

Case No. SP-09006-C

Applicant: Contee Company

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

ZONING ORDINANCE NO.7-2010

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. SP-09066 was filed with the Planning Board for property described as about 24.915 acres of land at the intersection of Toledo Terrace and Northwest Drive, Hyattsville, known as Belcrest Plaza, to rezone the property from the R-18 Zone (with T-D-O Overlay) to the M-U-I Zone (with T-D-O overlay); to amend the use table and building heights requirements; to amend mandatory development standards in the Prince George's Plaza Transit District Development Plan; and to approve a detailed site plan for three non-contiguous properties (referred to as Americana Plaza Parcels A & B, Americana Plaza Parcel C, and Georgian Plaza Parcel B) within the TDDP; and

WHEREAS, Americana Plaza Parcels A & B and Americana Plaza Parcel C are within Subarea 13A of the TDDP and Georgian Plaza Parcel B is within Subarea 12 of the TDDP; and

WHEREAS, the application was advertised and the properties posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff, which filed recommendations with the Planning Board; and

WHEREAS, a public hearing was held before the Planning Board, which submitted recommendations to the District Council in Resolution No PGCPB No. 10-10; and

WHEREAS, the District Council has determined from the record that SP-09006 should be approved in part, as to Americana Plaza Parcels A & B and Americana Plaza Parcel C, and denied in part, as to Georgian Plaza Parcel B; and

WHEREAS, by this action, the District Council approves the request to rezone Americana Plaza Parcels A & B and Americana Plaza Parcel C from the R-18 Zone (with T-D-O Overlay) to the M-U-I Zone (with T-D-O Overlay); approves the changes to the use list contained in the TDDP proposed by the applicant, to add permitted uses in the M-U-I Zone for Subarea 13A; approves the proposed changes to the minimum building height for the townhouse units within Americana Plaza Parcel C; and approves Detailed Site Plan SP-09006 for Americana Plaza Parcels A & B and Americana Plaza Parcel C, with amendments to the standards of the Prince George's Plaza Transit District Development Plan; and

WHEREAS, by this action, the District Council denies the request to rezone Georgian Plaza Parcel B, but permits temporary recreational facilities on that property; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, the rezoning herein is approved with conditions; and

WHEREAS, as the basis for this action, the District Council adopts in part the report of the Planning Board as its findings and conclusions in this case, as follows:

A. The District Council concurs with the Planning Board's findings and conditions of approval regarding the overall density, site layout, architectural design, parking ratios, building heights, setbacks, street sections, open space, private amenities package, and uses as to Americana

Plaza Parcels A & B and Americana Plaza Parcel C. At this time, only temporary recreational facilities are permitted on Georgian Plaza Parcel B. A new detailed site plan for Georgian Plaza Parcel B must be submitted, to:

(1) Enhance the activities on the streets abutting Georgian Plaza Parcel B within the first 30 feet of the vertical building facades on all sides (except for approved emergency entrances to the garages), by adding residential, office, or retail uses. Pedestrian facilities particularly are to be enhanced. Site design elements such as outdoor cafes, window displays, kiosks, entry awnings and canopies, benches, storefronts, and retail should be incorporated into the design.

(2) Negotiate, with best efforts to reach an acceptable compromise, an agreement with the owners of the Mall at Prince George's Plaza, to allow the shared use or construction of a dedicated road on the southern end of Georgian Plaza Parcel B. If an agreement cannot be reached, then Georgian Plaza Parcel B should be designed in a way that is exclusive of any future redevelopment of the Mall at Prince George's property, and Georgian Plaza Parcel B should therefore include an internal road network that can function independently of the Mall at Prince George's property.

(3) Minimize the visibility of all structured garages on Georgian Plaza Parcel B.

B. The Planning Board's findings in Resolution No. 10-10 for Americana Plaza Parcels A & B and Americana Plaza Parcel C are affirmed, as follows:

(1) The District Council agrees with the findings and conditions of the Planning Board related to transportation. All of the conditions related to transportation are retained, with the standards for the implementation of a Transportation Management Plan. The District Council agrees that the net increase in development density resulting solely from the development of Americana Plaza Parcels A & B and Americana Plaza Parcel C may not necessitate construction of transportation improvements or the implementation of a TMP. The Annual Report and the TMP should be initiated and submitted within the time frame recommended by the Planning Board.

(2) The District Council agrees in part with the findings and conclusions of the Planning Board related to recreational facilities and the dedication of off-site land to the Maryland National Capital Park and Planning Commission. Condition 11 is modified at this time because the District Council finds that the private facilities provided on Americana Plaza Parcels A & B and Americana Plaza Parcel C are only partly sufficient; temporary recreational facilities will be permitted, at Americana Plaza Parcel D or on Georgian Plaza Parcel B, by agreement between the applicant and the Department of Parks and Recreation.

NOW THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning in part the property that is the subject of SP-09006, so that Americana Plaza Parcels A & B and Americana Plaza Parcel C are reclassified from the R-18 Zone (with T-D-O Overlay) to the M-U-I Zone (with T-D-O Overlay).

SECTION 2. The portion of the property not rezoned , Georgian Plaza Parcel B, is retained in the R-18 Zone (with T-D-O Overlay).

SECTION 3. The District Council hereby approves the proposed changes to the use list for SP-09006, to add permitted uses in the M-U-I zone for Subarea 13A, for Americana Plaza Parcels A & B and Americana Plaza Parcel C.

SECTION 4. The District Council hereby approves the proposed change to the minimum building height for the townhouse units on Americana Plaza Parcel C.

SECTION 5. The District Council hereby approves SP-09006 for Americana Plaza Parcels A & B and Americana Plaza Parcel C, with the following amendments to the standards of the Prince George's Plaza Transit District Development Plan:

Overall Development:

- P1 Approval of modified streetscape along Toledo Terrace: 8 foot sidewalk , 5-foot tree planting and lighting area.
- P5 Approval of small directional signs, 4.5 square feet in area.
- P6 Approval of parking space size at 9 feet by 18 feet.
- S3 Approval of minimum average lighting of 1.25 foot candles.
- S6 Approval of a modified sidewalk paving.
- S8 Approval of modified streetscape: 8-foot sidewalk, 5-foot tree planting and lighting area.
- S24 Approval of a modified pole and fixture maintainable by Pepco, conditioned to be black with partial cut-off optics, to the extent possible.
- S25 Approval of minimum average lighting of 1.25 foot candles.

S33 Approval of the applicant's request to use on-site tree canopy to count toward the requirement for afforestation.

G53 Minor modifications to the amenities provided within each residential unit.

Americana Plaza Parcels A & B:

P105 Approval of 3 bedroom units as rentals.

S18 Approval of location of surface parking lot, to extend past the facade of Building 6.

S23 Approval of a screen wall without a hedge.

Americana Plaza Parcel C:

P105 Approval of 3 bedroom units as rentals.

SECTION 6. SP-09006 is approved subject to the following conditions:

1. Prior to certification of the overall detailed site plan, the applicant shall:
 - a. Submit a score card for each individual building within the project, signed by a LEED Accredited Professional, that indicates the professional's opinion that each building will be designed in accordance with the most current and applicable U. S. Green Building Council's (USGBC) Green Building Rating System. The plans shall be revised in accordance with the standards to achieve this goal.
 - b. Revise the plans to demonstrate how the tree credits in the tree canopy worksheet are accounted for in the plant schedules, and to demonstrate that a minimum of 500 cubic feet of soil volume will be provided, for each tree counted toward fulfillment of the tree canopy requirement.
 - c. Revise the plans to provide details of enhanced paving for each of the plaza areas. Such details shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.
 - d. Revise the plans to show all proposed stormwater management facilities consistently on all plans, including the approved stormwater management concept plan, site plan, landscape plan, and hardscape plan; and demonstrate that all applicable State standards governing

stormwater management will be complied with, including without limitation the new State-approved standards effective on or about 4 May 2010, without allowance of grandfathering or vesting of plans approved under regulations effective prior to 4 May 2010.

- e. Revise the plans to include additional dimensioned details of the light fixtures proposed along Toledo Terrace, Toledo Place, and Northwest Drive, to be reviewed and approved by the Urban Design Section as designee of the Planning Board. The details shall confirm that the poles and fixtures will be black and incorporate partial cut-off optics as provided by PEPCO.
- f. Revise the plans to insure that all buildings and structures are shown outside of the public utility easements.
- g. Revise the plans to clearly distinguish between building footprints and cantilevered portions of the buildings.
- h. Revise the plans to provide a continuous eight-foot-wide sidewalk along the property's frontage on Toledo Terrace, separated from the curb by a five-foot-wide street tree and street light bank, except along the shuttle drop-off areas. The streetscape detail for Toledo Terrace shall be revised accordingly, prior to certification of the detailed site plan.
- i. Revise all plans (site, landscape, hardscape) to show the locations of all proposed signs.
- j. Revise all plans to show all parking spaces, except handicapped spaces, with a dimension of 9 feet by 18 feet.
- k. Revise the plans to reflect five feet of the right-of-way to be vacated in accordance with the DPW&T memo dated January 13, 2010 in order to provide a 15-foot-wide public utility easement along Toledo Terrace.
- l. Submit a color coded master utility exhibit showing planned utilities, easements, and the relationship between existing and proposed utilities and structures. The master utility exhibit shall indicate the undergrounding of overhead utilities. The master utility plan shall be revised and approved by all affected utility companies.

2. Prior to final plat of any individual parcel, the applicant shall vacate a five-foot-wide strip of the right-of-way along the property's frontage, in accordance with Section 24-112 of the Subdivision Regulations, to provide for a 15-foot wide public utility easement. If vacation cannot be approved, the applicant shall work with utility companies and DPW&T to revise the master utility exhibit required in Condition 1(p) above to resolve the issue.
3. Prior to the issuance of any permits for any individual parcel:
 - a. The applicant shall file a final plat of subdivision pursuant to Section 24-111(c)(4) of the Subdivision Regulations for such individual parcel to document the existing development and shall provide a 15-foot-wide public utility easement (PUE) on such final plats of subdivision, unless the vacation referenced in Condition 2 is denied, then the applicant shall fulfill Condition 2 prior to approval of the final plat.
 - b. The applicant shall provide a copy of the proposed sediment and erosion control plan and the detailed site plans indicating that the plans include notes and a detail regarding the stenciling of stormdrain inlets with "Do Not Dump - Chesapeake Bay Drainage."
4. The applicant and/or the applicant's heirs, successors, and/or assignees shall be responsible for the construction and maintenance of all streetscape improvements along the entire length of the property frontage along all public roads from the façade of the building to the face of curb, unless otherwise agreed with the applicable governing authority.
5. Construction of the streetscape improvements shall be completed with each phase of the development, and phasing shall be delineated on the site plan.
6. The plans shall include notes stating that all existing overhead utilities along the property's road frontage shall be located underground unless prohibited by PEPCO. Proposed utilities for the project shall also be placed underground. If PEPCO determines that the undergrounding of the existing utilities are not allowed, then the applicant shall provide evidence of this prohibition in writing and any necessary adjustments to the site plan to the Planning Board or its designee.
7. Shared-lane markings for bicycles shall be provided along both sides of the entire length of Toledo Terrace, and the plans shall be revised to show these markings, unless modified by DPW&T. All pavement markings shall be

consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), Section 9C.07, unless modified by DPW&T or other applicable regulatory authority.

8. In conjunction with the shared-lane markings, the applicant shall provide a minimum of eight "Bicycles May Use Full Lane" signs (R4-11, MUTCD) along Toledo Terrace, consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), Section 9B.06, unless modified by DPW&T or other applicable regulatory authority.
9. Prior to final plat of any individual parcel, the applicant shall submit three original, executed recreational facilities agreements (RFA) for the exterior private facilities to be constructed within that parcel to the Development Review Division for review and approval. These recreational facilities shall be required to be constructed in conjunction with the phase of development with which they are included. Upon approval, the RFAs shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. Recreational facilities which are integral to and constructed as part of individual buildings shall not be required to be included in the RFA.
10. Prior to the issuance of building permits for each multifamily/mixed-use building, the applicant shall revise the site plan to show the location of transformers and generators. The transformers and generators shall be located to minimize intrusion into the streetscape, and shall be screened to the extent permitted by PEPCO with the use of masonry walls designated to be compatible with the exterior of adjacent buildings.
11. The applicant and DPR shall work together to establish temporary recreation facilities, including without limitation a park or parks and escrow funds on Americana Plaza Parcel D, or Georgian Plaza Parcel B, as described above.
12. Americana Plaza Parcels A and B shall be limited to no more than 283 new multifamily residential units and 1,600 square feet of ancillary commercial retail/office space.
13. Americana Plaza Parcel C shall be limited to no more than 356 new multifamily residential units, 57 townhouse residential units, and 1,300 square feet of ancillary commercial retail/office space.
14. Prior to the issuance of any building permits on Americana Plaza Parcels A & B or Americana Plaza Parcel C, the applicant and successors or assigns shall

submit traffic signal warrant studies following the accepted methodology of DPW&T or the Maryland State Highway Administration, for the intersections of Toledo Terrace/Belcrest Road and MD 410/Editors Park Drive. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall fully bond the entire cost prior to the release of any building permits within the subject property, and shall agree to install the signals when directed by DPW&T, or the State Highway Administration.

15. Prior to the issuance of a building permit for the second building to be constructed on Americana Plaza Parcels A & B and Americana Plaza Parcel C (or the building that would otherwise cause more than 284 new residential units or 1600 square feet of commercial retail or office space to be constructed), the applicant and its successors and assigns shall:
 - a. Submit an annual report of peak-hour AM trips and peak-hour PM trips actually generated from the Development by both newly constructed uses as well as the previously existing uses (the "Annual Reporting") to the Planning Department. The obligation to conduct Annual Reporting shall expire upon the implementation of the TDMD (as defined under Condition 16(c) below); and
 - b. Submit a Transportation Management Plan (TMP) for the entire development proposed on DSP-09006 substantially in conformance with the draft TMP submitted by the applicant into the record at the December 10, 2009 hearing. The TMP shall be reviewed and approved by the Prince George's County Department of Public Works and Transportation (DPW&T), and the Transportation Planning Section of the Prince George's County Planning Department. The TMP will contain provisions to provide for the full funding of the TMP by the owners of the property. The TMP and funding obligations shall run with the land until such time as the TDMD is implemented. The TMP will also contain details for monitoring and audit conditions, trip reduction estimates for each trip reduction strategy, a spreadsheet that monitors dwelling units and peak-hour trips for each building permit, and provisions detailing the timing of implementation, monitoring, reporting, and compliance with stated objectives, strategies, and actions contained within the TMP and this condition. The TMP shall contain provisions to allow adjustments in the event the TDMD is established after the TMP is implemented to avoid duplication of programs and services. In no event shall implementation of the TMP be required until new development constructed pursuant to DSP-09006 and remaining

existing development, if any, generate in excess of 772 trips during the morning peak-hour or 1,042 trips during the evening peak-hour.

- c. In the event that the Prince George's County District Council has implemented the Prince George's Plaza Transportation Demand Management District (PG-TDMD) in accordance with the TDDP and Section 20A of the County Code, and both the Prince George's Plaza Demand Management Technical Advisory Committee (PG-TDMTAC), and the Prince George's Plaza Transportation Management Association (PG-TMA) have been established prior to the implementation of the TMP in accordance with paragraph b above, the TMP shall be succeeded by the TDMP required under Subtitle 20A.
- 16. No building permits shall be issued which would cause the total existing and projected site trip generation to exceed 772 AM peak-hour and 1,042 PM peak-hour trips.
 - 17. Prior to issuance of any grading permit, Applicant shall revise plans to demonstrate conformance with COMAR Title 26, Department of the Environment, Part 3, Subtitle 17, Water Management, Chapter 2, Stormwater Management, 26.17.02.00 et seq., as amended, incorporating by reference 2000 Maryland Stormwater Design Manual Volumes I and II (Maryland Department of the Environment, April 2000) Supplement I or as adopted by the County pursuant thereto.

AMERICANA PLAZA, PARCELS A & B

- 18. Prior to certification of the detailed site plan:
 - a. The architectural elevations shall be revised to indicate that the color of the masonry used on the garage portion of the building which is not faced with brick will be changed to match the color of the brick, compatible with the rest of the building.
 - b. The detailed site plan shall be revised to demonstrate the same configuration, as shown on the landscape plan, of the freestanding walls (proposed to screen the parking lot) and retaining wall (proposed to tie into the southeastern corner of Building 6).
 - c. The retaining wall adjacent to the building and the freestanding walls shall be finished with the same masonry materials and details shall be

provided on the plans. All details shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

- d. The detailed site plan shall be revised to indicate that the exterior of the raised concrete planter will be finished with masonry to match the freestanding/retaining walls proposed to screen the surface parking lot.
- e. The architectural elevations for Building 6 shall be revised to demonstrate that entrance to the parking garage will be restricted through the provision of decorative gates, and that the openings in the garage façade will be secured as well.
- f. The detailed site plan shall be revised to show the southern building entrance and the stairway adjacent to the surface parking lot of Building 6, consistent with the architectural elevations.
- g. The fencing proposed along the western property line shall be upgraded fencing to be reviewed and approved by the Urban Design Section, in accordance with Applicant's Exhibit Five and Six.
- h. The architectural elevations shall be revised to indicate that a high-quality, low-maintenance shingle siding material, such as composite or cementitious, will replace the proposed wood shingle siding.
- i. The architectural elevations shall be revised to indicate the building-mounted signage area for the office/retail uses.

AMERICANA PLAZA, PARCEL C

- 19. Prior to certification of the detailed site plan:
 - a. The architectural elevations shall be revised to indicate that the color of the masonry used on any exposed portion of the garage will be changed to match the color of the brick, compatible with the rest of the building.
 - b. The plans shall be revised to identify the material shown as Number 13 on the architectural elevations for Building 7.
 - c. The detailed site plan shall be revised to show the location of all proposed signs. Lighting and landscaping shall be provided at the base of each monument sign.

- d. The Type A sign proposed between the townhouse units and Northwest Drive shall be moved closer to the intersection of the northern access drive and Northwest Drive.
- e. The plans shall be revised to provide upgraded fencing as the safety railing for the section of retaining wall along the west side of the access drive separating Building 7 and the townhouse section, in accordance with Applicant's Exhibit Five and Six.
- f. All fencing shall be upgraded, details of which shall be reviewed and approved by the Urban Design Section in accordance with Applicant's Exhibit Five and Six.
- g. The townhouse elevations shall be revised to specify the exterior finish material of the optional fourth floor loft. The loft facades shall be treated with the same brick material as proposed on the primary facade of that unit.
- h. The open space component associated with the townhouse portion of Parcel C, Americana Plaza, shall be revised to create a flatter, useable open space, which may require the incorporation of retaining walls into the design. Retaining walls shall be designed as seating and a concrete path shall be provided around the central open space.
- i. The architectural elevations shall be revised to indicate that a high-quality, low-maintenance shingle siding material, such as composite or cementitious, will replace the proposed wood shingle siding.
- j. The detailed site plan shall be revised to show all improvements proposed with the open space associated with the townhouse portion of the development as shown on the hardscape plans.
- k. The architectural elevations shall be revised to indicate the building-mounted signage location and the area for the office/retail uses.

SECTION 7. BE IT FURTHER ORDAINED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 6.

Enacted this 12th day of July, 2010, for initial approval, by the following

Vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Harrison and Turner

Opposed: Council Member Olson

Abstained:

Recused:

Absent: Council Members Exum and Knotts

Vote: 6-1

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

By: _____
Thomas E. Dernoga, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, in approving in part Application No. SP-09006-C, to rezone the subject property from the R-18 Zone (with T-D-O Overlay) to the M-U-I Zone (with T-D-O Overlay), in the Prince George's Plaza Transit District Overlay Zone, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-09006-C is hereby granted. The applicant's written acceptance of the condition referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the condition referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective September 24, 2010, the date of receipt of the applicant's acceptance of the condition imposed.

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

BY: _____
Thomas E. Dernoga, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council