

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-370, Potomac Business Park, Super Walmart, requesting a departure from parking and loading standards to reduce the required number of parking spaces from 509 to 484 for a retail establishment in the Planned Industrial/Employment Park (I-3) Zone in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 24, 2012, the Prince George's County Planning Board finds:

1. **Request:** The subject application, Departure from Parking and Loading Standards DPLS-370, requests a departure from Section 27-568 to allow for a reduction in the minimum number of required parking spaces as a companion case to Detailed Site Plan DSP-11011 for the construction of a 100,779-square-foot department or variety store, specifically a Super Walmart, on 13.36 acres in the Planned Industrial/Employment Park (I-3) Zone.

2. **Development Data Summary**

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

Other Development Data

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

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

Loading Spaces Required

3 spaces

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

Loading Spaces Approved

3 spaces

*A departure, DPLS-370, has been granted for the 25 required parking spaces that are not provided as reflected in this approval.

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

The submitted detailed site plan proposes the construction of a single-story, 26.67-foot-high, 100,779-square-foot department or variety store and associated parking on Lots 6 and 8. The

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

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

In response to comments regarding issues raised by the master plan, the applicant submitted a revised streetscape design for Lot 6's frontage on Oxon Hill Road and Felker Avenue. This design includes four small colored concrete plaza areas, including one near the intersection, that include short lengths of four-foot-high brick-veneered walls, benches, and metal trellises. In the approval of DSP-11011, the Planning Board found this is an appropriate interim approach to defining a street wall and providing a more pedestrian-friendly site design, as an alternative to moving the building itself to the street line, which is prohibitive given the site conditions. However, the Planning Board found that the limited size and extent of these streetscape improvements will not be sufficient to represent substantial fulfillment of these goals. Therefore, a condition of the companion DSP requires these design features, specifically the plaza areas, walls, and trellises, be increased in size, in regard to their widths and lengths along both frontages, and to be fully shown and detailed on the DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject DPLS application is subject to the requirements of the Zoning Ordinance, specifically, Section 27-588(b)(7), Required findings for Departures from Parking and Loading Standards. The project conforms to these requirements. See Finding 9 of this resolution for a detailed discussion of conformance to the required findings for the subject DPLS.

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

- a. **Historic Preservation**—The subject project would have no effect on identified historic sites, resources, or districts.
- b. **Archeological**—The Planning Board reviewed a brief history of the subject property and historic sites within a one-mile radius as follows:

- (1) During the early 1800s, the subject property was part of the 112-acre farm compiled by Charles Beall, a free African American. It was very unusual for a free African American to have the ability to acquire such a large tract of land in the early 1800s. In the late 1700s, Beall was able to purchase the freedom of his wife and children, as well as two other African Americans. Beall also donated a one-half acre lot to the Methodist Church for the construction of a place of worship. Both black and white congregants worshipped together in the building, although they were segregated on each side of the church. Blacks and whites worshipped together in this building until after the Civil War when there was a dispute over ownership. The African American congregation eventually built their own church, St. Paul's Methodist Church, located at the intersection of St. Barnabas and Tucker Roads.

Charles Beall sold his 112-acre farm to McKinsey Talbert in 1825. Talbert was the uncle of Dr. John H. Bayne, owner of Salubria. In the early 20th century, the subject property was under the ownership of William E. Miller, founder of Rosecroft Raceway. Some of Miller's equestrian facilities are visible in the 1938 aerial photographs.

- (2) Because of the significant history associated with the subject property, the applicant should develop interpretive signage to incorporate into the proposed development, as a means of public outreach. The subject property is associated with other historic properties in the vicinity and could add to a unified narrative on the historical development of the Oxon Hill area.

- (3) Section 106 review may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.
- (4) The applicant's proposed 50-foot sign should be studied to determine its visual impact on any designated historic properties in the vicinity, including Mr. Welby, Butler House, Oxon Hill Manor, Salubria, and the Addison Family Cemetery. Any lighting associated with the proposed sign should be designed to minimize its impacts on views from the historic properties identified above.

Recommendations

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

The applicable comments have been included as conditions in the companion DSP.

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

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

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

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

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

- **Develop compact centers with interconnected street grid patterns that promote efficient automobile and foot traffic circulation.**
- **Provide continuous street wall formed by adjoining buildings and set along a consistent build-to line from the street to create a comfortable sense of enclosure along major streets and in mixed-use centers and other areas of high pedestrian activities.**

- **Locate parking areas to the sides and rear of buildings (never in the front, between the street and building), and provide innovative circulation and landscaping design for parking areas to reduce conflicts between cars and pedestrians and reduce the amount of impervious surfaces.**

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

- The master plan concept illustration on Oxon Hill Regional Center Vision Diagram, Page 50, Map 20.
- Two smaller pad sites close to Oxon Hill Road with setbacks consistent with existing buildings (see the attached proposed Rockville Pike Walmart concept).
- A two-story Walmart located closer to the street, with setbacks consistent with existing buildings.

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

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

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

The proposed height of the pylon sign at 50 feet is excessive. Approval of the sign would set an undesirable precedent for other retailers in the area, who would potentially want

high visibility signage for business identification. A proliferation of such tall signage would create visual clutter along the roadways and skyline.

The applicable comments have been included as conditions in the companion DSP.

- d. **Transportation Planning**—The site has frontage on Oxon Hill Road, which is a master plan arterial facility with a public transportation facility. This roadway is recommended for a right-of-way of 146 to 154 feet to accommodate roadway and transit needs. Given that the adjacent section is outside of the Oxon Hill core area, as designated in the *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the smaller right-of-way (without the widest sidewalks) would govern. The plan shows Oxon Hill Road to have a right-of-way of variable width. The tax maps indicate an existing right-of-way ranging from 130 feet (near the eastern property line) to 143 feet. The additional right-of-way required along the frontage is between 1.5 feet and 8 feet; this additional right-of-way can easily be accommodated along the site's clear frontage. No structures (parking or otherwise) are proposed within the ultimate right-of-way of Oxon Hill Road. Felker Avenue is an undesignated industrial/commercial roadway with an acceptable right-of-way of 70 feet.

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

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

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

Further discussion of the preliminary plan Condition 9 can be found in the companion DSP.

The Planning Board reviewed an analysis of the parking space departure, DPLS-370, as follows:

The application requests a waiver of the parking standards in the Zoning Ordinance to allow a reduction in the number of the parking spaces. The Zoning Ordinance provides minimum standards for on-site parking and loading on the subject property for two primary reasons. The standards protect the patrons of the subject property from problems caused by not having adequate and available parking at hand. The parking standards also protect neighboring property owners from problems caused by persons residing on or

visiting the subject property and using parking spaces on adjacent land or streets during that time.

The justification statement bases the departure primarily upon a comparison of a shopping center with a freestanding retail store, and continues by stating that the department store use is like a shopping center because it combines several different retail and service departments. In response, data in *Parking Generation* (Institute of Transportation Engineers) has been reviewed to determine if this argument is justifiable. This source includes parking rates for freestanding discount store; however, this use type is not truly analogous to the subject application because the use type does not include a supermarket. No other uses in this source appear to be analogous either, and this limitation renders *Parking Generation* to be inconclusive to either support or refute the applicant's contention.

It is strongly suggested that parking counts for similar stores in the region be provided. Also, if other jurisdictions have parking standards that are more relevant to the use and can justify less parking, a citation of such standards should be provided.

It is noted that the parking departure has been necessitated by the size and constraints of the site, and it is recognized that there is really no additional space to accommodate more surface parking. It is suggested that a parking structure, and possibly even a two-level store, be given consideration for the following reasons:

- (1) The site layout is problematic in placing the main store entrance at the main point of vehicular access. The lack of separation between pedestrians and vehicles creates safety and operational issues. Reducing the overall footprint of the structures would allow more flexibility in designing the site.
- (2) The site constraints create a need for departures and variances; these result from developing every square inch of the site to accommodate structures.
- (3) The site is within a regional center, as defined in the *Prince George's County Approved General Plan*, and it is adjacent to a planned fixed-guideway transit station as identified in the *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. As such, there should be a much greater emphasis on transit-supportive development, which should include an emphasis on multistory buildings and structured parking.

In summary, the parking departure requires better justification through comparison with similar sites, and further thought needs to be given to the overall plan for the site. The justifications for the various variances and departures speak considerably about sustainability, but it is not clear that the subject plan is sustainable given the importance of this site within a regional center and adjacent to a planned transit station.

Further discussion of the DPLS is in Finding 9 below.

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

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

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

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

2. **Prior to the issuance of any building permits, the applicant shall provide evidence to the Chief of the Prince George's County Police Department that the following have been met:**
 - a. **The site plan submitted for building permit application shall address the provisions of specific up to date security hardware such as deadbolt locks and secure door and window frame construction that shall be installed and operable prior to installation of appliances, electrical fixtures, carpeting, and plumbing fixtures. Approval shall be stated in writing by the Police Chief prior to the approval of any building permits**
 - b. **All front elevations of all buildings shall be provided with building numbers at least six inches in height, conspicuously located and easily identifiable from the street. All building numbers and front entrance ways shall be provided with bright lighting. Plans or illustrations of these elements shall be submitted with any application for building permit.**
 - c. **Construction equipment/trailers shall be in a central location and fenced. The developer/builder shall be required to fully alarm all points of access (windows & doors) to the construction office/trailer(s) and implement any reasonable crime prevention measures recommended by the Police Department to prevent future thefts and vandalism.**
 - d. **All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.**

- e. **Ground floor units of office buildings shall be alarmed with adequate instruction alarms. Consideration should be given to alarms for individual suites.**
- f. **Parking areas shall be brightly lighted & located in unisolated areas. Planting shall be low growing plants/shrubbery.**

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

- 3. **The applicant shall post a bond, letter of credit or suitable financial guaranty in the amount of \$360,000 prior to record plat approval as its financial contribution for improvements to MD 210, Oxon Hill Road, the Capital Beltway, and associated ramps as shown on Exhibit 2 of the 1988 Port America traffic study.**
- 4. **Prior to the issuance of a building permit for each lot, the applicant shall pay to Prince George's County a percentage of the financial contribution guaranteed pursuant to Note 3, with a total payment not to exceed \$360,000. The amount paid shall be as follows:**
 - a. **Lot 1: \$54,400 (aka Lot 6)**
 - b. **Lot 2: \$78,000 (aka Lot 6)**
 - c. **Lot 3: \$180,000**
 - d. **Lot 4: \$23,300 (aka Lot 7)**
 - e. **Lot 5: \$23,300 (aka Lot 8)**
- 5. **In the event that a construction contract is awarded for any of the following improvements prior to receipt of the total amount to be paid to Prince George's County pursuant to Note 4, the balance of the total amount shall become payable at the request of the Prince George's County:**
 - a. **Ramp H (as identified on Exhibit 2 of the 1988 Port America traffic study).**
 - b. **Ramp A-1 from Northbound I-95/I-495 to Port America Road.**
 - c. **Ramp M from Port America to Northbound I-95/I-495.**

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

- 6. **No building permit shall be issued for any building or buildings in excess of 300,00 square feet of general office space or different uses generating no**

more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development, except as provided in the following conditions.

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

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

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

The subject application has been submitted in fulfillment of this requirement, and conformance to SP-87116 is discussed in the companion DSP.

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

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

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

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

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

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

The following comment was included as a condition in the companion DSP:

- (1) Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall obtain approval of a final plat, pursuant to Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required to address the following:
 - (a) Correct Note 11 of Record Plat MMB 233-87 to state “No direct access to Oxon Hill road is permitted. All access shall be off Felker Avenue.” consistent with Condition 9 of the PGCPB Resolution No. 88-250(A).

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

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

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

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

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

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

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

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

Internal Pedestrian Access

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

The site also shows a small "overflow" parking lot on the west side of Felker Avenue. An at-grade pedestrian crosswalk is indicated on the plans linking this parking lot with the proposed commercial center. Warning signage and a high-visibility raised crosswalk (DPW&T Standard 700.02) is recommended at this location to calm traffic, raise the

visibility of the pedestrian crossing, and provide an attractive and visible pedestrian route from the parking lot to the proposed building. This treatment should not only serve to calm traffic, but will also increase the visibility of the pedestrian crossing. A similar treatment has been utilized along Governor Oden Bowie Drive in front of the County Administration Building.

Major Issues

- The feasibility of rerouting traffic through the site to minimize the conflict with the main pedestrian zone in front of the building needs to be explored.
- A pedestrian route to the building entrance should be designated for pedestrians coming along Oxon Hill Road from the east.
- Right-of-way dedication needs to accommodate the provision of future bicycle lanes along Oxon Hill Road. The amount of dedication will be determined by SHA.
- Pedestrian safety of the at-grade crossing of Felker Avenue needs to be addressed. A raised crosswalk is recommended, pending approval by DPW&T (see attached detail for Standard 700.02).

Conclusion

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

at the at-grade pedestrian crossing of Felker Avenue, unless modified by DPW&T.

The applicable comments have been included as conditions in the companion DSP.

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

A copy of the approved stormwater management concept plan and letter were submitted with the subject application. The concept plan appears to show all stormwater to be directed to an existing stormdrain system that is ultimately conveyed to a regional stormwater management pond. According to the approval letter, no quantity or quality control is required. The DSP and TCP2 are consistent with the concept plan.
- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated February 15, 2012, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire Department at the time of the issuance of permits.
- j. **Department of Public Works & Transportation (DPW&T)**—In a memorandum dated February 8, 2012, DPW&T provided a standard response on issues such as frontage improvements, soils, storm drainage systems, and utilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced by DPW&T at the time of the issuance of permits. DPW&T also indicated that the subject DSP is consistent with approved Stormwater Management Concept Plan, 17180-2001-01. DPW&T also indicated that they do not support the DPLS request as it will result in overflow parking on public roadways.
- k. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.

1. **Prince George's County Health Department**—In a memorandum dated February 17, 2012, the Health Department provided the following summarized comments:
 - (1) Increased traffic volumes in the area can be expected which is considered a chronic environmental stressor and adds to fine particulate air pollution, which is associated with childhood asthma and detrimental cardiovascular outcomes.
 - (2) Conversion of large areas of open space into impervious surface requires demonstration that the site is in conformance with the county's Watershed Implementation Plan.
 - (3) Demonstrate that the capacity of the Washington Suburban Sanitary Commission (WSSC) wastewater treatment plan and sewage pumping station serving the site are adequate to serve the project.
 - (4) Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
 - (5) Artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded so as to minimize light trespass.
 - (6) Indicate the dust and noise control procedures to be implemented during the construction phase of this project. No dust or construction noise should be allowed to impact adjacent properties.

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

- m. **Maryland State Highway Administration (SHA)**—In a memorandum dated February 29, 2012, SHA indicated that the access to Oxon Hill Road may create operational problems, that the location of the entrance to Felker Avenue appears appropriate, but would require a more thorough review, and that they had reviewed a traffic signal warrant study but required additional information to complete their review.
- n. **Prince George's County Board of Education**—The Board of Education did not provide comments on the subject application.
- o. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated February 17, 2012, WSSC provided a standard response on issues such as pipe and easement requirements. They also indicated that the proposed site development was previously submitted to them and is a conceptually approved project.

- p. **Verizon**—Verizon did not provide comments on the subject application.
 - q. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
 - r. **Town of Forest Heights**—The Town of Forest Heights did not provide comments on the subject application.
9. **Departure from Parking and Loading Standards DPLS-370:** The Planning Board hereby approves a departure from parking and loading standards, specifically from Section 27-568 of the Zoning Ordinance, to allow for 484 parking spaces instead of the required 509 parking spaces on the site, a reduction of 25 spaces. (It should be noted that this number is listed incorrectly on the DSP, but through counting, staff determined that only 484 spaces are provided, not 486 as is stated on the coversheet.) Part of this parking is provided on Lot 8, which is not contiguous or adjacent to Lot 6, where the actual building is located. However, this is allowed per Section 27-573(a) as long as the entire parking lot is within 500 feet of the nearest boundary of the record lot on which the use is located, and that is true for the parking located on Lot 8.

Each required finding necessary to be made for the requested departure, as specified in Section 27-588(b)(7)(A), is listed in **bold** face type below followed by comment.

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

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

“The proposed store includes several service departments, in addition to departments for housewares, clothing, and sporting goods. In addition to these departments, the proposed building also contains a full grocery store use, a pharmacy, and a photo lab. These additional service departments allow patrons to eliminate multiple trips to different locations to complete their errands.

“A ‘department or variety’ store is, for practical purposes, a shopping center under a roof. The proposed use is similar in size to many neighborhood shopping centers. Taken in this light, such a comparison is helpful to providing justification for the departure. The parking requirement for a shopping center between 25,000 and 400,000 gross floor area, with no office or theater use, is 1 space per 250 square feet of gross leasable area. Using this requirement, the proposed building would result in a minimum parking requirement of 403 spaces. The DSP provides 484 spaces: 359 spaces on Lot 6 and 125 additional spaces on Lot 8.

“Because the departure from the parking requirement is small, less than five percent, and because the proposed parking exceeds the minimum requirements for a shopping center,

which is a reasonable equivalent use, the proposed parking departure will equally well serve the purposes of the Subtitle.”

The purposes of the Parking and Loading Part, as expressed in Section 27-550 of the Zoning Ordinance, include requiring off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses; aiding in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points; protecting the residential character of residential areas; and providing parking and loading areas which are convenient and increase the amenities in the regional district. These purposes will be served by the applicant’s request as the departure is minimal, only five percent, the parking requirement is high given the variety of uses provided in the one building, and there are no residential areas that will be immediately affected by the parking in this area.

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

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

“The main parking area on Lot 6 (359 spaces) and the additional parking area on Lot 8 (125 spaces) have been designed in a manner to most efficiently park the site and meet the requirements in the Landscape Manual.

“The 25 space departure is the minimum necessary given the specific circumstances of the project.”

The Planning Board concurs that the requested departure is the minimum necessary on the subject site, noting that two lots are being used to even allow enough room to only require this departure. Any less extensive departure would cause hardship to the applicant as a smaller store on this site would not be a permitted use.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

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

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

“This footnote describes not only lot size, but proximity to specific zones, frontage requirements, and building size and sales and service limits. Very few properties in the I-3 zone will meet all of these criteria. This specific lot (Lot 6) meets all of these conditions. In addition, Lot 6 also has extensive environmental constraints along the rear of the lot in the form of wetland and floodplain. These environmental constraints make up about 2.25 acres, or almost 20%, of Lot 6. This site conforms to the very narrow and particular requirements of Footnote 27 and has significant environmental limitations resulting in conditions that are unique to this site.”

The Planning Board concurs with the applicant’s assertion that the departure is necessary to alleviate circumstances that are special to the subject use, specifically, a department store subject to Footnote 27 which is dictated by the specific location. Lot 6, which will contain the majority of the proposed site improvements, contains a large section of environmental features, narrows from south to north, and does create a special situation for siting the development and all of the required parking.

- (iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

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

“The applicant has used the methods available in the code to calculate the parking requirements. The site is constrained by additional building restriction lines and buffers not normally found in the typical zone for which this use is found. But for these building restriction lines and buffers the applicant could provide much of the remaining required parking.”

The Planning Board concurs that all methods for calculating the number of spaces provided in the Zoning Ordinance have been examined without success, leaving no alternative but to pursue the subject departure from parking and loading standards.

- (v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

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

“There are no residential areas adjacent to the subject site. There is property to the south of the greater employment park that is zoned R-55 but is owned by the Board of Education and is not residential in nature.”

The Planning Board concurs that there are no immediately adjacent residential areas that will be infringed upon by the granting of this departure.

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 above-noted application, subject to the following condition:

1. Any additional loss of parking spaces from the implementation of Condition 1(k) for DSP-11011 shall not necessitate a revision of DPLS-370 and the findings in support of that approval shall be the same and the final number of spaces deemed the minimum necessary for DPLS-370.

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

* * * * *

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

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

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator