

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on October 5, 2017, regarding Detailed Site Plan Detailed Site Plan DSP-87050-11 for The Oxford (Constellation Centre), the Planning Board finds:

1. **Request:** The detailed site plan (DSP) is for converting an existing 10-story, 215,705-square-foot general office building to 187 multifamily residential units with associated amenities, in the Rivertowne Commons subdivision.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use	Office	Multifamily Residential
Gross tract area of this DSP (acreage)	24.95	24.95
Number of Multifamily Units	0	187
Building Square Footage/GFA		
Office 1 (existing)	215,705 (including an 18,748-square-foot equipment penthouse)	
Bank	3,180	
Building supply store	105,488	
Garden center	28,487	
PetSmart	26,932	
Daycare center	8,024	

PARKING AND LOADING SCHEDULE

Parking and loading spaces required for DSP-87050-11

Multifamily Residential *

**21 (Studio units) with 2 parking spaces per unit	42 parking spaces
**121 (architectural) (1-bedroom units) with 2 parking spaces per unit	242 parking spaces
37 (2-bedroom units) with 2.5 parking spaces per unit	93 parking spaces
8 (3-bedroom units) with 3 parking spaces per units	24 parking spaces

Total: 187 Units

401 Parking spaces

Loading

One-loading space per 100–300 dwelling units is required.

Two-loading spaces are provided for the multifamily apartment use.

Notes: * The Zoning Ordinance requires two parking spaces per residential dwelling unit, plus 0.5 space per bedroom in excess of one, and three spaces for each three-bedroom unit. In addition, the total number and types of parking spaces existing in the parking garage and in the surface parking lot, does not match the site plan and parking schedule. The parking schedule should be revised to be consistent with the site plan.

** The number and types of apartment units are incorrectly shown on the Parking Calculation table and in the Prospective Unit table of the architectural elevation, Sheet A000. Both the parking and unit mix tables should be revised according to the Development Data Summary table of this approval.

Parking Spaces Provided (Existing)

Garage:

Standard (9.5'x19')	212
Compact (8.0'x16.5')	194
Standard Handicapped spaces	5

Surface:

Standard (9.5'x19')	9
Compact (8.0'x16.5')	0
Van Handicapped spaces	4
Total	424***

Note: ***The subject DSP is required to provide 401 parking spaces for 187 proposed multifamily units. Nine parking spaces should be a combination of van and standard handicap-accessible spaces. According to the site plan, a total of nine handicapped parking spaces are provided for the use, five of which are on the third floor of the parking garage

and four of which are located on the surface parking lot. According to the Americans with Disabilities Act (ADA), 1 for every 4 handicapped spaces should be van-accessible spaces with dimensions of 16 feet by 19 feet, and 13 feet by 19 feet for standard handicapped spaces. The site plan and the parking calculation table should provide the dimensions for all types of parking spaces provided for the subject use.

Overall Parking and Loading requirement for the entire shopping center

Total Parking Required	1,055 spaces
Total Parking Provided:	1,506 spaces

Multifamily residential (one loading space per 100–300 dwelling units)	1 space
Building supply/Garden center	3 spaces
PetSmart	2 spaces
Bank	0 space

Total loading spaces required	6 spaces
Total loading spaces provided	7 spaces

3. **Location:** The subject DSP is located on the north side of Oxon Hill Road at the intersection of Oxon Hill Road and the Capital Beltway (I-95/495), and approximately 1,000 feet west of the intersection with St. Barnabas Road (MD 414). The site is also located in Planning Area 76B and Council District 8.
4. **Surrounding Uses:** The subject DSP site (Parcels B and C) is part of a subdivision known as Rivertowne Commons. The site is bounded to the north by the Capital Beltway (I-95/495) and residential single-family homes in the One-Family Detached Residential (R-55) Zone; to the east adjacent to the multi-story building are retail commercial uses (i.e. PetSmart and Home Depot) in the Commercial Shopping Center (C-S-C) Zone, and the interchange for the Capital Beltway exit ramp beyond; to the south by Oxon Hill Road and commercial uses beyond in the Commercial Office (C-O) and C-S-C Zones; to the west by a day care facility, a bank, and the remaining Rivertowne Shopping Center beyond (which is on Parcel A) in the C-S-C Zone.
5. **Previous Approvals:** On July 24, 1984, the Prince George’s County District Council adopted the Subregion VII Sectional Map Amendment via Council Resolution CR-100-1984 to rezone the entire Rivertowne Commons subdivision (containing Parcels A, B, and C) from the General Commercial Existing (C-2) Zone to the C-S-C Zone. During the District Council review of the proposal, representatives of the property owner submitted to the District Council’s hearing record a set of covenants (a declaration of covenants recorded at Liber 6032, folio 759, and an agreement recorded at Liber 6036, folio 785) concerning development on the property, which requires that the 25 acres be developed as a mixed-use area and comply with certain landscaping and design guidelines (see the attached Declaration of Covenants). The District Council appeared to have

concurred with the concept and design guidelines contained in the covenants and incorporated them in the resolution. To ensure that the District Council's concerns were addressed in subsequent site plan review procedures, the covenant was attached as a condition of approval of Preliminary Plan of Subdivision (PPS) 4-84080, with similar notes made on the final subdivision plat. The property was recorded as Final Plat NLP 122-10 with three notes (see Exhibit A).

On August 2, 1984, the Planning Board approved PPS 4-84080 subject to three conditions. On August 18, 1987, the Planning Board approved Detailed Site Plan DSP-87050, subject to four conditions (PGCPB Resolution No. 87-298). The DSP was subsequently revised nine times for various reasons. Summary of all prior approvals are discussed in Finding 8 of this approval.

6. **Design Features:** The existing 10-story building was constructed in approximately 1989. The approval is to convert the existing 10-story, 215,705-square foot, office building into 187 multifamily residential dwelling units, of which 21 are proposed to be studios, 54 one-bedroom, 67 one-bedroom with den, 37 two-bedroom, and 8 three-bedroom units. The height of the building is 152 feet.

The project will use the existing access point off Oxon Hill Road and a shared access road with Rivertowne Commons Shopping Centre, respectively, to provide vehicular access. The building is located on the north west central portion of the site, with the main entrance facing to the east. A small surface parking lot is located in front of the building. The surface parking spaces include nine standard parking spaces and four physically-handicapped parking spaces. One of the four physically-handicapped parking spaces must be van-accessible. The parking spaces for the physically-handicapped must be identified on the site plan with universal Americans with Disabilities Act (ADA) symbol. Most of the required parking spaces are provided in the existing three-story-high attached parking structure behind the building. The site also provides 86 bicycle parking spaces in the parking garage. The Planning Board requires that a minimum of 10 short-term bicycle parking spaces be conveniently provided near the entrance of the building. A five-foot-wide sidewalk also exists along the private road in front of the building that connects to the surrounding commercial uses.

Two existing loading spaces are provided along the western side of the building. The project is exempt from stormwater management requirements because less than 5,000 square feet is proposed to be disturbed with this DSP.

Architecture: The exterior of the existing building and the site will be preserved as built and will be upgraded and painted with a two-tone darker and lighter gray color for a contemporary residential character. The existing pre-cast panels will be kept in place and will be painted in a light grey color, to give it a more urban residential feel. Exterior doors will be replaced, and existing coping and mullions will be field painted. Most of the existing ribbon windows will remain, and some of the ribbon windows will be replaced with solid exterior insulation and finish system (EIFS) panels at selected locations, intending to match the new paint color of the existing pre-cast panels. These panels are envisioned to break up the predominantly horizontal rows of the existing ribbon windows to create and provide a more residential look, as opposed to the

contemporary office appearance of the existing building. The existing metal column and beam covers will be replaced with new grey aluminum covers. The existing curtain wall glazing will remain; however, during the demolition, it may be necessary to replace all existing curtain walls with new curtain walls. The metal panels at the front entrance will be replaced with architectural wood panels. The existing site and the building lighting will be replaced with light-emitting diode (LED) fixtures.

Green Building Techniques: The existing building will be renovated to meet today's Energy Efficiency standards established in the International Energy Conservation Code. The applicant, therefore, is proposing the following green building and sustainable site design techniques to upgrade building function and reduce its carbon footprint.

- Develop an adoptive reuse of an existing building located in close proximity to services and with easy access to public transportation.
- All apartments will be sub-metered for electricity and water consumption.
- Energy-Star or light-emitting diode (LED) light fixtures will be specified.
- Energy-Star appliances will be specified for dishwasher, refrigerator, microwave, etc.
- New energy-efficient HVAC system will be provided in each unit.
- Water Sense-labeled plumbing fixtures will be specified (low-flow toilets, showers and faucets).
- Green Label Carpet will be specified.
- Paints and adhesives with Low/No-VOCs will be specified.
- Recycling and waste management will be incorporated into the building.
- Covered bike storage will be provided to encourage activity and fitness.
- New clothes dryer will be exhausted to outdoors.
- Building will be smoke-free.

Recreational Facilities: An amenity package was approved for the residents. The amenity package includes: A Cyber café room with access to coffee and Wi-Fi, a fitness room with various fitness equipment for different cardio levels and weight equipment, a party room for community gatherings or private events, an entertainment room with a kitchenette and bathroom to facilitate for social gatherings for the residents, a lobby, a bike room, and a trash and recycling room will be conveniently provided at each level. An internal trash chute directs waste for collection and

compacting on the ground floor. In addition, an outdoor dog park is also proposed on the western side of the existing building close to a pet care room. This area will be secured with an eight-foot-tall black metal fence. A pet care room for bathing and drying pets is provided by the rear entrance of the building. The amenity package was reviewed and found to be acceptable by staff.

Signage: A new aluminum canopy with signage will be provided at the front entrance. The approved signage is 150 square feet (5 feet by 30 feet) in size, and will consist of aluminum individual letters measuring 36 inches high that are backlit. The sign face identifies the project as “6009 The Oxford,” which is acceptable.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The conversion of an office building to multifamily residential dwellings is permitted by Section 27-461(b) and Section 27-464.07 of the Zoning Ordinance and pursuant to County Council Bill CB-74-2014, which provides that such project is permitted in the C-S-C Zone subject to a DSP approval process provided that:
 - (a) **The multifamily dwellings are located on property:**
 - (1) **with a minimum land area of five (5) acres;**
 - (2) **adjacent to a roadway with a transportation functional classification as a freeway;**
 - (3) **within a Local Center designated in an applicable General Plan;**
 - (4) **within a designated Revitalization Tax Credit Area; and**
 - (5) **within a priority Funding Area.**
 - (b) **The multifamily units are located in a building previously used for commercial office uses and is proposed for enlargement to accommodate redesign as residential units.**
 - (c) **The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable.**
 - (d) **A Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle.**

- (e) **Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the C-S-C Zone shall not apply. All such requirements shall be established and shown on the Detailed Site Plan.**
- (f) **The Detailed Site Plan shall include architectural review in order to ensure high quality design and construction materials.**

The subject Parcels B and C is 25 acres (see Exhibit A, Plat NLP122-10). The condominium parcels that The Oxford has ownership of are Units 1, 2, 5, and 7 and the common element area (see Exhibit B, Condominium Plat VJ174-5). These areas total 8.2 acres, which meets the five-acre minimum land area requirements per CB-74-2014. The proposal is to convert an existing 10-story office building to multifamily dwelling units. The subject site does not make any changes to access or circulation. The site is adjacent to the Capital Beltway (I-95/I-495), a designated freeway on the master plan. Oxon Hill Road, a designated arterial on the master plan, passes along the southern edge of the site.

The Planning Board found that the site is consistent with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The property is located within the growth boundary in an area generally designated mixed-use, which is described as uses including 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 (10–15 dwelling units/acre, mid- to low-rise apartments) with neighborhood-serving retail and office uses.

The Planning Board found that this application is also consistent with the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) for properties located within the Oxon Hill Regional Center–Area B (edge area), which envisions mixed use with predominantly office use. The plan recommends a maximum building height of eight stories as well as rezoning the entire property to an appropriate mixed-use zone that would allow for the execution of the plan's vision. The application is contrary to the recommended predominant office use or the recommended building height. However, the land-use map for the Oxon Hill Regional Center (page 52) notes that variations in development will most likely occur, but that the development may still conform to the planning principles and concepts of the master plan. With that in consideration, the multifamily use and building height are supported by the vision of the adjacent Area A (core area), which recommends a concentration of residential up to ten stories. Regarding the recommended mixed-use zoning, more specifically, retail on the ground floor of residential, the assumed market created by a proposed light-rail station has not come to fruition, and therefore the recommended mixed-use zone is most likely not a viable option at this time. No additional dedication is recommended now or in the future. The subject

application is in conformance with the requirements of Section 27-464.07, Conversion of Office Building to Multifamily, of the Zoning Ordinance, which does not have any limit on building height.

The subject DSP included a review of the architectural elevation and interior modification of the building. The architectural changes are discussed in detail in Finding 6 above. The Planning Board supports all the interior and exterior architectural changes proposed by the applicant.

- b. **Site Design Guidelines:** The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 and cross-referenced in Section 27-283 of the Zoning Ordinance. Many of the design guidelines do not apply since the subject property, its improvements, and use as an institutional type facility are existing and there are no proposed changes to the existing site and building with this DSP. However, the existing development does conform to various site design guidelines, such as providing pedestrian access into the site from the public right-of-way and preserving green areas on the property.
8. **Preliminary Plan of Subdivision 4-84080 and Final Plat NLP122@10:** Preliminary Plan of Subdivision 4-84080, which contains Parcels A, B, and C, was approved by the Prince George's County Planning Board on August 2, 1984 (PGCPB Resolution No. 84-232), subject to three conditions. The PPS was recorded in Plat Book NLP 122@10 in 1985. The three PPS conditions were translated into three final plat notes. Of the three final plat notes, Note 3 requires development of the site subject to conditions of a Declaration of Covenants recorded in Liber 6032, folio 759. The Declaration of Covenants referenced was recorded on January 8, 1985 and has eight statements, four of which are applicable to the review of this application.
1. **No integrated shopping center, if built upon the property, shall contain in excess of 400,000 square feet of Gross Leasable Area (GLA). Gross Leasable Area shall mean the total floor area designed for owner or tenant leasehold occupancy and exclusive use, including basements, and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls, excluding sidewalks, common areas, walkways, non-retail mezzanines, green space, planting areas, storage areas outdoor display areas, and other areas not subject to leasehold rental. In addition, at least 25 acres of the property shall be utilized as a mixed-use area which shall, at full development, include office-type and employment uses and may include all uses permitted in the Commercial Office (C-O) Zone as defined by Section 23-375 of the Prince George's County Code as well as hotels, theatres and restaurant uses (and ancillary uses thereto), and;**

The subject property is 25 acres and is zoned C-S-C. The approval of PPS 4-84080 includes an analysis for the traffic impacts based on commercial uses to include 400,000 square feet of retail floor area, 200,000 square feet of office, 400 hotel rooms, and 40,000 square feet for a movie theater.

Conformance with the original analysis with regards to the trip capacity established by the PPS was analyzed by the Planning Board. The following determinations were made:

The major issue for this site involves the change of use. The existing building includes approximately 215,705 square feet of general office space and an adjoining parking garage. The applicant proposes a change in use to approximately 187 multifamily residences. Using these development yields with trip generation rates, the table below was developed as a means of comparing the uses:

Comparison of Estimated Trip Generation, DSP-87050, 24.59 acres						
Zoning or Use	Units or Square Feet	AM Pk Hr Trips		PM Pk Hr Trips		Weekday Trips (ADT)
		In	Out	In	Out	
Existing Use						
General office	215,705 square feet	312	35	61	259	2,411
Proposed Use						
Multifamily residential	195 Multifamily residences	12	47	51	27	780
Difference (between bold numbers)		-300	+12	-10	-232	-1,631

The comparison of estimated site trip generation indicates that the approved change in use could have a significant traffic reduction of 250 vehicles during each peak hour, and a weekday reduction of over 1,600 vehicles daily. It should be noted that the comparison considers a fully utilized office building.

There are no transportation-related conditions involved with the underlying PPS 4-84080 approval. Also, there is no relevant information available from prior site approvals.

However, it should be noted that all review has been limited to the areas where changes are proposed, which is a small part of the overall condominium plat. There are several existing buildings, drive aisles, and parking areas on the larger site, and the changes proposed have no impact on these uses and features. From the standpoint of transportation, it is determined that this plan is generally acceptable and meets the finding required for a DSP as described in the Zoning Ordinance.

The development is within the trip capacity established by the PPS.

- Screening shall be provided along the tract’s boundary common with the Capital Beltway (I-95). The type and extent of screening shall be based upon reasonable requirements necessary to serve the purpose and may consist of berms or landscaping or a combination of both, and;**

3. **Any structure visible from the Capital Beltway will be constructed to appear architecturally, where reasonable, as “facing” the Beltway in order to minimize views of loading and waste collection areas from the Capital Beltway, and;**
4. **All loading docks shall be carefully and adequately screened. The determination of the location, type and extent of screening shall be based upon reasonable requirements necessary to serve the purpose.**

Conformance with the above criteria was evaluated by the Planning Board and addressed in DSP-87050 (PGCPB Resolution No. 87-298) and amendments thereto.

9. **Detailed Site Plan DSP-87050 and its subsequent revisions:** Detailed Site Plan DSP-87050 has been revised 10 times since the original approval.

Detailed Site Plan DSP-87050: The DSP was approved by the Planning Board on July 9, 1987 for offices, hotel, bank, future restaurant, and other future development, with two conditions as listed below.

1. **Revisions to the detailed site plan for Rivertowne Commons to show the upgraded access drive shall be approved prior to the issuance of building permits for Office Building 2.**
2. **The applicant, and the applicant’s successors or assignees, shall provide for a six-foot-wide concrete sidewalk on the north side of Oxon Hill Road within a right-of-way as part of the required road improvements.**

The development of Office Building 2 did not move forward, so those improvements were not triggered. The property frontage on Oxon Hill Road was improved with a six-foot-wide sidewalk. The relevant conditions of DSP-87050 have been met.

Detailed Site Plan DSP-87050-01: The ‘01’ revision was approved by the Planning Board on March 27, 1994. The revision was to include a Home Depot building supply retail outlet, garden center, and future retail building to the site plan. Detailed Site Plan DSP-87050-01 was approved with following conditions listed below.

1. **Prior to certificate of approval, the plan shall be revised as follows or the indicated information shall be supplied:**
 - a. **Indicate the height of any proposed entrance canopy**
 - b. **Provide screening per Section 4.4 of the 2010 *Prince George’s County Landscape Manual* for all mechanical equipment and meters and all loading spaces.**

- c. **Provide evidence that the applicant consulted with the Fire Department regarding the need for a fire lane in front of the Home Depot building and revise the plan to provide such a lane, if necessary**

All conditions attached to DSP-87050-01 were specifically related to the Home Depot portion of the site and do not apply to the subject DSP amendment. These conditions were met with the completion of the Home Depot Store.

Detailed Site Plan DSP-87050-02: The '02' revision to the DSP was administratively approved as a limited minor amendment to include a minor addition to the bank building and to the adjacent walkway and landscaping, as well as the reconfiguration of the common access driveway from Oxon Hill Road to provide three 11-foot egress lanes and two 12-foot ingress lanes. Detailed Site Plan DSP-87050-02 was approved on September 1, 1994. There were no specific conditions. The requested improvements were made.

Detailed Site Plan DSP-87050-03: The '03' revisions to the DSP was administratively approved as a limited minor amendment on March 15, 1995, to include a microwave dish on top of the Office Building 1. There were no conditions of approval.

Detailed Site Plan DSP-87050-04: The '04' revision to the DSP was administratively approved on December 12, 1995, as a limited minor amendment to enlarge the parking lot of the Nations Bank and associated landscaping. There were no conditions of approval.

Detailed Site Plan DSP-87050-05: The '05' revision to the DSP was administratively approved by the Planning Board on May 16, 1996, to include a freestanding day care center on the site plan with one condition of approval.

1. **Prior to certification of approval, the following modifications or revisions shall be made to the Detailed Site Plan:**
 - a. **A substantial shade structure shall be shown in the outdoor play area, and appropriate construction details for the structure shall be provided.**
 - b. **The number of parking spaces in the parking tabulation and the day care tabulation shall be corrected to reflect the information in Finding 1.**

These conditions were met.

Detailed Site Plan DSP-87050-06: The '06' revision to the DSP was approved by the Planning Board on January 23, 1997, to include a freestanding PetSmart retail store on the site plan, with a condition to show splitface block to the top of the building on all façades. This condition was met with the completion of the PetSmart store.

Detailed Site Plan DSP-87050-07: The '07' revision to the DSP was approved by the Planning Board on January 28, 1999, to add a kindergarten program to the existing day care center with one condition. This condition was to revise the site plan to show a four-foot-high fence or wall around the outdoor play area. This condition is specific to the day care center, and therefore, does not apply to the subject DSP revision.

Detailed Site Plan DSP-87050-08: The '08' revision to the DSP was administratively approved on September 20, 2000, as a limited minor amendment to add a tool center to the existing Home Depot Store. There were no conditions of approval.

Detailed Site Plan DSP-87050-09: The '09' revision to the DSP was approved by the Planning Board on April 15, 2004 and affirmed by the District Council on September 27, 2004, to add a 49,327-square-foot office building next to the existing bank subject to conditions listed below.

1. **Prior to certificate approval of this detailed site plan, the applicant shall:**
 - a. **Delineate the ultimate right-of-way of Oxon Hill Road with center line on the site plan.**
 - b. **Label graphically the setbacks from both the adjacent Bank parcel and the right-of-way of Oxon Hill Road.**
 - c. **Provide the required number of shade trees in Parking Area "B."**
 - d. **Revise the parking tabulation table on the detailed site plan to provide total gross floor area for each phase of the 'Center.'**
 - e. **Work with the Urban Design Section to select an exterior color that is harmonious with the existing office building.**
2. **The applicant shall contribute \$30,000.00 to a public school(s) or recognized non-profit organization(s) for the purpose of providing education supplies, assistance and/or tutoring to children in the Prince George's County School System in the vicinity of the subject property. A minimum of \$15,000 of the contribution shall be made prior to January 1, 2005. The remainder of the contribution shall be made prior to the issuance of any building permit. Such contribution shall be evidenced by a receipt, which may be in the form of a letter, from the school(s) or organization(s) which received the contribution.**

The '09' revision was not constructed; therefore, the two conditions of approval are expired.

Detailed Site Plan DSP-87050-10: The '10' revision number was assigned, but the application was not pursued.

10. **2010 Prince George's County Landscape Manual:** The subject DSP is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), because it does not involve the change of use from a lower- to a higher-intensity use category or from a residential use to a nonresidential use, does not involve an increase in impervious surface, and do not involve an increase in the gross floor area of the existing building either.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because, even though the gross tract area is more than 40,000 square feet, it contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. A tree conservation plan is not required. A letter of exemption was issued for this property on May 30, 2017 and will be valid through May 30, 2022. There are no regulated environmental features located on the subject site and no regulated environmental features will be impacted. The project has a previously approved Natural Resources Inventory Equivalency Letter, NRI-077-2017, which was issued on May 30, 2017.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The subject DSP is exempt from the Tree Canopy Coverage Ordinance because it does not propose any ground disturbance or new gross floor area to the existing building that is greater than the threshold.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Transportation Planning**—The Planning Board determined that the plan is generally acceptable and meets the findings required for a DSP as described in the Zoning Ordinance.
 - b. **Trails**—The Planning Board found that the site is covered by the 2009 Approved Countywide Master Plan of Transportation (MPOT) and the 2006 Henson Creek-South Potomac Master Plan and SMA (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

The Complete Streets element of the MPOT includes text regarding the importance of sidewalks and complete streets and includes the following policies regarding sidewalk construction and the accommodation of pedestrians in new development.

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.

As a developed site, the subject property has existing sidewalks around the perimeter of the building and linking the building entrance to the surface parking and the existing sidewalk along St. Barnabas Road (MD 414). There are two existing bus stops in the immediate vicinity of the subject site (one in each direction along MD 414) and neither has a shelter. The nearest signalized intersection which serves the shopping center has been improved with ADA ramps and pedestrian signals. The Planning Board recommended a condition of approval requiring that a small amount of short-term bicycle parking be provided near the entrance of the building and that a secure area within the parking garage also be provided for longer-term storage.

- c. **Permit Review**—The Planning Board offered two comments with regards to the depressed curbing and identifying parking for the physically-handicapped in accordance with ADA requirements. These comments are worded as conditions of this approval.
- d. **Historic Preservation**—The Planning Board found that the subject approval will not impact any historic sites or resources or known archeological sites.
- e. **Subdivision and Zoning**—The Planning Board found that all bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. The three comments have been worded as conditions of this approval.
- f. **Community Planning**—The Planning Board found that the subject project is consistent with Plan Prince George's 2035, for properties within the growth boundary in the Oxon Hill Neighborhood Center (Local). It is also consistent with the 2006 Henson Creek-South Potomac Approved Master Plan and SMA for the planning area for properties located within the Oxon Hill Regional Center, in the area formerly designated as the Developed Tier in the 2002 General Plan.
- g. **Prince George's County Health Department**—In an e-mail dated August 8, 2017, the Health Department offered the following comments included in boldface type below, followed by staff comment:
 - (1) **During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.**

A note should be provided on the DSP indicating conformance with this requirement.

- (2) **Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Provide specific information related to this development project of the available and/or proposed means of connecting to neighboring communities through public transportation.**

The site is located within the proximity of the existing Rivertowne Commons Shopping Center, which is within walking distance from the approved multifamily dwelling units. A five-foot-wide sidewalk exists along the private road in front of the building that connects the subject site to the surrounding commercial uses.

- (3) **There are more than five (5) existing carry-out/convenience store food facilities and no grocery store/markets within a one-half mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The plans should include designated space for retail facilities offering healthy food choices to occupants/residents of the area.**

According to PGAtlas and Bing Maps, the adjoining Rivertowne Center has both a Safeway and a K-mart (has grocery section). The Safeway is approximately 0.4 miles from the existing office building and the K-mart is approximately 0.3 miles from the existing building.

- (4) **There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote improvement in the quality of life. The developer should consider setting aside space for a community garden.**

This information has been transmitted to the applicant. The applicant is not proposing a community garden. There is limited space in this existing built environment. The applicant has provided a dog park in the available space to better accommodate the needs of the residents.

- (5) **The proposed residential property is located within 500 feet of a major roadway, I-95/495. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests. Increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification and childhood asthma.**

This is an existing developed site. The apartment building is located approximately 275 feet from the Capital Beltway (I-95/495). The Health Department comments were forwarded to the applicant for informational purposes.

- (6) **Traffic noise can be detrimental to citizen's health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.**

The Planning Board found the existing double-glazed windows in the building to sufficiently mitigate traffic noise. However, at the time of the building permit, a certificate signed by a professional in acoustics to verify that the interior noise level of each dwelling unit has been mitigated to be below 45 dBA Ldn should be provided with the application.

- h. **Environmental Planning**—The Planning Board did not offer any comments with regards to environmental issues.
- i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide any comments on the subject application.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not provide any comments on the subject application.
- k. **Prince George's County Police Department**—The Police Department did not provide any comments on the subject application.
- l. **Maryland State Highway Administration (SHA)**—SHA did not provide any comments on the subject application.
- m. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated June 26, 2017, WSSC offered numerous comments, regarding the provision of water and sewer to the development. These comments have been provided to the applicant and will be addressed through WSSC's separate permitting process.
- n. **Verizon**—Verizon did not provide any comments on the subject application.
- o. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide any comments on the subject application.

14. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if approved with the conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. As there are no regulated environmental features on the subject site, the finding normally required by Section 27-285(b)(4) of the Zoning Ordinance needs not to be made for this DSP at this time.

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 Detailed Site Plan DSP-87050-11 for the above described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall make revisions or provide information as follows:
 - a. Provide a rack(s) accommodating a minimum of 10 bicycle parking spaces at a location convenient to the building entrance.
 - b. Provide a designated secure area for long-term bicycle parking within the parking garage.
 - c. Show depressed curbing or ramping on the site plan to demonstrate accessible route for the physically-handicapped.
 - d. All parking spaces for the physically-handicapped must be identified with the universal ADA symbol. In addition, the applicant shall:
 - (1) Provide the dimensions of the van-accessible surface parking spaces on the site plans.
 - (2) Provide the dimensions of standard handicapped parking spaces on the site plans and in the parking table.
 - e. Revise both the parking and unit mix tables according to the Development Data Summary table of this approval.
 - f. Provide bearings and distances on the DSP, to be consistent with the record plat.
 - g. Provide the following site plan note:

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”

- h. Revise the overall parking tabulation table for the entire site to reflect the required versus provided parking spaces for all phases of development for conversion of an office building to multifamily apartments, and make adjustments to all parking calculations according to the Finding 2, Data Summary Table of this approval.
 - i. Reference the total square footage of the residential building in General Note 1.
2. Prior to issuance of permits, the applicant shall provide a certification by a professional engineer with competency in acoustical analysis, to be placed on the permits, stating that the building dwelling units have been designed or updated to reduce interior noise levels to be 45 dBA Ldn or less.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 5, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of October 2017.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TA:rpg