

**R E S O L U T I O N**

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 27, 2017 regarding Detailed Site Plan DSP-13048-01 for TopGolf at Potomac Business Park, Lots 6, 7, 8, the Planning Board finds:

1. **Request:** This application includes a request for approval of a 64,232-square-foot golf driving range combined with an eating and drinking establishment, specifically a TopGolf Facility, on 15.36 acres in the Planned Industrial/Employment Park (I-3) Zone. The application also includes variances from the building and parking setbacks established in Section 27-474(b) of the Zoning Ordinance.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	I-3	I-3
Uses	Vacant	Golf Driving Range/ Eating and Drinking Establishment
Acreeage	15.36	15.36
Lots	3 (Lots 6, 7, and 8)	3 (Lots 6, 7, and 8)
Square Footage/GFA	0	64,232

**Other Development Data**

<b>Parking Required</b>	<b>349 spaces</b>
Golf Driving Range—102 tees, 67 employees	
1 space/Tee	102 spaces
1 space/employee	67 spaces
Eating and Drinking Establishment—538 seats	
1 space/3 seats	180 spaces
 <b>Parking Provided</b>	 <b>396 spaces</b>
Standard Spaces	242 spaces
Compact Spaces	146 spaces
Handicapped Spaces	6 spaces
Van-Accessible Handicapped Spaces	2 spaces

<b>Loading Spaces Required</b>	<b>1 space</b>
64,232 sq. ft. @ 1 space for up to 100,000 sq. ft.	
<b>Loading Spaces Provided</b>	<b>1 space</b>

3. **Location:** The subject site, which consists of three noncontiguous lots, Lots 6, 7, and 8, is generally located approximately 500 feet east of Indian Head Highway (MD 210), on the south side of Oxon Hill Road (MD 414) and on both sides of Clipper Way (formerly Felker Avenue), within Planning Area 76B, Council District 8.
4. **Surrounding Uses:** Lots 6, 7, and 8 are part of the existing Potomac Business Park, which is partially graded, but developed only with a stormwater management (SWM) pond. Lot 6, where the facility is located, is located on the east side of Clipper Way and is bounded to the north by the public right-of-way of Oxon Hill Road (MD 414) and beyond it by a church in the Rural Residential (R-R) Zone; to the west by the public right-of-way of Clipper Way and beyond it by a hotel in the Commercial Shopping Center (C-S-C) Zone and Lots 7 and 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. Contiguous Lots 7 and 8, where only parking is located, are located to the southwest of Lot 6, across Clipper Way, and are 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, Potomac Business Park, Parcel A, developed with a SWM pond; and to the east by the public right-of-way of Clipper Way and Lot 6 beyond it.
5. **Previous Approvals:** In November 1987, the Prince George's County Planning Board approved Conceptual Site Plan CSP-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 was 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.

The Planning Board reviewed and approved a previous Detailed Site Plan, DSP-11011, and associated applications for a 100,779-square-foot department or variety store on the subject Lots 6 and 8 on May 24, 2012. The DSP was appealed and heard by the Prince George's County District Council on November 5, 2012. The District Council remanded the case to the Planning Board in an order issued on January 28, 2013, and the DSP was subsequently withdrawn.

County Council Bill CB-64-2012 was adopted on November 7, 2012, which changed the use requirements for a department or variety store in the I-3 Zone, making it a special exception use in certain circumstances. The District Council reviewed and denied a previous Special Exception SE-4738 on the subject property for a department or variety store over 85,000 square feet with a food and beverage component in the I-3 Zone on March 10, 2015.

The Planning Board reviewed and approved a previous Detailed Site Plan, DSP-13048, and associated applications for a 100,310-square-foot department or variety store on the subject Lots 6, 7, and 8 on May 15, 2014. The DSP was appealed and heard by the Prince George's County District Council on March 10, 2015, and the District Council reversed the decision of the Planning Board.

The larger business park site including the subject site had a previously approved SWM plan. The required SWM facilities have been constructed.

6. **Design Features:** The subject property consists of three vacant lots, Lots 6, 7, and 8, within the larger Potomac Business Park development, which is currently completely vacant. Lot 6 sits on the southeastern corner of the intersection of Oxon Hill Road (MD 414) and Clipper Way. It is roughly rectangular in shape, except along its western frontage on Clipper Way which is curvilinear, and it contains regulated environmental features along the southern end. Lots 7 and 8 sit on the western side of Clipper Way, southwest of Lot 6, and extend in a triangular shape towards Indian Head Highway (MD 210) to the west.

The submitted DSP proposes the construction of a three-story, 54.5-foot-high, 64,232-square-foot, golf-driving range, restaurant and associated parking on Lots 6, 7 and 8. The building itself sits at the southern half of Lot 6 with the main entrance facing south, with 38 parking spaces located between the building and the southern property line of Lot 6, accessed off of Clipper Way. To the north of the building, between the building and Oxon Hill Road is the driving range area where patrons hit golf balls that contain tracking chips. The range area is proposed to be surrounded by pole mounted safety net that ranges from 90 to 170 feet in height. A proposed retaining wall along the southern edge of the parking on Lot 6 accommodates the grading on-site and minimizes the disturbance to the environmental features. The loading dock and trash area are tucked into the southeastern corner of the building.

Lots 7 and 8 contain only a large 358-space parking lot set into the middle of the lots with two vehicular entrance points off Clipper Way. A retaining wall is proposed along the southern edge of the parking lot to accommodate site grading. Stormwater management is being accommodated at an off-site SWM pond that serves the entire business park.

The site plan seems to indicate well-designed pedestrian connections between the main entrance and parking area on Lot 6. A series of handicapped ramps and stairs are incorporated into an attractive planter and retaining wall system. However, pedestrian connectivity has not been provided from the parking lot on Lots 7 and 8 to the public right-of-way. Additionally, due to the majority of the patrons required to cross Clipper Way mid-block, potentially late in the evening, a

raised crosswalk and hazard identification beacon can be utilized for the pedestrian crosswalk. A condition has been included in this resolution.

### **Architecture**

The proposed TopGolf building features a modern design with a variety of materials, ornamentation, and roof levels. Much of the front elevation and side elevations of the building will be constructed of a light beige exterior insulation finishing system (EIFS), with silver trim. Additional detail is provided using neutral stone panels, dark brown EIFS, dark brown composite paneling, and a color-changing light-emitting diode (LED) metal mesh. The front elevation, facing south, has multiple windows, variations in roof heights, and multiple façade depths to accommodate the entrance vestibule. The side elevations facing west and east feature matching materials and ornamentation. The rear elevation facing the driving range to the north, and Oxon Hill Road beyond, is primarily open bays with composite-paneling-clad columns. Exterior staircases are also proposed on the west and east sides of the building.

### **Signage**

Three freestanding signs are proposed for the development. The first sign, located at the corner of Oxon Hill Road and Clipper Way is a 42-foot-tall pylon sign. The sign itself measures approximately nine-foot 11-inches tall and 16-foot eight-inches-wide and sits atop a 32-foot one-inch clad steel pole. The sign area contains a black and brushed aluminum cabinet with face-lit blue channel lettering and a logo. Two matching monument signs are also proposed along Clipper Way at the main entrances to the parking lots. These monument signs measure nine-foot five-inch tall and 13-foot four-inch-wide, and also contain a black and brushed aluminum cabinet with face-lit blue channel lettering and a logo.

The building contains two signs on the southern face of the building. One sign, totaling 49 square feet, is comprised of the letters “TopGolf” in a blue channel letter sign mounted to the entrance canopy. Behind the channel letter sign, a 695-square-foot TopGolf shield logo is incorporated into the architectural face of the building with contrasting EIFS. Departure from Sign Design Standards DSDS-692 has been approved as a companion case with this DSP.

### **Site Details**

**Light Fixtures**—Details of the parking lot and driving range light fixtures have been provided and are acceptable.

**Dumpster Enclosure**—The dumpster enclosure will be composed of concrete masonry unit, with a composite paneling façade and metal trim that matches materials found on the architecture. Double gates, finished in composite paneling supported by painted steel posts, provide access to the enclosure.

**Retaining Walls**—A series of terraced concrete masonry unit retaining walls and planters are located at the main entrance to accommodate ramps and stairs. The walls blend harmoniously with the architecture and provide additional relief to the building face. Two additional retaining walls

are also proposed along the southern edges of the parking lots on Lot 6 and Lot 7 to accommodate the grading on-site and minimize the disturbance to the environmental features, however, the applicant has not provided details of these retaining walls. A condition has been included in this resolution to require the applicant to provide details of the retaining walls prior to certification of the DSP.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the Planned Industrial/Employment Park (I-3) Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The DSP was reviewed for conformance with the requirements of Section 27-473(a) of the Zoning Ordinance, which governs uses in the I-3 Zone. A golf driving range and an eating or drinking establishment, excluding drive-through service, are both permitted uses in the I-3 Zone.
  - b. The DSP was reviewed for conformance with the applicable requirements of Section 27-471 for the I-3 Zone. The subject DSP application is required by Section 27-471(d)(1). The submitted plan is in conformance with the specific requirements of Section 27-471 as follows:
    - (b) **Landscaping, screening, and buffering of development in the I-3 Zone shall be provided as set forth in the Landscape Manual.**
      - (1) **Additional buffering and screening may be required to protect the park-like setting of the Planned Industrial/Employment Park from adjoining or interior incompatible land uses.**

Conformance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual) is discussed in Finding 11 below. Buffering and screening along adjacent properties was the subject of multiple conditions of approval of the relevant CSP and preliminary plan as discussed in Findings 8 and 9 below respectively.

- (c) **Outside uses.**
  - (1) **With the exception of off-street parking and loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), vehicle rental lots, and public utility uses, all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.**

All such activities on the subject development are proposed to be in a wholly enclosed building. No outdoor sales activities are proposed.

**(f) Regulations.**

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

On the subject development, the building's main entrance faces south-west on Lot 6, towards Clipper Way. There are 38 parking spaces (13.6 percent) located in front of the main entrance. The remainder of the parking is provided on Lots 7 and 8, which is located to the southwest of the building and not located within the yard to which its main entrance is oriented. The loading space is located along the southeast yard of the building facing the adjacent Lot 3.

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

On the subject development, the proposed loading dock for the building is located on the southeast side of the building and not facing a street.

**(h) Required access.**

- (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

The subject property has direct frontage on and access to Clipper Way, a 70-foot-wide right-of-way.

- c. The DSP is in general conformance with the applicable site design guidelines as referenced in Section 27-283, and contained in Section 27-274, of the Zoning Ordinance. For instance, vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers. Site amenities, such as planters and walls, contribute to an attractive, coordinated development that is appropriately scaled for user comfort. Additionally, the light fixtures are durable and compatible with the architecture.

One of the site design guidelines states that crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material or similar techniques. Most of the patrons will park in the parking lot on Lots 7 and 8, and be forced to cross Clipper Way in a mid-block situation, potentially late in the evening. This mid-block crossing could be unsafe; therefore, a raised crosswalk and a hazard identification beacon are required to help improve the safety of pedestrians crossing Clipper Way.

- d. The DSP is in general conformance with the applicable requirements of Section 27-474 regarding regulations in the I-3 Zone, including minimum net lot area of two acres, minimum lot frontage of 150 feet, and maximum building coverage of 45 percent, with the exception of conforming to Section 27-474(b) for which variances have been requested as detailed below.

**Variance:** Section 27-474(b) requires that buildings be setback 20 feet, plus the height of the building, from adjoining land in any nonresidential zone. This application proposes a 54.5-foot-tall building, therefore, a setback of 74.5 feet is required. Section 27-465(a) also requires that fences and walls more than six feet high should meet the setback requirements for main buildings. This application proposes to enclose the driving range with pole-mounted protective netting, up to 170 feet high to prevent golf balls from straying out of the range area. This protective netting system is considered a fence and, therefore, is required to meet the 74.5-foot building setback. This application proposes to locate the fence within 50.5 feet of the adjoining I-3 zoned Parcel 206, to the east of Lot 6. A variance of 24 feet is requested from the requirements of Section 24-474(b) to accommodate the poles and netting, for approximately 175 linear feet of property line.

Section 27-474(b) of the Zoning Ordinance also requires that surface parking be setback at least 30 feet from the street, 50 feet from a freeway, and 20 feet from adjoining land in any nonresidential zone. This application requests a variance to reduce the setback for the surface parking adjoining the C-S-C Zoned property to the north of Lot 8 to 9.9 feet; reduce the setback for the surface parking adjoining the I-3 zoned property to the south of Lot 7 to 8.5 feet; reduce the setback for the surface parking adjoining Indian Head Highway, which is classified as a Freeway in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), to 15.5 feet.

Per Section 27-230(a) of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

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

**Applicant's Justification:**

“Lot 6, on which the TopGolf facility will be located is approximately 11.36 acres in size and contains 2.25 acres of environmental constraints. Almost 20 percent of Lot 6 is encumbered by environmental constraints. In addition, Lot 6 is approximately 620 feet wide along the southern half of the property and narrows to approximately 403 feet along Oxon Hill Road. The environmental constraints and the narrow width of the property along the Oxon Hill frontage make compliance with the setback requirement impossible. Finally, the driving range must be oriented so that the driving bays are facing north. This orientation prevents the glare of the sun from impacting the operation or the driving range. Therefore, the pole mounted netting must be located on the north side of the property, which is too narrow to accommodate the setback requirement.

“Due to the operational requirements of a TopGolf facility, only a small amount of the required parking can be located on Lot 6. The southern part of Lot 6 is encumbered with PMA. The main surface parking lot with the majority of the parking is located on Lots 7 and 8. The three lots developed as one facility results in an unusual development parcel that constitutes as an unusual shape, with the use bisected by Clipper Way and bounded by a freeway on the west side of Lots 7 and 8. The parking was designed to be within close proximity to the main entrance while complying with the 30-foot parking setback requirement on both sides of Clipper Way.”

The Planning Board concurred that an extraordinary situation exists due to the environmental constraints and the unique shape of the project being bisected by Clipper Way, the narrow width of Lot 6 at the Oxon Hill Road frontage, and the extensive frontage along both sides of Clipper Way.

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

**Applicant's Justification:**

“The applicant is proposing an entertainment and recreation facility that is focused around the golf driving range, a permitted use in the I-3 Zone. The netting surrounding the driving range has been designed to a height using the latest technology and will ensure that golf balls driven from the first, second, and third level driving bays do not stray outside the property and harm members of the public and surrounding properties. The installation of netting at the height proposed is the only feasible means of ensuring the safety of the general public. If the variance is not approved, the applicant will not be able to develop the subject property with a golf driving range as proposed.

“The surface parking lot located on Lots 7 and 8 complies with the setback requirement along Clipper Way. The proposed setback reduction to the north, west and south, will not have a negative effect to the functioning of the hotel parking lot, the existing stormwater facility and the MD 210/I-495 interchange. The strict application of the setback requirements would result in an undue hardship upon the applicant as compliance with the requirements would prevent the provision of parking at a quantity that is operationally sufficient for the TopGolf facility.”

The Planning Board concurred with the applicant’s justification that the denial of the variance would result in practical difficulty since the netting is the only feasible way of ensuring the safety of the general public, and without the netting the applicant would not be able to develop the driving range as proposed. The fact that the driving range takes up a large area with a specific shape necessitates the need for the variance. Additionally, if the variance from the extensive setbacks required for the parking lot were denied, insufficient parking would be provided on Lots 7 and 8 to serve the facility. If the required setbacks on three sides were observed, the applicant would only provide 310 spaces. The required parking, based on the rates established in Section 27-568(a) of the Zoning Ordinance, totals 349 parking spaces, while the applicant is proposing 396 parking spaces with the variance request.

In addition, the TopGolf facility does not operate like a typical driving range and the actual demand is much higher due to the communal nature of the facility. For instance, a driving range typically requires one parking space per tee because only one patron uses a tee at a time, however, at a TopGolf facility multiple patrons might share a tee requiring additional parking. The strict application of the setback requirements would result in a significant shortage of parking that would be operationally insufficient, and practically difficult for the TopGolf facility.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.**

**Applicant’s Justification:**

“The variances generally conform to the land use recommendations of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Areas*. The property is within the Oxon Hill Regional Center future mixed use rezoning area a transition area and recommends future development at lower scale densities and intensities. Furthermore, the variance generally conforms to *Plan 2035*, the approved General Plan. Policy 1, found on page 110 of Plan 2035, states:

“Direct a majority of projected new residential and employment growth to the regional transit districts in accordance with the Growth Policy Map and Growth Management Goals set forth in Table 17.”

“The development of this site with an entertainment and recreation facility is in keeping with Plan 2035’s recommendation to direct additional growth to the National Harbor Regional Transit District.

“In light of the above, the applicant contends that the variances requested by the applicant comply with the criteria for approval set forth in Section 27-230(a) of the Zoning Ordinance.”

The Planning Board agreed with the applicant’s justification that the approval of the variance will not substantially impair the intent of the General Plan or Master Plan, as the proposed development directs additional growth to the National Harbor Regional Transit District.

In summary, the strict application of setback requirements for both the safety net and parking lots would unreasonably prevent the owner from using the property for the proposed use as a golf range facility or would render conformity with such restriction unnecessarily burdensome because the shallow property would not have enough depth to sit the proposed facility. Denial of the variance applied for would do substantial injustice to the applicant. In fact, granting the variance as requested will protect public safety, health and welfare of the residents of this community through an effective safety net to catch the errant balls and by providing enough on-site parking to avoid over-spill parking in the surrounding neighborhoods. The Planning Board decided to approve the variance requests.

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

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

In this case, a record plat has already been filed and recorded for Lots 6, 7, and 8 which shows a platted floodplain on the southern end of Lot 6 only.

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

The plan as submitted shows the existing stream and its associated 75-foot-wide stream buffer on each side of the stream. The plan shows the buffer expanded to include all associated wetlands, wetland buffers, and 100-year floodplain, which makes up the primary management area (PMA).

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

An approved natural resources inventory (NRI), which includes a detailed forest stand delineation, was reviewed and approved for the subject site.

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

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

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

The subject property, Lots 6, 7, and 8, contains only one area that borders any of the property types identified in this condition. The eastern property line of Lot 6 adjoins a BOE property developed with a pre-kindergarten through eighth grade school. The submitted DSP shows a minimum 20-foot-wide landscaped strip planted with a mix of proposed trees, a six-foot-high, composite, board-on-board fence between the site development and the property line at the northern end, and retention of existing woodlands at the southern end where the environmental features exist. This issue is further discussed in the following condition response; however, the proposed buffer is deemed adequate adjacent to the BOE property.

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

As described in the previous condition response, the subject property only has one border with a BOE property, the eastern edge of Lot 6. The submitted DSP proposes a six-foot-high, composite, board-on-board fence along this entire property line, except through the environmental features at the southern end of the lot, where it would not be feasible. The fence as proposed, though, does

substantially block cross-lot access from the adjacent BOE property to the subject development. The proposed fencing is deemed adequate adjacent to the BOE property.

9. **Preliminary Plan of Subdivision 4-88054:** On January 4, 1996, the Planning Board reconsidered and reapproved Preliminary Plan of Subdivision 4-88054 (PGCPB Resolution No. 88-250(A)) subject to 20 conditions as follows:

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

Site plan Note 14 indicates that the site has an approved Stormwater Management Concept Plan, 17180-2001, however, the SWM concept letter provided with the application indicates SWM Concept 17180-2010-01, which expired May 4, 2013. The required SWM facilities have been constructed. A revised SWM concept plan was submitted in the plan set reflecting the current development proposal for the site but does not have the approval of the Prince George's County of Department of Permitting, Inspections and Enforcement (DPIE). The applicant should provide a valid SWM concept approval with this application. A condition requiring the applicant submit an approved copy of the SWM concept letter, as well as update site plan Note 14 with the concept number and approval date, prior to certification of the DSP has been included in this resolution.

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

The plan as submitted shows the existing stream and its associated 75-foot-wide stream buffer on each side of the stream. The plan shows the buffer expanded to include all associated wetlands, wetland buffers, and 100-year floodplain, which makes up the primary management area.

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

An approved NRI, which includes a detailed forest stand delineation, was reviewed and approved for the subject site.

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

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

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

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

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

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

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

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

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

All of the lots that are the subject of this application, Lots 6, 7, and 8, have frontage on Clipper Way (formerly Felker Avenue).

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

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

The DSP does not propose any direct access to Oxon Hill Road (MD 414) and the denial of access has been labeled on the site plan as reflected on the record plat.

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

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

A condition requiring the addition of this note to the site plan has been included in this resolution.

13. **The applicant shall post a bond, letter of credit or suitable financial guaranty in the amount of \$360,000 prior to record plat approval as its financial contribution for improvements to MD 210, Oxon Hill Road, the Capital Beltway and associated ramps as shown in Exhibit 2 of the 1988 PortAmerica traffic study.**
14. **Prior to the issuance of a building permit for each lot, the applicant shall pay to Prince George's County a percentage of the financial contribution guaranteed pursuant to Condition 13, with a total payment not to exceed \$360,000. The amount paid shall be as follows:**
  - a. **Lot 1: \$54,400**
  - b. **Lot 2: \$78,100**
  - c. **Lot 3: \$180,900**
  - d. **Lot 4: \$23,300**
  - e. **Lot 5: \$23,300**

**In the event that a construction contract is awarded for any of the following improvements prior to receipt of the total amount to be paid to Prince George's County pursuant to Condition 14, the balance of the total amount shall become payable at the request of Prince George's County:**

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

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

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

- 16. The applicant may be issued permits in excess of 300,000 square feet of general office space, or different uses generating no more than the number of peak hour trips (600 AM peak hour trips and 555 PM peak hour trips) generated by the above development, based upon a program of transportation systems management techniques to be submitted and approved by the Transportation and Public Facilities Planning Division of The Maryland-National Capital Park and Planning Commission.**

The two previous conditions set a trip cap of 600 AM peak-hour trips and 555 PM peak-hour trips for the site. Condition 15 is a firm cap based upon the use. Condition 16 allows consideration of transportation demand management strategies to increase the amount of development on the site, subject to that same trip cap. An evaluation of the proposal vis-à-vis the trip cap will be discussed in the Transportation evaluation in Finding 14 of this report.

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

This condition requires the applicant to provide the entire cost of signal installation at the intersection of Oxon Hill Road and Clipper Way. The signal is already installed and operational, and so this condition is deemed to be satisfied.

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

In this case, a record plat has already been filed and recorded for Lots 6, 7, and 8, which shows a platted floodplain on the southern end of Lot 6 only.

10. **Detailed Site Plan DSP-13048:** Detailed site plan DSP-13048 was approved by the Planning Board for a department or variety store combined with a food and beverage store, specifically a Super Walmart. The District Council reversed the Planning Board's decision and disapproved the application. No conditions were included.
11. **2010 Prince George's County Landscape Manual:** The proposed development is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—The DSP is subject to Section 4.2, Requirements for Landscaped Strips Along Streets, in this case along its Oxon Hill Road (MD 414), Clipper Way, and Indian Head Highway (MD 210) frontages. The submitted plan provides the appropriate schedules, which show the requirements

being met with the proposed development. However, the appropriate landscape strips have not been labeled and dimensioned on the plan. Additionally, a separate schedule should be provided for the portion of the landscape strip along the southern portion of Clipper Way that utilizes the existing woodlands. A condition requiring these revisions has been included in this resolution.

- b. **Section 4.3, Parking Lot Requirements**—The DSP is subject to the requirements of Section 4.3, Parking Lot Requirements, because it involves new parking areas in excess of 7,000 square feet. The submitted site plan provides the appropriate schedules, which show the requirements being met by the proposed development.
  - c. **Section 4.4, Screening Requirements**—The submitted site plan indicates new exterior trash facilities and a loading space located adjacent to the southeastern corner of the building that are proposed to be screened in conformance with these requirements.
  - d. **Section 4.7, Buffering Incompatible Uses**—The DSP is subject to the requirements of Section 4.7, Buffering Incompatible Uses, because it involves a new building and because it is directly adjacent to uses defined as incompatible in the Landscape Manual. The submitted plan provides the appropriate schedules, which show the requirements being met along the eastern property line of Lot 6 as required. However, the appropriate bufferyards have not been labeled and dimensioned on the plan. Therefore, a condition requiring this labeling has been included in this resolution.
  - e. **Section 4.9, Sustainable Landscaping Requirements**—The DSP is subject to the requirements of Section 4.9, Sustainable Landscaping Requirements, for all of the proposed plantings. The plan includes a schedule and notes demonstrating conformance with these requirements.
12. **Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan, TCP2-122-95 has been submitted. This plan was reviewed with previously submitted DSPs, but those applications were never approved.

The site has a woodland conservation threshold of 0.86 acres and an overall requirement of 2.75 acres. The project proposes to meet the requirement with 0.25 acres of woodland preservation, 2.50 acres of off-site woodland conservation. An additional 1.15 acres of woodland will be retained on-site but not counted toward meeting the requirement.

In accordance with the review by the Environmental Planning (Shoulars to Zhang, July 7, 2017), the TCP2-122-95 meets the requirements of Woodland and Wildlife Habitat Conservation Ordinance, subject to several minor conditions.

13. **Prince George's County Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance. The requirement for the subject property is ten percent of the gross tract area, or 0.40 acre (17,424 square feet), for Lots 7 and 8; and 1.14 acres (49,833 square feet) for Lot 6, based on the I-3 zoning. The appropriate schedules were provided on the submitted DSP showing the tree canopy coverage (TCC) requirement being met on-site for Lot 6 through woodland conservation and proposed trees, and on Lots 7 and 8 through the provision of proposed trees.
14. **Further Planning Board Findings and Comments Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Archeological**—The Planning Board provided a brief history of the subject property and historic sites within a one-mile radius and offered the following findings, conclusions and recommendations:

#### **Findings**

- (1) There are four Prince George's County historic sites located within a one-mile radius of the subject property: Mount Welby (76A-013, listed in the National Register of Historic Places); Butler House (76A-014, listed in the NRHP); Oxon Hill Manor (80-001, listed in the NRHP); and the Addison Family Cemetery (80-050). In addition, there are two historic resources located within one mile of the subject property: St. Paul's United Methodist Church and Cemetery (76B-008) and Greenwood/Mattingly House (76B-009).
- (2) 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 (76B-008), located at the intersection of St. Barnabas and Tucker Roads, approximately one-half mile east of the subject property.

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 west of the subject property.

- (3) Historic Preservation Policy 3 in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, is intended to increase the opportunities for heritage tourism and promote public awareness and appreciation of the area's historic sites and resources and the Broad Creek Historic District. Therefore, the subject application should include the location and details for an interpretive sign within the proposed development.
- (4) Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.

The Planning Board concluded that 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 and education. 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

The Planning Board attached two conditions below:

- (1) The applicant should revise the DSP to provide for at least one location for interpretive signage. The wording of the signage shall be subject to approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist.
- (2) Prior to issuance of the first 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.

c. **Community Planning**—The Planning Board found the following:

**General Plan:** This application is not inconsistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), for properties within the growth boundary in the Oxon Hill Neighborhood Center (Local).

**Master Plan:** This application is not inconsistent with the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* for properties located within the Developed Tier, the Oxon Hill Regional Center, and the Oxon Hill Regional Center – Area E.

**General Plan:** The property is located within the growth boundary in an area generally designated mixed-use, which is described as including uses such as residential, commercial, employment, and/or institutional. More specifically, this property is located within the Oxon Hill Neighborhood Center (Local) described as including primarily lower density residential with neighborhood-serving retail and office uses with limited to no parking.

**Planning Issues**

While the suggested low-density use i.e. a driving range with parking, is contrary to the Transportation-Oriented Development (TOD) principles that are envisioned for the property, the application is not inconsistent with the general or master plan, because the assumed market created by a proposed light-rail station has not come to fruition, and therefore, the recommended mixed-use zone and densities may not be currently viable. In addition, the proposed use of a driving range and a restaurant are both permitted uses within the I-3 Zone, and would also complement the nearby entertainment uses located at National Harbor, as well as the high-density housing proposed within the Oxon Hill Regional Center.

d. **Transportation Planning**—The Planning Board found the following:

The site plan is a requirement of the I-3 Zone. The requirement for a site plan was recommended to address signage, landscaping, screening, buffering, access, and the mix of uses, as well as general detailed site plan requirements. The transportation-related findings are extremely limited, and are related to issues of access.

The applicant proposes a facility of 64,232 square feet. The facility will house a golf driving range of 102 driving bays and a full-service restaurant and lounge with seating for 538 patrons. The site is located on proposed Lots 6, 7, and 8 of Potomac Business Park, which was approved under Preliminary Plan of Subdivision 4-88054. All transportation-related conditions will be reviewed later in this memorandum. Conceptual Site Plan CSP-87116 also is relevant; there are no transportation-related conditions included on that resolution (the single transportation-related condition defers individual lot access decisions to the time of preliminary plan).

The site has frontage on MD 414, 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 2006 *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 MD 414 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 MD 414. Clipper Way is an undesignated industrial/commercial roadway with an acceptable right-of-way of 70 feet. It should be noted that Clipper Way was originally platted as Felker Avenue; it was reconfigured to provide access to Oxon Hill High School in 2011 and was subsequently renamed Clipper Way.

An evaluation of the proposal vis-à-vis the trip cap has been developed and is shown in the following table. There are several issues that have been considered:

- (1) The trip cap analysis needs to assume the development of a fire station and 103,000 square feet of general office on the remaining platted lot area of Potomac Business Park. This is consistent with the last analysis for this site.
- (2) The applicant provided a memorandum dated March 2017 (attached) with the intent of estimating trip generation for the use and establishing that the use would be accommodated under the trip cap. Based on 102 driving bays and a 4,500-square-foot restaurant, an attempt was made to estimate trip generation for the use. The resulting trip generation is 90 AM and 172 PM peak-hour trips.
- (3) The same memorandum dated March 2017 included an analysis of a similar facility in Scottsdale, Arizona. That site is a similar size, and has slightly more parking onsite (439 spaces versus 396 spaces for the current proposal). The resulting trip generation for the Scottsdale facility is 32 AM and 183 PM peak-hour trips.
- (4) The Planning Board found an analysis of a similar facility in Thornton, Colorado (attached). That site is a similar size, but the parking supply could not be determined. The resulting trip generation for the Thornton facility is 67 AM and 155 PM peak-hour trips. However, in this case a pass-by factor was applied to the restaurant trips. Without the pass-by trip reduction, the trip generation would have been 87 AM and 173 PM peak-hour trips.

In summary, it is believed that the PM peak-hour impact is well-defined and consistent. However, there is some variability in the AM peak-hour that seems to be attached to the restaurant use. Given that a limited menu of food is served in the morning, the high-turnover restaurant use (as shown in *Trip Generation* (Institute of Transportation Engineers)) is accepted as representative. It is noted that approximately 3,150 square feet of the total restaurant space is within bars and lounges which typically would not be open for breakfast, and therefore that space is not considered in the AM peak-hour computations. The following table presents the site trip generation:

<b>Trip Generation Summary, DSP-13048/01, Top Golf at Potomac Business Park</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Current Proposal								
Driving Range	102	bays	25	16	41	58	70	128
Restaurant	5,850	square feet	16	15	31	34	31	65
<b>Total Proposal</b>			<b>41</b>	<b>31</b>	<b>72</b>	<b>92</b>	<b>101</b>	<b>193</b>
Remainder of Potomac Business Park								
Fire Station			10	10	20	10	10	20
General Office	103,000	square feet	185	21	206	36	155	191
<b>Total</b>			<b>195</b>	<b>31</b>	<b>226</b>	<b>46</b>	<b>165</b>	<b>211</b>
<b>Total: Proposal Plus Remainder</b>					<b>298</b>			<b>404</b>
Per 4-88054								
<b>Trip Cap</b>					<b>600</b>			<b>555</b>
<b>Less Than or Equal To Trip Cap</b>					<b>Yes</b>			<b>Yes</b>

Given the results in this table, it is determined that the proposal conforms to the trip cap.

In reviewing the access and circulation, transportation offers the following comments:

- (1) All access is from Clipper Way. This conforms to the underlying plat note.
- (2) A small amount of parking is located east of Clipper Way, but the majority of the parking serving the site is located west of Clipper Way, and would have to cross Clipper Way to access the uses. This is acceptable.
- (3) A suggestion has been made that, in addition to the crosswalk, that more enhancements need to be done to protect pedestrians crossing Clipper Way. The *Manual on Uniform Traffic Control Devices* (Federal Highway Administration) has been examined. For a crosswalk of 46 feet serving 400 vehicles per hour at a posted speed of 35 miles per hour or less and a crossing volume of 500 pedestrians per hour, the justification for a lighted beacon would be marginal. Nevertheless, it is strongly advised that something more than a crosswalk be considered given that the use will generate many nighttime patrons. It is requested that marking and signage details for the Clipper Way pedestrian crossing be provided as soon as possible.

**The Planning Board's Findings and Conclusion**

Overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance. However, it is requested that marking and signage details for the Clipper Way pedestrian crossing be provided as soon as possible so that the Transportation Planning Section can make any needed recommendations.

A condition requiring a raised crosswalk and a hazard identification beacon has been included in this resolution.

- e. **Subdivision and Zoning**—The Planning Board provided an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-88054, which is discussed in detail in Finding 9 above.

Lots 6, 7, and 8 were recorded in Plat Book MMB 233-87 on April 18, 2011. The site plan reflects the bearings and distances consistent with the record plat. The record plats contain 12 notes, and the following notes relate to the review of this application:

- 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 Conceptual Site Plan CSP-87116 is discussed in Finding 8 above.

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

The site plan does not show access to Oxon Hill Road (MD 414); all access is off of Clipper Way (formerly Felker Avenue).

The Planning Board included the following conditions:

- (1) Prior to approval of the DSP, the following technical corrections should be required:
  - (a) Label the denial of access to Oxon Hill Road on the site plan as reflected on the record plat and a general note stating the following:

“No direct access to Oxon Hill Road is permitted. All access shall be off of Clipper Way.”

- (b) Add a general note stating the following:

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

- (c) The applicant should submit a revised approved SWM concept letter and plan reflecting the current development proposal. Site plan Note 14 should be revised to reflect the new concept number and approval date.

Detailed Site Plan DSP-13048-01 is in substantial conformance with the approved Preliminary Plan of Subdivision 4-88054, if the above comments have been addressed. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- f. **Trails**—The Planning Board reviewed the submitted conceptual site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of 13.36 acres of land in Oxon Hill. The property is within the I-3 Zone and proposes TopGolf facility that will include a driving range and restaurant. The site is on the south side of Oxon Hill Road east of Clipper Way, with an additional parcel between Clipper Way and MD 210.

**Master Plan Compliance and Prior Approvals**

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. It appears that the ultimate master plan right-of-way has already been dedicated along the frontage of the subject site. The future bike lanes (or other appropriate on-road accommodation) will be provided within this available dedicated right-of-way at the time of road resurfacing or maintenance consistent with the 2015 *Maryland SHA Bicycle Policy and Design Guidelines*. A recently constructed sidewalk exists along the site’s frontage of Clipper Way. This

sidewalk provides pedestrian access to the site from the surrounding communities, as well as to the nearby public high school.

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**

The site also includes a parking lot on the west side of Clipper Way. 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 (Department of Public Works and Transportation (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. The plans appear to indicate that the existing sidewalk along the site's frontage of Oxon Hill Road will be replaced with a sidewalk that is more buffered from the motor vehicle travel lanes.

#### **Major Issues**

- (1) Two designated pedestrian routes are recommended in the large surface parking lot that better connects patrons with the public sidewalk along Clipper Way and the planned pedestrian crossing.

- (2) Pedestrian safety of the at-grade crossing of Clipper Way needs to be addressed and several recommended conditions of approval are included with this memorandum. A raised crosswalk is recommended, pending the approval of DPW&T (see attached detail for Standard 700.02). A Hazard Identification Beacon (Standard TS-6) is also recommend at this location to further raise driver awareness to the crossing. The two treatments should raise the visibility of the crosswalk to motorists, calm traffic, and provide for a safer pedestrian crossing from the parking to the Top Golf facility.

The Planning Board included the following conditions:

- (1) In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2006 *Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area*, the applicant and the applicant's heirs, successors and/or assignees shall revise the plans to include the following prior to signature approval:
  - (a) A bicycle rack accommodating a minimum of five bicycle parking spaces at a location convenient to the restaurant entrance. A detail of the rack shall be included with the plan sheets.
  - (b) Two designated sidewalk/walkway through the surface parking lot on Lot 7 to the sidewalk along Clipper Way.
  - (c) A Raised Crosswalk (DPW&T Standard 700.02) and Hazard Identification Beacon (DPW&T STD. TS-6) at the at-grade pedestrian crossing of Clipper Way, unless modified by DPW&T/DPIE.

- g. **Permit Review Section**—The Planning Board found no issues related to the permit.
- h. **Environmental Planning Section**—The Planning Board provided an analysis of the site plan's conformance with the environmentally-related conditions of approval of Preliminary Plan 4-88054, which is discussed in detail in Finding 9 above. They also provided an analysis of the site's conformance with the Woodland and Wildlife Heritage Conservation Ordinance, which is discussed in detail in Finding 12 above. The following is a summary of the other environmental comments:

The Planning Board previously reviewed this site as part of the following applications which were all approved: CSP-87116, 4-87190 and 4-88054. Subsequently it was reviewed with DSP-95061, which was never approved, and Detailed Site Plan DSP-95061-01, which was later withdrawn. The site was most recently reviewed with Special Exception SE-4738 and Detailed Site Plan DSP-13048, which were both denied.

### **Proposed Activity**

The current application is for a detailed site plan for a TopGolf facility: a golf driving range/eating and drinking establishment in the I-3 Zone.

### **Grandfathering**

The project is subject to the current regulations of Subtitle 25 that came into effect on September 1, 2010 and February 1, 2012 because the site has no previous tree conservation plan approvals.

The detailed site plan application is not subject to the current environmental regulations of Subtitle 27, effective September 1, 2010 because the site has a preliminary plan approved prior to September 1, 2010.

### **Site Description**

The subject 15.35-acre property is located in the southeast corner of Oxon Hill Road and Clipper Way (formerly Felker Avenue), approximately 1,200 feet east of its intersection with Indian Head Highway. A small outparcel is part of this project and is located to the southwest of the site separated by Clipper Way. The site is currently undeveloped, relatively flat, and characterized with terrain sloping toward the southern portion of the site and drains into unnamed tributaries of the Henson Creek watershed in the Potomac River Basin. The predominant soil types on the site are Beltsville silt loam, Udorthents, and Woodstown sandy loam. These soil types generally exhibit moderate limitations to development due to perched water table, impeded drainage and steep slopes. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this site. There are floodplains, streams and wetlands found to occur on the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The site is located in close proximity to major noise generators, Indian Head Highway and I-95; however, no residential uses are proposed. This property is in the Developed Tier as delineated on the approved General Plan.

### **Review of Previously Approved Conditions**

#### **PGCPB Resolution No. 87-541**

The site has a previously approved Conceptual Site Plan (CSP-87116) approved on November 19, 1987. Conditions of approval for Conceptual Site Plan CSP-87116 are provided in PGCPB Resolution No. 87-541. The text in **BOLD** is the actual text from the resolution. Comments are in regular typeface.

- 1. A 100-year floodplain approval is required by the Department of Environmental of Environmental Resources prior to the Submission of a detailed site plan record plat (whichever occurs first) for development deemed to have any relationship to the floodplain.**

The site has been platted and shows a recorded floodplain easement.

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

The above referenced condition was based on the existing environmental features at that time as reflected on the conceptual site plan, which also shows the approved grading on the remainder of the site. The limits of grading proposed on the current application is in conformance with the conceptual site plan.

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

The site has a forest stand delineation dated December 17, 2010, that was reviewed as part of a previous NRI application. No additional information regarding the forest stand delineation is required at this time.

- 4. A 50-foot-wide non-disturbance buffer area shall be established along all Commission (M-NCPPC), Board of Education and other residentially zoned properties where the Forest Stand Delineation performed Nov 16, 1987 indicates tree stands 1, 2 &5.**

This condition was based on a previously reviewed forest stand delineation. The above referenced buffer is shown on the current plat.

- 5. An adequate buffer shall be provided along all Commission (M-NCPPC), Board of Education and other residentially zoned properties. The type and extent of this buffer shall be determined at the time of Detailed site plan.**

The site is not adjacent to any residentially zoned properties. Property owned by the BOE is located on the east of the site, and property owned by Prince George's County is located on the south side of the site. Adequate buffer has been provided along both of these boundaries.

**PGCPB Resolution No. 88-250**

The site has a previously approved Preliminary Plan of Subdivision (4-88054), approved on June 2, 1988. Conditions of approval for 4-88054 provided in PGCPB Resolution No. 88-250. The text in **BOLD** is the actual text from the resolution. Comments are in regular typeface.

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

Stormwater Management Concept Plan 17180-2001-01 was previously approved for the site. The approved SWM controls have been constructed and consist of an existing regional pond located on the west side of Felker avenue. In an e-mail from DPIE on June 2, 2017, DPIE concluded that the existing facility was designed to treat all of the impervious areas of the TopGolf site.

No additional information is required at this time regarding SWM.

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

See Condition 2 of PGCPB Resolution No. 87-541.

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

See Condition 3 of PGCPB Resolution No. 87-541.

- 4. A 50-foot-wide non-disturbance buffer area shall be established along all Commission (The Maryland-National Capitol Park and Planning Commission), Board of Education and other**

**residentially-zoned properties, where the Forest Stand Delineation performed November 16, 1987, indicates tree stands 1, 2 and 5.**

See Condition 4 of PGCPB Resolution No. 87-541.

**Natural Resources Inventory**

The subject site has an approved Natural Resources Inventory (NRI-012-11), dated February 28, 2011 that was included with the application package; however, a NRI is not required because the site is not subject to the current environmental regulations. The site contains streams, wetlands, and 100-year floodplain. The overall area of NRI, which is larger than the subject application, contains two forest stands (total 12.28 acres); however, only a portion of stand one is located on the subject site. The subject site contains a total of 2.07 acres of woodland and three specimen trees. Site NRI shows a 75-foot-wide stream buffer; however, because the site is grandfathered, a 50-foot-wide stream buffer is applicable. The existing conditions of the site are correctly shown on the NRI and are correctly reflected on the plans submitted with this application.

No additional information is required with regard to the existing conditions of the site.

**Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan, TCP2-122-95 has been submitted. This plan was previously reviewed with previously submitted DSPs, but those applications were never approved.

The site has a woodland conservation threshold of 0.86 acres and an overall requirement of 2.75 acres. The project proposes to meet the requirement with 0.25 acres of woodland preservation, 2.50 acres of off-site woodland conservation. An additional 1.15 acres of woodland will be retained on-site but not counted toward meeting the requirement.

The Planning Board concluded that Type 2 Tree Conservation Plan TCP2-122-95 meets the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.

- j. **Prince George's County Fire/EMS Department**—In a memorandum dated July 5, 2017 the Office of the Fire Marshal provided standard comments on the DSP regarding fire lanes, apparatus and hydrants. These issues must be addressed at the time of permits for the site work.
- k. **Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not provide comments on the DSP application.

- l. **Prince George's County Police Department**—The Police Department did not provide comments on the DSP application.
  - m. **Prince George's County Health Department**—The Health Department did not provide comments on the subject application.
  - n. **Maryland State Highway Administration (SHA)**—In an e-mail dated June 8, 2017, SHA indicated that they had reviewed the plans and offered no comments.
  - o. **Prince George's County Board of Education (BOE)**—The BOE did not provide comments on the DSP application.
  - p. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated June 15, 2017, WSSC provided standard comments on the DSP regarding existing water and sewer systems in the area, along with requirements for service and connections, requirements for easements, spacing, work within easements, and meters. These issues must be addressed through WSSC's separate permitting process.
  - q. **Verizon**—Verizon did not provide comments on the subject application.
  - r. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
  - s. **Town of Forest Heights**—The Town of Forest Heights did not provide comments on the subject application.
15. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if approved with conditions proposed below, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. As required by Section 27-285 (b) (2), the subject Detailed Site plan is also in general conformance with previously approved Conceptual Site Plan CSP-87116.
17. Per Section 27-285(b)(4) of the Zoning Ordinance, a required finding for approval of a DSP is as follows:

**The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

According to the review by the Planning Board, the environmental features have been preserved to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-122-95) and APPROVED Variances from the building and parking setbacks of Section 27-474(b), and further APPROVED Detailed Site Plan DSP-13048-01 for the above-described land, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the applicant shall:
  - a. Revise the DSP to show a sidewalk along the eastern edge of the parking lot drive aisle on Lots 7 and 8 and provide at least one pedestrian connection to the sidewalk within the Clipper Way right-of-way.
  - b. Revise the DSP to provide for at least one location for interpretive signage. The wording of the signage shall be subject to approval by The Maryland National Capital Park and Planning Commission (M-NCPPC) staff archeologist.
  - c. Submit a revised approved stormwater management concept letter and plan reflecting the current development proposal. Site plan Note 14 shall be revised to reflect the new concept number and approval date.
  - d. Revise the DSP to show details of the proposed retaining walls.
  - e. Revise the square footages in the bulk regulations section of the general notes to accurately reflect the net lot area, and adjust any other calculations referring to net lot area accordingly.
  - f. Revise the DSP to add general notes stating the following:

“No direct access to Oxon Hill Road is permitted. All access shall be off of Clipper Way.”

“All structures on this site shall be fully sprinklered in accordance with Article 13 of the National Fire Protection Association Standards.”
  - g. Revise the DSP to provide all building dimensions.
  - h. Revise the DSP to label the centerlines and dimension the existing and ultimate widths of all adjacent rights-of-way.
  - i. Revise the landscape plan to label and dimension all landscape strips and bufferyards.

- j. Revise the landscape plan to provide a separate Section 4.2 schedule for the frontage of Lot 6 along Clipper Way, south of the southernmost driveway entrance.
- k. Revise the DSP to show a bicycle rack accommodating a minimum of five bicycle parking spaces at a location convenient to the restaurant entrance. A detail of the rack shall be included with the plan sheets.
- l. Revise the DSP to show a raised crosswalk and hazard identification beacon at the at-grade pedestrian crossing of Clipper Way, unless modified by the Department of Public Works and Transportation/Department of Permitting, Inspections and Enforcement.
- m. Revise Type 2 tree conservation plan as follows:
  - (1) Revise Note 1 to change “DSP-13048-04” to “DSP-13048-01”
  - (2) Show the tree protection fence on the plan and provide a detail in the legend.
  - (3) Have the revised plan signed and dated by the qualified professional preparing the plan.
- 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 of the Maryland-National Capital Park and Planning Commission (M-NCPPC) that the installation is complete.

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.

\* \* \* \* \*

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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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, July 27, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:HZ:ydw