the approved stormwater management concept letter and plan were not included in the application. The overall site is mostly already developed in accordance with previous stormwater concept approvals and, because no

additional development is proposed with this request, a concept approval plan and letter are not required at this time.

- (3) The predominant soil types, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), are in the Christiana, Croom, Russet, and Sassafras Series. Christiana soils may contain clay deposits that can affect structural foundations.

This information is provided for the applicant's benefit. The County may require a soils report in conformance with Prince George's County Council Bill CB-94-2004 if building permits are needed. No further action is needed as it relates to soils.

h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 21, 2015, DPIE provided the following comments on the subject application:

- (1) The property is located south of the Capital Beltway (I-495); west of Oxon Hill Road and National Harbor Boulevard.
- (2) This Conceptual Site Plan revision is to add Parcels 41, 42 and 71, a total of 3.14 acres.
- (3) Internal subdivision streets shall be constructed in accordance with the Department of Public Works and Transportation's (DPW&T) Specifications and Standards.
- (4) Full-width, 2-inch mill and overlay for all existing County roadway frontages are required.
- (5) Any proposed and/or existing Master Plan roadways, which is a County-maintained roadway, and subdivision roads within the property limits, must be coordinated with the Maryland-National Capital Park and Planning Commission (M-NCPPC), and DPW&T. These roads may also require rights-of-way reservation, dedication and/or road construction, in accordance with DPW&T's Specification and Standards. Additionally, coordination with the State Highway Administration (SHA) is required for the proposed roadway connections/interchange adjacent to this property.
- (6) The Stormwater Management Concept Plan No. 44632-2014, which covers Parcels 41, 42 and 71, has not been approved.

- (7) The proposed site development will require an approved DPIE site development technical plan to comply with environmental site design (ESD) to the maximum extent practicable (MEP) requirements, and an approved/final erosion/sediment control plan, prior to the permit issuance.
- (8) All stormwater management facilities/drainage systems, including recreation features, visual amenities and facilities are to be constructed in accordance with the DPW&T's Specifications and Standards. Approval of all facilities are required prior to permit issuance.
- (9) All easements and maintenance agreements are to be approved by DPIE, and recorded prior to the technical approval/issuance of permits.
- (10) The applicant needs to provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for all intersections within the site.
- (11) Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times.
- (12) Conformance with DPIE's and/or DPW&T's street tree and street lighting Specifications and Standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required.
- (13) All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA). Additionally, all breaks made in the median for pedestrian crosswalks shall have proper sight distance and be ADA accessible.
- (14) A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, is required.
- (15) This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, exact impervious area locations are not shown on plans.
 - (b) Exact acreage of impervious areas has not been provided.

- (c) Proposed grading is not shown on plans.
- (d) Delineated drainage areas at all points of discharge from the site have not been provided.
- (e) Stormwater volume computations have not been provided.
- (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- (g) A narrative in accordance with the code has not been provided.

DPIE's comments, as applicable, including approval of the stormwater concept, are required to be addressed prior to issuance of permits, at the time of technical plan approvals.

- i. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.
- j. **Prince George's County Health Department**—In a memorandum dated September 2, 2015, the Health Department provided the following comments:
 - (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Future plans should provide details confirming all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

Issues regarding lighting have been addressed in the previous CSP approval, such as in Condition 31a in Finding 8 above, and are not proposed to be changed with the subject application.

- (2) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the proposed buildings and landscaping on the site.

The Planning Board suggests that the applicant consider incorporating water conservation measures in all future development on the site, such as through the use of greywater recycling.

- (3) Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to

positive health outcomes. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community. Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities and provide a safe and easy onsite pedestrian circulation.

See the previous discussion of the trails for the development as discussed in Finding 12e.

- (4) The site is adjacent to an arterial roadway and therefore subject to associated noise impacts to occupants of proposed residential and office space uses. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. Future plans should include details regarding modifications/ adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.

Noise issues have been addressed in the previous CSP approval and the subsequent preliminary plan approval, and are not proposed to be changed with the subject application.

- (5) The public health value of access to active recreational facilities has been well documented.

Future plans should include details regarding the location of active recreational facilities within one-quarter mile of the proposed office buildings and/or residences.

This is noted.

- (6) Living in proximity to green space is associated with reduced self-reported health symptoms, better self-rated health, and higher scores on general health questionnaires.

This is noted. Future plans will have to continue to show conformance to the Tree Canopy Coverage Ordinance, as applicable.

- (7) Research shows that access to public transportation can have major health benefits. It can be good for connectedness and walkability. Indicate on the plans to connect neighboring communities through public transportation.

Issues regarding public transportation and connectedness have been addressed in the previous CSP approval and are not proposed to be changed with the subject application.

- (8) There are over ten existing carry-out/convenience store food facilities and no grocery store/markets within a one-half mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. Future plans should include additional details regarding retail facilities offering healthy food choices to occupants/residents of the area.

This is noted. The Planning Board encourages the applicant to be considerate in their choices of tenants to ensure that there are high-quality healthy food choices for the future residents.

- (9) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Future plans should indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Future DSPs and/or permit plans for the property should indicate the applicant's intent to conform to the mentioned requirements.

- (10) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

Future DSPs and/or permit plans for the property should indicate the applicant's intent to conform to the mentioned requirements.

- (11) Recent case studies demonstrate the value of stakeholder input in enhancing positive outcomes of health impact assessment review. The developer should identify and actively engage project stakeholders during the development review process.

This is noted.

13. As required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

14. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

(4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

The original area of the CSP is not subject to this requirement, as it has a previously approved preliminary plan under the prior regulations. They also noted that the additional land is subject to this regulation because it has no previously approved preliminary plan, but that it contains no regulated environmental features. Therefore, this requirement is not applicable.

15. All conditions of the previous approvals remain intact and in full force and effect as discussed herein.

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 I Tree Conservation Plan (TCPI-010-98-01), and further APPROVED Conceptual Site Plan CSP-98012-02 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. Update the CSP and Site Tabulation Table to reflect current approved and/or built development on the site at this time, with clarifying notes as necessary.
 - b. Revise the Type I tree conservation plan (TCPI) to provide a TCP approval block.
 - c. Adjust the approvals sheet to reflect the previous certificates of approval.
 - d. Revise the CSP to show a 100-foot distance from adjacent residential lots not owned by the applicant, the applicant's heirs, successors, or assignees.
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.

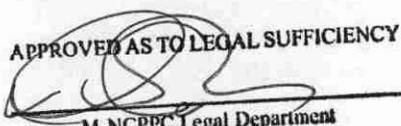
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Geraldo, with Commissioners Washington, Geraldo, Shoaff, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, November 5, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of December 2015.

APPROVED AS TO LEGAL SUFFICIENCY

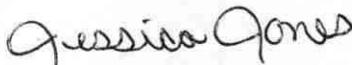


M-NCPPC Legal Department

Date

11/10/15

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

June 17, 1998

RE: SP-98012 (National Harbor)

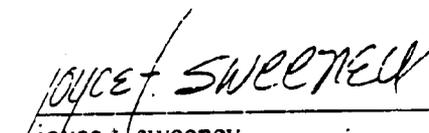
NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL



Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on June 10, 1998.

CERTIFICATE OF SERVICE

This is to certify that on June 17, 1998, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.



joyce t. sweeney
Clerk of the Council

(10/97)

County Administration Building — Upper Marlboro, Maryland 20772

Case No. SP-98012

Applicant: National Harbor

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED that the Planning Board's decision in Resolution PGCPB No. 98-110, to approve a Conceptual Site Plan, on property described as approximately 534 acres of land, in the M-X-T, R-R and R-M Zones, located southwest of the interchange of I-495 and MD Rt. 210, on the west side of Oxon Hill Road, Oxon Hill, Maryland, be, and the same hereby is,

AFFIRMED, based on consideration of the entire record, for the reasons stated by the Planning Board in its resolution, which is hereby adopted as the findings of fact and conclusions of law of the District Council in this case, and, in addition thereto, the District Council adopts the following findings and conclusions:

1. Each development phase or separate stage of development as indicated by the applicant contains commercial and hospitality uses which, collectively for that phase, meet the purposes of the M-X-T Zone.
2. Conditions 1-5 of the Planning Board Resolution provide for the staging of the development so as to insure adequate public facilities for transportation are provided or constructed with the development of square footage of the project. The market analysis information provided by the applicant demonstrates the economic feasibility of the development phases and indicates the various phases are interdependent. This provides a greater likelihood that all phases of the development will be constructed.
3. The applicant's architectural theme(s) demonstrate high quality development characterized as "resort oriented". The architecture encompasses an array of building types, materials and designs at known

resorts throughout the world. Such themes, as identified in the CSP, for example, include waterfront and mountain resorts.

4. The applicant's Noise Study should be amended to include additional information relative to the impact of noise, particularly from the various entertainment venues, on the adjacent residential property. The amended Noise Study, which may be done anew, should be provided and reviewed in concert with the Noise Study for the Parking Garage adjacent to Zone B.
5. The applicant's proposal for construction over and above water must be reviewed by the Army Corps of Engineers, pursuant to an amendment or revision to the existing applicable Corps Permit or a new permit. It is impractical to provide the required engineering studies relative to the construction of the proposed pilings or other over-water development until such time as that review is completed or has commenced. Condition No. 18 provides sufficient time for the applicant to compile this information and present it to the Department of Environmental Resources.
6. Additional analysis for water and sewer facilities applicable to National Harbor should be conducted by the applicant in cooperation with the WSSC in order to further determine what, if any, improvements will be necessary to accommodate the project.
7. Zone B, the Central Waterfront will be the principal entertainment venue and applicant indicates it is likely to be a gated venue. While this venue may have rides and various other types of entertainment, it is not proposed to have outdoor thrill ride types of attractions such as outdoor rollercoasters. Such attractions may raise issues which would need to be further addressed via submission of a Detailed Site Plan for the attraction.

Affirmance of the Planning Board's decision is subject to the following conditions:

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

Alternatively, different permitted uses generating no more than the number of peak hour trips (1,226 AM peak hour trips and 2,565 PM peak hour trips) generated by the above development may be allowed.

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

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

3. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - a. Provision of a third southbound through lane along MD 210 at MD 414/Oxon Hill Road. The length of this lane and the necessary transition sections north and south of MD 414/Oxon Hill Road will be determined by SHA as part of the permitting process.
 - b. Lengthening of the eastbound left-turn bay along Oxon Hill Road approaching MD 210 to a length which is determined by the SHA as necessary to accommodate queuing.
4. Prior to the issuance of any building permits within the Beltway Parcel of the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - a. Provision of two lanes in each direction along Oxon Hill Road, with a free right-turn lane southbound at the Beltway Parcel entrance, and exclusive left-turn lanes northbound at the Beltway Parcel entrance and the entrance ramp to I-295 northbound.

- b. Provision of at least dual left-turn lanes exiting the Beltway Parcel onto northbound Oxon Hill Road and a single right-turn lane onto southbound Oxon Hill Road, with the final design of the Oxon Hill Road/Beltway Parcel exit/entrance ramp to northbound I-295 to be determined by SHA and/or DPW&T.
 - c. Provision of a four-lane approach on the ramp from southbound I-295, with a free right-turn lane, a through lane and dual left-turn lanes.
 - d. Provision of no fewer than two through lanes along the north and south access roadways through the Beltway Parcel, with the roadways combining to provide a one-way counterclockwise circulation through the Beltway Parcel.
5. Prior to the issuance of any building permits within the Beltway Parcel exceeding the following levels of development X 616,000 square feet of retail space, 170,000 square feet of general office space, 850 hotel rooms and a visitors center (or a different combination of uses generating no more than 1,054 AM peak hour trips and 2,202 PM peak hour trips) X the ramps on the west side of the Beltway Parcel connecting the site to the interstate highway system shall (a) have full financial assurances, (b) have been permitted for construction through the SHA and/or the FHWA IAPA permit process, and (c) have an agreed-upon timetable for construction with the SHA, with opening coinciding with the opening of the development. These ramps generally include:
- a. Ramps providing direct connections from northbound I-95 to the Waterfront Parcel and the west side of the Beltway Parcel.
 - b. A ramp providing a direct connection from the Waterfront Parcel to southbound I-95.
 - c. Ramps providing direct connections from southbound I-295 to the Waterfront Parcel and the west side of the Beltway Parcel.
 - d. A ramp providing a direct connection from the Waterfront Parcel to northbound I-295.
 - e. Ramps providing direct connections from southbound I-95 to the Waterfront Parcel and the west side of the Beltway Parcel.

- f. Ramps providing direct connections from the Waterfront Parcel and the west side of the Beltway Parcel to northbound I-95.
 - g. Ramps connecting the Waterfront Parcel and the Beltway Parcel.
6. Prior to the issuance of any building permits within the Waterfront Parcel, the ramps on the west side of the Beltway Parcel connecting the site to the interstate highway system shall (a) have full financial assurances, (b) have been permitted for construction through the SHA and/or the FHWA IAPA permit process, and (c) have an agreed-upon timetable for construction with the SHA, with opening coinciding with the opening of the development. This ramp system is generally described in Condition 5 above. The SHA may, as a part of the IAPA, allow temporary ramps connecting to I-95 northbound, I-95 southbound and I-295 northbound. In no event, however, shall building permits be issued for any portion of the Waterfront Parcel based upon exclusive access via Oxon Hill Road.
7. Prior to signature approval, the Conceptual Site Plan should be revised as follows:
- a. The on-ramp from Oxon Hill Road onto northbound I-295 should be grade-separated at the point where it crosses the northern access roadway through the Beltway Parcel.
 - b. There should be no access to or from the Beltway Parcel to the above-mentioned ramp, except to allow traffic from the southern access roadway through the Beltway Parcel to merge onto it.
 - c. Access to the Beltway Parcel should be via the northern and southern access roadways.
8. The applicant shall be required to submit a limited Detailed Site Plan for the proposed speed-parking garage located within the Waterfront Parcel. The submittal shall include a parking generation/demand study for the Waterfront Parcel and a plan for meeting this demand within the National Harbor site. Transportation staff considerations in reviewing this site plan will include access to and from the speed-parking lot, potential queuing by traffic entering the speed-parking lot, and the appropriateness of the tandem parking arrangement given demand and turnover rates within the speed-parking lot. An additional consideration will be the sufficiency of the speed-parking lot as a component in meeting the entire parking demand of the site. As a part of Detailed

Site Plan approval, a noise study shall be submitted to the Natural Resources Division demonstrating that adequate noise abatement measures have been taken to reduce noise levels to 65 dBA Ldn at the property lines of residential lots. Noise generated by car alarms shall be included in this noise study.

9. The access point to Oxon Hill Road in the vicinity of Area E as described in the Conceptual Site Plan shall be for emergency access only.
10. Prior to the issuance of building permits within the Waterfront Parcel, the applicant shall demonstrate to the satisfaction of the Transportation planning staff, DPW&T and SHA strategies sufficient to meet the mode share and average vehicle occupancy goals that have been assumed in the traffic study. Such strategies could include (but not be limited to) provision of water taxi service along the Potomac, provision of shuttle bus service to airports and other regional hubs, provision of tour bus services to the National Mall or other area tourist attractions, preferred parking or other incentives for use by tour buses and provision of local transit services. Strategies could also include Intelligent Transportation System (ITS) services along the ramps entering the site such as lane use signage, cameras, variable message signs and highway advisory radio, and the provision of traveler information within hotels and at public kiosks within the retail and entertainment venues. A Transportation Demand Management Plan for employees is required.
11. All internal public roadways shall be constructed in accordance with DPW&T's standards. All internal private roadways shall be constructed in accordance with The Maryland-National Capital Park and Planning Commission's requirements. Road design in accordance with AASHTO criteria for public and private roads is required.
12. The final cross sections of roads, both private and public, shall be determined at the time of final design with approval by DPW&T and M-NCPPC at that time.
13. The road access point proposed at Oxon Hill Road into Zone E (Upland Resort) shall be an emergency access only, used only by registered emergency vehicles as defined in Maryland Motor Vehicle Law, Transportation Article 11-118. Final design of access control devices shall be reviewed and approved by the DPW&T and County emergency services agencies prior to issuance of the first building permit for the Waterfront Parcel.

14. The applicant shall construct an internal network of trails connecting all zones to the Speed Parking Garage and to each other. This internal network shall have a connection to Oxon Hill Road parallel and adjacent to the Beltway Parcel.
15. The applicant shall construct the Heritage Trail from Rosalie Island to Oxon Hill Road as shown on the Conceptual Site Plan.
16. At the time of building permit, the applicant shall indicate location of bicycle racks in appropriate locations throughout the subject property.
17. Prior to certificate approval of the Conceptual Site Plan, the Tree Conservation Plan, TCPI/10/98, shall be revised to provide a minimum of 26.98 acres of combined on-site and off-site woodland conservation and a fee-in-lieu not to exceed \$431,374.68.
18. Prior to certificate approval of the Conceptual Site Plan, the applicant shall submit for review and approval by the Department of Environmental Resources, engineering studies to indicate techniques for constructing proposed pilings or other over-water development.
19. Adequacy at the Piscataway Wastewater Treatment Plant shall be determined prior to approval of the Preliminary Plat of Subdivision.
20. At least 90 days prior to the issuance of the first building permit for the Waterfront Parcel, the applicant shall submit construction plans for Rosalie Island Park (including required staging area and entrance features in Zone C) to the Department of Parks and Recreation for approval. The park shall be designed to enhance the natural environment of the site. Improvements shall allow for passive recreational opportunities, as well as active recreation such as fishing and hiking. Interpretive signage shall be provided relating to the flora, fauna and aquatic life and/or related activities. Improvements shall include a minimum of three (3) fishing areas, four (4) sitting areas, a 30-foot pier and a hiking trail. At least one (1) of the fishing areas shall be designed to accommodate people with disabilities. The approved plans for the park may be modified, or alternatives to the park may be approved if construction of the Wilson Bridge makes a significant portion or all of the park construction impractical. The applicant and M-NCPPC may also consider payment of a fee-in-lieu as an alternative, should development of the

park be deemed impractical or inappropriate because of improvements associated with the reconstruction of the bridge. If Rosalie Island improvements are provided by others in connection with, or as mitigation for, reconstruction of the Woodrow Wilson Bridge, the applicant shall provide alternative park improvements at another location to be determined by the Department of Parks and Recreation, or a fee-in-lieu shall be paid in an amount to be determined by the Department of Parks and Recreation.

21. The construction plans for Rosalie Island Park shall include a "staging and unloading area" for utilization by the Department of Parks and Recreation, which area shall be located within Zone C as close to the park as possible. To the extent practicable, a park entrance feature shall be constructed in connection with the staging area. The trail system from the parking area to Rosalie Island shall be sufficient in design to allow for use by emergency, police and maintenance vehicles. Handicapped parking for Rosalie Island visitors shall be provided within Zone C as close to the park as possible. Alternatively, during hours when the park is open to visitors, the same number of handicapped parking spaces shall be made available for use by park visitors within Zone C. A total of 50 parking spaces shall be provided. Twenty shall be for the exclusive use of park patrons and 30 may be shared with the Visitors Center.
22. Prior to the issuance of any grading permits for roads adjacent to any trail, the applicant shall provide for review and approval by the Department of Parks and Recreation (DPR) construction plans for the section of trail adjacent to the road. Trails and trail connections shall be as generally shown on the Conceptual Site Plan. Trails shall be field located and the location shall be approved by DPR prior to construction. The applicant shall provide any structures needed to ensure dry passage along the trail. Both trails discussed below shall be 10 feet in width and shall be constructed in accordance with the *Parks and Recreation Facilities Guidelines*.
 - a. The trail along the boundary between the applicant's Beltway Parcel and M-NCPPC property surrounding the Oxon Hill Manor shall be constructed so as to maintain a sufficient buffer around the Oxon Hill Manor, with sufficiency of the buffer to be determined by DPR. A rest area shall be provided along the section of the trail adjacent to the Beltway Parcel. Special attention shall be paid to proper stabilization of the escarpment running

- parallel and northwest of the trail. The escarpment shall be reforested if conditions permit.
- b. The applicant shall also provide, subject to approval by the Department of Public Works and Transportation and DPR, a trail along Oxon Hill Road providing pedestrian and bicycle access for the neighboring communities. The trail shall extend from the applicant's property through or along DPR property on the west side of Oxon Hill Road, to the entrance of the site of the Jaycees building.
23. Prior to issuance of any building permits for National Harbor, all existing Recreational Facilities Agreements (RFA) shall be amended to be consistent with the preceding conditions. These amended RFAs shall supersede any RFAs of record applicable to the property and shall include language specifying appropriate timing mechanisms for provision of Rosalie Island Park and the specified trails.
24. The applicant shall, after approval of final archeological reports (Phases I, II, and III) by the Maryland Historical Trust, supply said reports to the Historic Preservation Section of M-NCPPC. The reports applicable to the areas within the waterfront parcels shall be provided prior to the issuance of any building permits (except construction pursuant to a valid Corps of Engineers permit) for the waterfront parcels and the reports applicable to areas on the Beltway shall be provided prior to the issuance of any building permits for the Beltway parcel.
25. Prior to release of building permits for any portion of the project, the applicant shall provide evidence of good faith efforts to provide architectural and photographic documentation of the original gates, including any original architectural drawings prepared by Jules Henri de Sibour. The applicant shall also endeavor to provide copies of photographs reported to be in Plus One Masonry files that illustrate the work undertaken in removing the underground bricks and pieces of granite. The applicant shall also endeavor to provide any reports and photographs of the gates or of the removal of the bricks and granite that may have been prepared by the previous consultants (including the consulting archeologist, Norma Baumgartner-Wagner) to the Historic Preservation Section of the Planning Department and to the Natural and Historical Resources Division and the Park Planning and Development Division of the Department of Parks and Recreation.

26. Prior to release of any building permits for the Beltway tract, the applicant shall endeavor, with the assistance of the Parks Department and the Historic Preservation Section, to locate and reconstruct the historic Oxon Hill Manor gates at an appropriate location on the Oxon Hill Manor property. Should the gates be unavailable, or should it prove inappropriate to reconstruct them, the applicant shall, with the assistance of the Department of Parks and Recreation and the Historic Preservation Section, construct an appropriate historic feature to be used in substitution for the gates. Reconstruction shall be performed with an approved Historic Area Work Permit, as required by Subtitle 29-107.
27. Prior to signature approval of the Conceptual Site Plan, the applicant shall provide, for incorporation into the appropriate documents, language to add to the design principles for the Beltway Parcel the concepts of providing for appropriate protection and respectful incorporation of the cemetery into the development plan. The principles shall include a contemplative area around the cemetery, reduction of massing and height, and consideration of appropriate neighboring uses (e.g., restaurants instead of retail). The language shall be subject to the approval of the Development Review Division and the Historic Preservation Section.
28. Prior to approval of the first Detailed Site Plan for the Beltway Tract, the applicant shall submit detailed site and illustrative plans including elevation plans, showing how the cemetery will be integrated with the overall project in an appropriately respectful manner, for review and approval by the Planning Board, or its designee. The review should take place concurrently with review by the Maryland Historical Trust.
29. Prior to the release of the building permits on the Beltway Tract for the buildings proposed to be nearest the cemetery, the applicant, with the concurrence of the Maryland Historical Trust and the Historic Preservation Section, shall incorporate the salvaged historic bricks and large pieces of granite (currently being stored by Plus One Masonry) as an element of the interpretative plans for the project. (One suggestion would be use in a pathway to the Addison Family Cemetery.)
30. Prior to approval of any Detailed Site Plan for the Beltway Tract, the applicant shall submit plans prepared in consultation with the Maryland State Historic Preservation Office (SHPO) for review by the Historic Preservation Section and the Natural and Historical

Resources Division and Park Planning and Development Division of the Department of Parks and Recreation for public interpretation of the results of the archeological investigations of the Addison Plantation and Addison Cemetery. Public interpretation may include exhibits, a public-oriented publication or publications, or other appropriate interpretative mechanisms. The applicant shall also make display space available in the Visitors Center for historical information exhibits, prepared by the applicant and reviewed by the above agencies, as well as other information and research readily available or supplied by the same agencies relating to the Oxon Hill Manor and other nearby Historic Sites.

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.
 - b. The design of the speed parking garage shall not exceed six (6) stories. At the westerly two-thirds lower end, the speed parking garage shall provide a first-floor grade 10-12 feet below the existing grade. The garage shall be 20-30 feet in-ground at the east end. The roadway on the north side of the garage (approximately 30 ft. in width) shall be cut no less than five (5) feet below the existing topography and shall be no closer than 75 feet from the adjacent homes fronting on Panorama Drive. Pedestrian trails and sidewalks shall not be located along the northern side of the speed parking garage and this area shall be patrolled regularly for

litter. Landscaping along the northern side of the garage shall be as specified elsewhere in these conditions. Transplantation of existing bamboo into the landscape buffer may be allowed by mutual agreement of the applicant and the adjoining homeowner. A minimum 20-foot landscape area shall be provided between the garage and the road, but this landscape area may be interrupted by ramps.

- c. The primary facade of the garage shall be located a minimum of 125 feet from the existing common property line of the existing homes along Panorama Drive. Ramps may be within 125 feet of the common property line, provided a parapet wall be constructed to block vehicular headlights and reduce vehicular noise.
- d. The design of the speed parking garage shall observe the following criteria:
 - (1) The garage shall be constructed in appearance so as to transition one (1) story down from east to west along the adjoining Panorama Drive residential properties, with topography to provide a break in scale and massing of the structure.
 - (2) On all four (4) sides, each level shall be stepped back from the level below to create an overall terraced effect if this can be accomplished without significant loss of parking spaces.
 - (3) Landscape planters shall be provided along the edge of all visible levels of the garage. These planters shall occupy at least 75 percent of the total linear distance of all edges of all visible levels of the garage. Architectural features or trim shall be applied to all elevations to enhance the appearance of the garage.

Architectural treatments of exceptional aesthetic merit shall justify reduction of the 75 percent requirement for planters.
 - (4) The northern elevation in particular shall be designed to block views into and out of the garage, to eliminate spillover lighting, and to diminish automobile noise from the garage.

- e. Any proposal for outdoor amusement parks, thrill rides.
- f. The Beltway Parcel.

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

- 32. All new landscape plantings in landscape buffers adjacent to existing residential development shall provide a minimum of 200 plant units per 100 linear feet of buffer, except that where 4- to 6-foot-high berms are utilized, the plant units may be reduced to 160 plant units per 100 linear feet of buffer. This does not imply that a solid screen is required in all landscape buffers. Some areas of the buffers may remain open to create or preserve desirable views.
- 33. The top deck of all parking structures shall be provided with planting areas covering a minimum of 5 percent of the total surface area of the deck. At least one (1) shade tree shall be provided for each 300 square feet (or fraction) of planting area provided. Shrubs and other plant materials may be used, but shall not be a substitute for the shade trees. Provision shall be made for irrigation and proper drainage for these planting areas to insure survival of the plant materials. Planting of shade trees may be confined to edges of the top deck (and 5 percent green area may be reduced to 2.5 percent) if it can be demonstrated through use of sections and perspective views that the top of the garage deck will not be visible from any point of the subject property or abutting properties.
- 34. There shall be an 8-foot-high fence in the landscape buffer along all abutting residentially-zoned neighborhoods, which fence shall generally be located 10 feet inside the National Harbor property line. A fence shall also be located along Oxon Hill Road and I-295. The fence shall be constructed of materials that are attractive and ornamental in character and have low maintenance requirements, such as aluminum or powder-coated galvanized tubing designed to imitate wrought iron. Details of the fencing materials shall be included in the limited Detailed Site Plan. Black vinyl-coated chain-link fence is allowed along residential property lines if agreed to in writing by the affected homeowner(s).

35. Compliance with State noise regulations shall be determined with regards to sound generated by National Airport, the Capital Beltway and the subject property prior to approval of the Preliminary Plat of Subdivision.
36. Prior to the approval of any subsequent plans for the subject property, the applicant and the County Fire Department shall enter into an agreement to provide a Fire Boat to adequately cover the properties along the coastal areas and boats on the Potomac River, and the provision of an office to accommodate a crew of six persons near the Fire Boat.
37. Prior to submittal of any Detailed Site Plan, the applicant shall submit to the County Fire Department a plan showing the location of a helipad/landing area. Such plan shall address site size, location, aerial obstructions and site lighting. The applicant shall also address the effects of the use of white lighting, and its affect on pilots' night vision and emergency operations. The proposed plan shall be submitted to the Fire Department for review and approval.
38. The applicant shall obtain approval of a Public Safety Plan from the County Police and Fire Departments, the M-NCPPC Park Police and the Maryland State Department of Natural Resources Police prior to submittal of any Detailed Site Plan.
39. Prior to submittal of any Detailed Site Plan, the applicant shall obtain approval of a Public Safety Facilities Plan from the County Police and Fire Departments showing the location of public safety facilities.

Ordered this 10th day of June, 1998, by

the following vote:

In Favor: **Council Members Russell, Bailey, Del Giudice, Gourdine, Scott and Wilson**

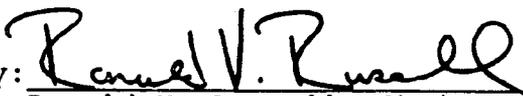
Opposed: **Council Member Maloney**

Abstained:

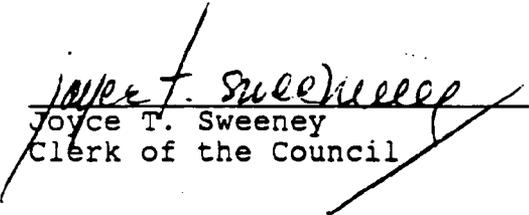
Absent:

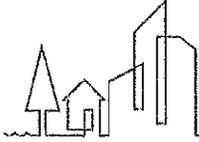
Vote: 6-1

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND.

By: 
Ronald V. Russell, Chairman

ATTEST:


Joyce T. Sweeney
Clerk of the Council



The Maryland-National Capital Park and Planning Commission

PRINCE GEORGE'S COUNTY
Planning Department

1616 McCormick Drive, Largo, MD 20774 • TTY: 301-952-3796 • pgplanning.org

December 26, 2023

The Peterson Companies, LLC
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

**RE: Waiver and Request for Reconsideration
(CSP-98012-02 National Harbor)**

Dear Applicant:

We are in receipt of your **Waiver and Request for Reconsideration** for the subject application. This request will be placed on the Planning Board's agenda for:

January 11, 2024 @ 10:00 a.m.

Please note that the Planning Board Hearing will be conducted remotely. For meeting details and to obtain directions on how to participate, please visit the Prince George's County Planning Board's website at www.pgplanningboard.org.

If the Planning Board grants your request, persons of record will be notified of the future hearing date.

If you have any questions regarding this matter, please contact Jill Kosack at 301-952-4689 or via email at Jill.Kosack@ppd.mncppc.org.

Very truly yours,

James R. Hunt, Division Chief
Development Review Division

JRH:jk

Enclosures (Applicant request, not including the Exhibits)

cc: Office of the Chairman
Suzann King, Acting Planning Director
Derick Berlage, Acting Deputy Planning Director
James R. Hunt, Chief, Development Review Division



The Maryland-National Capital Park and Planning Commission



1616 McCormick Drive, Largo, MD 20774 • TTY: 301-952-3796 • pgplanning.org

Clerk of the County Council
People's Zoning Counsel
Parties of Record

Additional Back-up

For

**CSP-98012-02
National Harbor**

**Written Comments submittedn to MNCPPC Hearing January 11, 2024, 10:00AM, on CSP 98012-02
(Opposed)**

James P. Yesinowski, 433 Rosier Road Fort Washington MD 20744; January 9, 2024

It is my belief that National Harbor, representing a massive commercial development placed in the midst of well-established residential neighborhoods, should make every effort to be a good neighbor. It is therefore disappointing that the National Harbor Noise Disturbances Working Group, which was formed to deal with a variety of continuing Noise Disturbances coming from National Harbor, was not contacted by the Applicant regarding their proposed actions, which would only exacerbate the problems. Nor were residents in the Riverbend area most affected by National Harbor notified by the purely voluntary civic association known as the Riverbend Citizens Association (RBCA), although this latter group is neither recognized by Prince George's County nor is an HOA.

The arguments the Applicant makes for suspending the Rules of Procedure to allow reconsideration 9 years after approval of the amended CSP rather than the required 14 days are unconvincing. I believe they fail to establish that either "an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause" or "subsequent new or different factual information that would justify a different conclusion, but not a mere change of mind." In fact, Applicant admits that "in the Board's recent review of permits, Staff applied the 100-foot distance setback condition to some of the proposed townhouse dwellings....".

There is a need for a DSP to regulate the height of residential structures, but the Applicant apparently proposes to eliminate that requirement. The Applicant's documents as I understand them fail to state what if any height limitations would apply to new residential structures, and without a required DSP this would give too much license to adversely affect existing nearby residential neighborhoods. In fact, the large quantity of commercial buildings in National Harbor creates already disproportionate problems in surrounding residential neighborhoods, problems that include more than noise disturbances. Residents of these affected neighborhoods are thus being treated as second-class citizens in Prince George's County vis-a-vis those who live at greater remove. National Harbor is in a unique situation with regard to its neighbors, and a 100-foot setback and DSP should be REQUIRED for new residential structures, as was decided by the MNCPPC back in 2015.