

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 July 13, 2006, regarding Detailed Site Plan DSP-05106 for New Carrollton Town Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a 427,806 square-foot mixed-use redevelopment project on an existing hotel and convention center site.
2. **Development Data Summary:**

| Zone(s) Use(s) | EXISTING C-S-C Hotel/Convention Center | PROPOSED C-S-C Hotel/Commercial Retail/Office and Residential (Multifamily) Condominiums |
|-----------------------------|---|---|
| | | |
| Acreage | 4.65 | 4.65 |
| Building square footage/GFA | 137,620 (existing hotel) | 427,806 |

OTHER DEVELOPMENT DATA

| | REQUIRED | PROPOSED |
|---|-----------------|-----------------|
| Total Parking Spaces | 474 | 489 |
| Of which Standard parking spaces (9.5' x 19.0') | - | -* |
| Compact spaces (8.0' x 22') | - | - |
| Handicapped spaces (16.0' x 19.0') | 9 | 1 |
| Loading spaces | 4 | 1 |

Notes: *No information has been proposed in the application regarding the different sizes of parking spaces, loading spaces and parking spaces for the physically handicapped. A condition of approval has been proposed in the recommendation section to require the applicant to provide the identified information prior to certificate approval of this DSP.

Gross Floor Area Table

| Uses | Gross Floor Area (GFA) (sq. ft.) |
|-------------------------|---|
| Hotel (existing) | 137,620 (190 Rooms) |
| Commercial (Office) | 37,246 |
| Commercial (Retail) | 37,246 |
| Residential Condominium | 109,742 (106 Dwelling units) |
| Parking garage | 105,952 |
| Total | 427,806 |

Bedroom Percentage

| Unit Type | Proposed Percentage | Percentage Per Section 27-419 |
|------------------|----------------------------|--------------------------------------|
| 1 Bedroom | 50 (53 units) | 50 |
| 2 Bedrooms | 40 (42 units) | 40 |
| 3 Bedrooms | 10 (11 units) | 10 |
| | 100 | 100 |

3. **Location:** The subject property is located in the northeast quadrant of the intersection of Annapolis Road (MD 450) and 85th Avenue, on west side of the Capital Beltway, within the boundary of the City of New Carrollton, in Planning Area 69 and Council District 3.
4. **Surroundings and Use:** The site is currently developed with an existing hotel and a convention center along with accessory parking. The subject site is bounded to the south by the right-of-way (ROW) of Annapolis Road (MD 450), to the west by the ROW of 85th Avenue, and to the east by a ramp to the Capital Beltway. The property is adjacent to existing single-family houses in the R-55 (One-family Detached Residential) Zone to the north.
5. **Previous Approvals:** The subject site is currently developed with an existing hotel of 190 rooms. The site has a recorded final plat as WWW 59 @ 90 with no plat note, on March 30, 1966. The 1994 approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69) retained the C-S-C Zone for the site. The tip of the site (at the intersection of Annapolis Road and 85th Avenue) has an approved Special Exception SE-148 which was approved in 1953 for a gasoline station in the C-1 Zone. The site has a standard exemption from the Prince George's County Woodland Conservation Ordinance, which will be valid through April 3, 2008. The site also has an approved stormwater management concept plan 14974-2006-00.
6. **Design Features:** The subject site has an irregular shape and is bounded on three sides by rights-of-way. The site is accessed through 85th Avenue with two vehicular access points. The existing hotel building is in the middle of the site and is surrounded by parking spaces. The site plan shows two building footprints. One is an enlarged footprint of the existing hotel, mainly through the expansion of the existing hotel building to a triangular building mass with two sides parallel to Annapolis Road and 85th Avenue. The expanded part of the existing hotel building will be used for commercial office/retail uses. The other is the existing garage across an internal driveway from the existing hotel. The existing garage will be elevated by adding another two levels of parking. The 106 condominium

units will start from the fifth floor and go up to the 12th floor. There are two penthouse stories going from the 10th to the 12th floors.

The existing hotel on the site somewhat predetermines the architectural design for this project. The existing hotel is a ten-story concrete slab building and features a modernistic design with horizontal window openings and balconies that present a strong horizontal expanse. The existing hotel will be converted to a Sheraton Four Points and will be refinished with E.I.F.S (Exterior Insulated Finishing System). The hotel and its expansion feature a continuous split-face block masonry base at the lower level perimeter and a column enclosure that presents a colonnade appearance. The main entrance to the hotel, facing 85th Avenue, is finished with curtain wall glass with a fan-shaped open-web tube steel canopy cantilevered from the building façade. A similar treatment is applied to the secondary entrances. Commercial space is located at the ground level, and offices occupy the second level. The residential condominium building has the first four levels as a garage with a continuous eight-foot-high split-faced block masonry base. The main entrance to the condominium building features a four-story-high grand lobby atrium with curtain wall glass. A patio deck terrace at the condominium perimeter is above the parking garage. The building is finished with precast masonry panels and brick accents. The building materials for the hotel expansion at the lower level and condominium building are complementary to that of the hotel. Exterior colors vary from tan, beige, brown, copper and chocolate to brick red. The design, material, color and style of the two buildings are consistent with each other.

A comprehensive sign package has been proposed for this site, which includes freestanding signs, building-mounted signs, directional, and traffic signs. The sign design is acceptable. Even though CB-97-2005 has revised the use table of the C-S-C Zone to allow the proposed development, no revisions have been made to the sign regulations. The proposed sign package is a comprehensive prototype for the Four Point Hotel by the Sheraton Groups. Much of the information in the sign package is not relevant to this application. A condition of approval has been proposed in the recommendation section to require the applicant to present the relevant sign information on the detail sheet of this DSP in accordance with Part 12 of the Zoning Ordinance to be reviewed by the Urban Design Section prior to certificate approval.

For the 106 condominium dwelling units in Planning Area 69, a recreational package of a minimum \$110,000 is required. The applicant provides a cost estimate for the proposed recreation facilities that is well above the required dollar amount.

COMPLIANCE WITH EVALUATION CRITERIA

7. **CB-97-2005:** Council Bill CB-97-2005 is an ordinance concerning the C-S-C and R-55 Zones for the purpose of permitting mixed-use development, subject to a detailed site plan but not special exception review, under certain circumstances. Footnote 51 in the use table (Section 27-461 (b)) specifically states:

Condominium residential dwellings may be permitted in the C-S-C Zone within the Developed Tier on property that is the location of an existing hotel, if located along the

Capital Beltway and within one (1) mile of a WMATA station, subject to an approved Detailed Site Plan provided in Part 3, Division 9. The use is permitted only if (1) the units are part of a mixed-use development of commercial and retail/commercial, (2) the minimum percentage of any single use is 10% for either residential, commercial, or retail of the gross square footage of floor area, and (3) the density, bulk, height, and other regulations are as required for townhouses in the R-T Zone and for multi-family units in the R-18 Zone.

Comment: The subject application proposes a mixed-use development consisting of an existing hotel of 190 rooms, additional commercial office/retail space, and 106 residential condominium units. The site is in the C-S-C Zone and is in the Developed Tier adjacent to an existing ramp of the Capital Beltway. An existing hotel is located on the site and the site is within one mile of the New Carrollton Metro Station. As shown in the above gross floor area table, the proposed commercial and residential uses account for more than 17 percent and 25 percent, respectively, of the total proposed gross floor area of the project. The proposed development is consistent with CB-97-2005 except for the third criterion.

The last criterion requires that the multifamily units in the development be consistent with the density, bulk, height, and other regulations in the R-18 Zone. The requirements of R-18 Zone are summarized as follows:

| | |
|---|--------|
| Net Lot Area (Minimum in Square Feet) | 16,000 |
| Lot Coverage (Maximum Percent of Net Lot Area) | 30 |
| Green Area (Minimum Percent of Net Lot Area) | 60 |
| Setbacks at Front Building Line (feet.) | 85 |
| Setbacks at Front Street Line (feet.) | 85 |
| Yards (Minimum Depth/Width in feet.) | |
| Front | N/A |
| Side | N/A |
| Rear | 30 |
| (Maximum. in feet, Main Building) | 40 |
| Density (for a building of 36 feet or less, Dus/Ac) | 12 |

The R-18 Zone regulations above apply to individual R-18-zoned properties and most of them are difficult or impossible to apply to a multifamily component of a mixed-use project such as the condominium included in the subject application. Rear yard setback is not applicable to this site because the site is a through lot. CB-97-2005 does not specifically identify each applicable regulation but requires a detailed site plan review for compliance with the above requirements.

The Urban Design Section believes that one of the above regulations regarding building height clearly applies to this application. The subject DSP proposes a building height of 147 feet at the

highest point. The applicant has submitted a variance application to seek relief from the above height requirement. See below Finding 8(d) for a detailed discussion.

Section 27-442 (h) Density prescribes a maximum 20 dwelling units per net acre for mid-rise apartments (four or more stories with elevator) in the R-18 Zone. The subject site is a total of 4.65 acres in size and allows a maximum 93 units. The applicant proposes 106 dwelling units with this DSP, which is 13 units more than the maximum allowed for this site. A condition of approval has been proposed in the recommendation section to require the applicant to reduce number of dwelling units to be no more than 93 units prior to certification.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-S-C (Commercial Shopping Center) Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in general conformance with the requirements of Section 27-461 of the Zoning Ordinance, which governs uses in the commercial zones. The proposed mixed-use development of hotel, commercial office/retail, and residential condominium, as modified by Council Bill CB-97-2005, is a permitted use in the C-S-C Zone.
 - b. The DSP is also consistent with Section 27-462 regarding setbacks and additional standards as prescribed in CB-97-2005, except as described in Finding 7 above.
 - c. The proposed bedroom percentages as shown in Finding 2 are consistent with the requirement of Section 27-419, Bedroom Percentages.
 - d. As discussed in Finding 7 above, CB-97-2005 allows mixed-use development in the C-S-C Zone and prescribes R-18 Zone regulations to be applied to any multifamily component included in a mixed-use development. The subject DSP is a mixed-use redevelopment project on an existing hotel and convention center site. The applicant is proposing the development of a residential condominium use among commercial office/retail and the existing hotel uses. The height of the condominium building is approximately 147 feet. CB-109-2004, which amends Section 27-442(f), Building Height table, allows a maximum of 80 feet for any multifamily residential building on a lot or tract having a net area of four or more acres. The subject site is 4.65 acres in size. The applicant is requesting a 67-foot variance from the maximum allowed height of 80 feet for this project.

Per Section 27-230 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;**

Comment: The subject property is a unique assemblage of two parcels that are located in a

General Plan growth corridor and are within one mile of the New Carrollton Metro Station within the Capital Beltway. The subject site is 4.65 acres in size and does not have exceptional narrowness, shallowness, shape, or exceptional topographic conditions. However, the site has been developed with an existing hotel and a convention center, which are located within two building footprints on the site. The DSP proposes a mixed-use redevelopment scheme that will expand the existing footprint of the hotel to include commercial office and retail uses and an additional 10 stories on top of the existing parking garage without expanding horizontally the footprint of the existing garage and convention center building. The condominium and garage building will be 12 stories with the first three levels as a parking garage and the rest of the levels will accommodate 106 residential condominium units. The three levels of parking garage account for more than one third of total building height of the proposed residential condominium building.

CB-97-2005 also prescribes a minimum ten percent of any single use (either residential, commercial, or retail) of the total gross square footage of floor area. Since no new building footprint has been created on the site, the applicant has found it necessary to increase the height of the building in order to meet the minimum percentage requirement for the residential use in this DSP. Furthermore, all required parking has been provided in a structure on-site to minimize the impact to the existing neighborhood. The extraordinary situation on the site is a direct result of the applicant's effort to cope with existing physical constraints of the site and still fulfill the vision and growth policy of the General Plan within the parameters established by CB-97-2005.

- (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**

Comment: The proposed mixed-use redevelopment on an existing hotel and convention center site has been contemplated pursuant to the specific criteria of CB-97-2005 and the development policy of the General Plan and thus create unusual practical difficulties for the owner of the property. The strict application of this Subtitle would result in denial of the high-rise residential component, which would render the subject application inconsistent with both CB-97-2005 and the General Plan. This redevelopment without a residential component would defeat the goal of a mixed-use project at a growth corridor because the residential component is a critical element of any successful mixed-use project.

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

Comment: The proposed mixed-use redevelopment along a growth corridor inside the Capital Beltway and in the Developed Tier is what is envisioned in the General Plan. The variance will not substantially impair the intent, purpose, or integrity of

the General Plan or master plan.

The Urban Design Section believes that the variance application satisfies the three criteria for approval. A variance is needed for this development because of the existing physical conditions on the site that result in an extraordinary situation or condition. Denying the variance request would result in a practical difficulty for the owner of the property because the mixed-use development without a residential component would not comply with CB-97-2005 and the development policy of the General Plan. Staff, therefore, recommends approval of the 67-foot-variance from the maximum height requirement of 80 feet for a multifamily residential building.

9. ***Landscape Manual:*** The application is subject to Section 4.1 Residential Requirements, Section 4.2, Commercial and Industrial Landscaped Strip Requirements, and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual* as follows:
 - a. The proposed multifamily condominium will be on an existing developed site that does not have much green area. Per Section 4.1 requirements, for each 1,600 square feet of green area, one shade tree is required. The Landscape Plan shows consistency with this requirement, but not enough information is provided. A condition of approval has been proposed in the recommendation section of this report.
 - b. The DSP is technically subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements, in accordance with Section 1.1(e) of the *Landscape Manual* because the application involves an increase in gross floor area (GFA) of more than ten percent of the existing hotel and convention center and the proposed addition is more than 5,000 square feet. However, since the entire site has been developed with parking lots along three perimeter areas that are adjacent to public rights-of-way, pursuant to Section 4.2(a), the provisions of Section 4.3, Parking Lot Requirements apply. In accordance with Section 1.1(f) of the *Landscape Manual*, the site is exempt from the requirements of Section 4.3(a) due to the fact that the proposed development results in the creation of no additional surface parking spaces. The new parking spaces are provided in the proposed parking garage within the residential condominium building.
 - c. The landscape plan shows a Section 4.3(c) Interior Planting schedule. Pursuant to Section 1.1(f), the subject application is exempt from Section 4.3 because no additional surface parking spaces have been created. Additional parking needed, due to new uses proposed on the site, will be met through the expansion of the existing parking garage. The proposed parking garage will be a four-story structure. The landscape plan should be revised to remove the Section 4.3 schedule.
 - d. The subject application shows a high-rise condominium building on top of a four-story garage that is adjacent to the existing single-family houses to the north. Per Section 4.7, when a residential multifamily high-rise use is adjacent to one-family detached houses, a

type B bufferyard is required on the subject site. The type B bufferyard includes a minimum 30-foot building setback and a minimum 20-foot-wide landscaped yard to be planted with 80 plant units per 100 linear feet of property line. The landscape plan shows a less than 15-foot building setback from the property line and planting units on the adjacent single-family detached lots. The landscape plan does not comply with Section 4.7 of the *Landscape Manual*. A condition of approval has been proposed in the recommendation section of this report to require the applicant either to show complete compliance with Section 4.7 or seek alternative compliance from the requirement prior to certificate approval of this DSP.

10. **Woodland Conservation Ordinance:** This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because there is less than 10,000 square feet of existing woodland on site and there is no previously approved tree conservation plan for this site. A standard exemption for the site was approved on April 3, 2006, and will be valid through April 3, 2008.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. In a memorandum dated June 12, 2006, the Community Planning Division noted that the application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. In the Planning Issues Section, the community planner also noted that the proposed high-rise condominium will be a substantial negative visual impact on abutting single-family residences located on Legation Court.

Comment: The proposed residential condominium building cannot meet the bufferyard requirements of the *Landscape Manual*, and the rear yard and building height regulations of the Zoning Ordinance as discussed previously. Two conditions of approval have been proposed to address the issues. As required by one of the options, the applicant should revise the design to be consistent with the Zoning Ordinance and *Landscape Manual* requirements. As a result, the negative visual impact will be significantly reduced. If the applicant wants to seek relief from the requirements, the impact of the building will be reviewed in detail.

- b. In a memorandum dated June 12, 2006, the Subdivision Section staff noted that additional information is needed to demonstrate what is existing gross floor area and what is proposed gross floor area in order to determine if the proposed DSP is in substantial conformance with the approved record plan and the site is exempt from Subdivision Regulations.

Comment: The applicant has provided the required information, which indicates that the site has a final plat recorded on March 30, 1966. The site has been improved as a hotel and a convention center with existing gross floor area of approximately 152,206 square feet. The proposed gross floor area on the site, including the refurbished existing hotel, amounts to approximately 427,806 square feet. Pursuant to the Subdivision Regulations, if a building permit was issued on or before December 31, 1991, for the development of more than 5,000

square feet of gross floor area, which consisted of at least ten percent of the total area of the site, the site is exempt from the subdivision requirements. The information demonstrates that the site is exempt from the Subdivision Regulations.

- c. The Transportation Planning Section, in a memorandum dated June 23, 2006, noted that the proposed access and circulation to the site are acceptable. The Transportation Planning Section recommends approval of this DSP without any conditions.

In a separate memorandum from the Transportation Planning Section dated June 9, 2006, on detailed site plan review for master plan trail compliance, the trails planner noted that there are several planning documents covering the subject site. The adopted and approved Bladensburg-New Carrollton and Vicinity Master Plan designates 85th Avenue as a bikeway corridor and recommends a master plan trail/bike corridor along MD 450. A condition of approval has been proposed by the trails planner and has been incorporated into the recommendation section of this report.

- d. The Permit Section, in a memorandum dated June 30, 2006, provided 12 comments regarding the application's compliance with the Zoning Ordinance and the *Landscape Manual*.

Comment: The applicable comments have been incorporated into the recommendation section of this report as conditions of approval for this DSP.

- e. The Environmental Planning Section, in a memorandum dated June 1, 2006, indicated that the subject site is exempt from the Prince George's County Woodland Conservation Ordinance and recommended approval of this DSP with no conditions.
- f. The Department of Environmental Resources (DER), in a letter dated June 16, 2006, indicated that the subject site is consistent with approved stormwater management concept approval 14974-2006.
- g. The City of New Carrollton has passed a resolution (City Council Resolution No.06-07, dated May 3, 2006) that approved this application and requested the project be expedited.
- h. The State Highway Administration (SHA), in a memorandum dated June 16, 2006, noted that the traffic impact analysis submitted by the applicant is currently under review. At the time the staff report was written, the findings and recommendations of SHA were not yet available.

Comment: As indicated in the Transportation Planning Section memorandum (Masog to Zhang, June 23, 2006), the redevelopment within the C-S-C portion of the site is occurring pursuant to CB-97-2005 and there is no specific traffic study requirement for development.

- i. The Department of Public Works and Transportation (DPW&T), in a memorandum dated June 21, 2006, indicated that this project does not impact any county-maintained roadways

because 85th Avenue is within the City of New Carrollton and Annapolis Road (MD 450) and the Capital Beltway are under the jurisdiction of the Maryland State Highway Administration.

- j. The Prince George's Fire/EMS Department, in a memorandum dated June 7, 2006, provided a standard memorandum that lists the applicable regulations regarding the required access for fire apparatus, fire lanes, and the location and performance of fire hydrants.

Comment: The Urban Design Section reviewed the site plan along with the Fire Department staff and found that the proposed DSP is in conformance with the applicable regulations.

- 12. As required by Section 27-285 (b), the detailed site plan 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.

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 Detailed Site Plan DSP-05106 and further approved Variance Application No. VD-05106 subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Either show complete compliance with Section 4.7 of the *Landscape Manual* along the site's northern boundary or seek alternative compliance from this requirement.
 - b. Revise the site plans to show all trash enclosures, parking and loading spaces, sidewalks, canopies, handicap access, and locations of signs.
 - c. Revise the site plan to show all existing building footprints on the adjacent properties within 100 feet of the subject property.
 - d. Provide a complete parking calculation to reflect different types of parking spaces, number of the parking spaces for the physically handicapped, and number of loading spaces provided.
 - e. Remove the Section 4.3(c) schedule from the detail sheet of the landscape plan.
 - f. Provide sign information pursuant to Part 12 of the Zoning Ordinance on the detail sheet of the site plan to be reviewed by the Urban Design Section.
 - g. Provide an elevation key map on each of the elevation sheets.

- h. Provide a vicinity map to clearly identify the Metro Station and its relationship to the site.
 - i. Provide a table to demonstrate the detailed site plan's compliance with each criterion listed in CB-97-2004.
 - j. Provide a Section 4.1(g), schedule for the proposed multifamily condominium component.
 - k. Reduce total number of residential condominium dwelling units to be no more than 93 units.
2. The applicant and the applicant's heir, successors, and/or assignees shall construct the eight-foot-wide master plan trail or wide sidewalk along the subject site's entire road frontage of Annapolis Road (MD 450), unless modified by State Highway Administration.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, July 13, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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