

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed the applicants request for Primary Amendments to Mandatory Guidelines P1, P44, P46, P48, P50, P52, P53, P54, P58 and P59 in accordance with Subtitle 27, the Zoning Ordinance for Prince George's County Maryland; and

WHEREAS, in consideration of evidence presented at a public hearing on October 19, 2000, the Prince George's County Planning Board's decision is based upon the following findings:

1. This development proposal is for Subareas 2 and 3, located at the northeast quadrant of the intersection of East West Highway and Belcrest Road, within the Prince George's Plaza Transit District Overlay Zone. The site is northeast of the Prince George's Plaza Metro Station, diagonally across East West Highway. The underlying zones for these subareas are M-X-T and O-S. According to the Transit District Development Plan (p. 99 and p. 101) the purpose for Subareas 2 and 3 is to establish a high density, mixed-use development in close proximity to the metro station that will promote transit ridership. In order to facilitate the proposed development, the applicant has requested several amendments to the Mandatory Development Requirements and Guidelines.

Currently the subject site is improved with three (3) office towers that contain 1,237,000 square feet of gross floor area and parking lots with approximately 3,506 existing spaces. The applicant proposes a mixed-use development that will include: cinema, retail shops, restaurants, cafes, museums, hotel/office, new office towers and high-rise residential, for an additional 1,931,500 square feet of gross floor area and structured parking for approximately 7,000 parking spaces. Most of the existing surface parking is to be converted to structured parking.

2. In general, the Transit District Site Plan is in strict conformance with all the Mandatory Development Requirements of the Transit District Development Plan, with the exception of District-wide Mandatory Development Requirement P1; Subarea 2 Mandatory Development Requirements P44, P46, and P48; and Subarea 3 Mandatory Development Requirements P50, P52, P53, P54, P58, and P59. These amendments are being processed along with a Conceptual Site Plan (CSP-00024) for Subareas 2 and 3.

DISTRICT-WIDE MANDATORY DEVELOPMENT REQUIREMENTS (p.30 -92)

- P1 Unless otherwise stated within the Subarea Specific Requirements, each developer, applicant, and the applicant's heirs, successors and/or assigns, shall be responsible for streetscape improvements along the entire length of the property frontage from the building envelope to face of curb. (See figure 7, 8 and 9. Toledo Terrace: 20-foot pedestrian zone; East-West Highway: 40-foot pedestrian zone; Belcrest Road: 20-40 foot pedestrian zone.) These improvements shall be included as part of any**

application for building or grading permits, except for permits for interior alterations which do not constitute redevelopment as defined in the previous chapter. No building or grading permits shall be issued without a Detailed Site Plan which indicates conformance with the streetscape requirements of the TDDP. Construction of the streetscaping improvements shall be in phase with development, or the construction schedule shall be determined at the time of Detailed Site Plan.

The following statement of justification is provided by the applicant:

■A Primary amendment is requested to allow streetscape improvements along East West Highway, Toledo Road and Belcrest Road to be designed in phase at the time of the Detailed Site Plan for each sub phase rather than the entire frontage of the property all at once with the first Detailed Site Plan. The reduction in streetscaping widths will promote a more unified and scaled look to the buildings and surrounding areas. Also, to better create and maintain the streetscape, it is requested that the streetscaping be able to be completed in one to three phases. A maximum of three phases is requested, however timing of construction may permit the entire streetscape to be improved at once in conjunction with actual building construction. The phased streetscaping is requested along East-West Highway and both North and South sides of Toledo Road.●

The City of Hyattsville in a memorandum dated September 11, 2000 (Mayor Armentrout to Whitmore) offered the following comment:

■The waiver requested by the applicant to the TDDP/TDOZ for meeting the timeline for completion of the landscaping requirement is reasonable and should be provided.●

Urban Design Staff Comment:

The applicant is requesting that this requirement be allowed to be phased with the development. Mandatory Development Requirement P1 is for streetscape improvements (pedestrian zone) and already allows for the phasing of said zone. Therefore, based on the justification provided by the applicant, staff has determined that an amendment to phase the construction of the pedestrian zone is not needed.

With regard to the reduction in the ■streetscaping widths● (assumed to mean pedestrian zone) the applicant has not stated to what dimension the pedestrian zone would be reduced. Staff is of the opinion that any reduction in the width of the required pedestrian zone would create an unsafe pedestrian zone and would give the vehicle more importance than the pedestrian. Also, Subarea 4 has developed the Shoppes at Metro Center in conformance with P1. Compatibility with adjacent developments should be considered a priority and Subareas 2 and 3 should be required to develop in accordance with P1. Therefore, staff recommends that **no amendment be granted.**

SUBAREA 2 MANDATORY DEVELOPMENT REQUIREMENTS (p. 99-100)

P44 The build-to line shall be 20 feet from face of curb along Belcrest and Toledo Roads. A build- to line up to 40 feet from face of curb along Belcrest and Toledo Roads may be permitted, provided the space between the building and the streetscape, is designed for the pedestrian experience, for example, plaza, fountain, focal point, sitting area and landscaped area.

The following statement of justification is provided by the applicant:

■The applicant proposes that the structures along Belcrest and Toledo Roads be uniform in setback to give the Boulevard symmetry. In that, the applicant proposes a 20 to 80 foot build-to line along Belcrest Road within Subarea 2. This will allow for the proposed mid-rise residential building and office tower to set back evenly despite the curvature in the road. Also, the proposed residential building in the center of Subarea 2 is technically setback 380 feet from the face of curb of Belcrest Road. However, this building is designed to be the terminus of the Boulevard, not fronting Belcrest Road. The applicant hereby requests a 20 to 80-foot build-to line along Belcrest Road in subarea 2 and that the proposed mid-rise residential building serving as the terminus of the Boulevard not be subject to the build-to line along Belcrest Road. In addition to the above request the applicant is requesting that the existing service road be allowed to remain on the west side of the site. The service roads will be accessed for business pick-up and drop-off, i.e. doctor's offices. These service roads will be pedestrian oriented with greater importance on pedestrian safety and pedestrian traffic. Vehicular traffic will be limited to pick-up and drop-off for businesses located on the service roads.

The City of Hyattsville by a memorandum dated October 5, 2000 (Armentrout to Whitmore) recommends Approval of this request.

The Community Planning Division, in a memorandum dated September 1, 2000 (Fisher, Iraola to Whitmore), offered the following comment:

■...no amendment should be granted for the build-to line (setback) as requested by the applicant. The proposed buildings should adhere to the alignment of the streetscape with regard to the build-to line of 20 feet proposed by the TDDP, and not the applicant's argument for ■uniformity of structures•. The TDDP allows for an additional 20 foot setback for a total of 40 feet if the streetscape is designed for the pedestrian experience, for example, plaza, fountain, focal point, sitting area and landscaped area. The applicant proposes the additional streetscape area for a service road, customer drop-off and pedestrian activities.●

Urban Design Staff Comment:

The service roads the applicant refers to in their justification are located in Subarea 3. However, the Urban Design staff believes that since the only existing development in Subarea 2 is a large asphalt parking lot, any new development should be required to conform to the twenty-foot (20') build-to line requirement. However, staff has no objection should the applicant wish to utilize the flexibility that

has been built into this requirement allowing the applicant to establish a forty-foot (40') build-to line. Should the applicant determine that a forty-foot build-to line would be in their best interest, at the time of Detailed Site Plan special attention should be paid to the required pedestrian zone from the edge of curb to the build-to line. This pedestrian zone should be established in accordance with the requirements of P44, page 99 of the TDOZ. Therefore, staff is of the opinion that **no amendment be granted.**

In regard to the proposed residential building at the terminus of The Boulevard, P55 states that Subarea 2 and 3 must be designed with the other subarea in mind. These two subareas must be designed so they can function in harmony and the design of one will reinforce the proposed or existing uses, architecture and site design, physical layout, amenities and circulation patterns of the other. Elements of particular importance are continuous, clear, direct and attractive pedestrian routes through both sites, especially to and from the Metro station, matching gateway or landmark treatments at the intersection of Toledo and Belcrest Roads, matching treatment of the street edges along Toledo Road, and visual and physical axes that connect both subareas. Staff believes that the proposed residential building that the applicant is concerned about in Subarea 2 fulfills the requirements of P55. Subarea 2 is penetrated with a new road that will maintain a visual and physical axis through the site that will terminate at the proposed residential building. Moreover, other buildings will be sited along The Boulevard in Subarea 3, without the need for a Primary Amendment to the build-to line. Therefore, staff is of the opinion that a **Primary Amendment is not needed** as long as buildings adjacent to Toledo and or Belcrest Roads meet the required build-to lines.

P46 Three bedroom units shall be permitted only when developed as condominiums. The following statement of justification is provided by the applicant:

■The development is designed to be a pure M-X-T use, where people can work, live and play. The intention of allowing 3-bedroom units in condominiums was intended to discourage renters and encourage a high quality of living. The applicant wishes to propose 3-bedroom rental apartments at the site, which would be attractive to seniors as well as students, considering the close proximity to the University of Maryland. The proposed amendment will uphold the county's goal for high-quality development within the Transit District Overlay Zone. A waiver of this requirement is requested to allow for 3-bedroom rental apartments. •

The Town of University Park in a memorandum dated September 11, 2000 (Mayor Brunner to Whitmore) offered the following comment:

■We strenuously take exception to the proposed waiver of the requirement for a condominium form of ownership for the three-bedroom units in the residential buildings in Subarea 2. The immediate area has over 1,000 rental unit opportunities immediately to the west and north of Belcrest Road both as garden apartments and high rise buildings. This mandatory development requirement was included in the adopted plan specifically to complement not only high quality office and retail in the district but also residential. The

need for condominium form of ownership as opposed to more rental units in the area was discussed in detail and at length before the Planning Board and the District Council at the time of the adoption of the Plan. The justification for three bedroom rental units for seniors, as the applicant suggests, is not presented and is unsubstantiated. Seniors tend to occupy smaller units, not larger units. Likewise, the need for student housing at or near the Plaza, as the applicant suggests, is not substantiated, and as far as we know is not part of the master plan for the University of Maryland. The residential component was not intended to create a dorm-like setting in high quality housing. •

The City of Hyattsville in a memorandum dated September 11, 2000 (Mayor Armentrout to Whitmore) offered the following comment:

■We believe that the developer has found a partner to build apartment housing for students and other working adults which utilizes a contained, structured, annual lease agreement with parents of students for furnished and shared 2, 3, and 4 bedroom apartment units. Each unit has individual bathrooms in each bedroom and security locks for bedroom doors, with laundry facilities in every unit. While we will not oppose this amendment request, we ask that Park and Planning staff evaluate the proposed development and determine what impact the buyout of these facilities would have in 5, 10, 15, 20 and 30 years. We are interested in what impact changes would make on the community housing market should this housing program be sold, or fail. And, we would like to know what options (zoning designations) would be possible for any entity purchasing the buildings. •

The Community Planning Division in a memorandum dated September 1, 2000 (Fisher, Iraola to Whitmore) offered the following comment:

■This regulation is intended to reflect the spirit of the County's policy towards three-bedroom rental apartments. That is, they are severely limited everywhere in the County for rental projects by the bedroom percentage regulations but are unrestricted in condominium projects. The TDDP goes further to eliminate them entirely for rental projects because of the large number of existing multifamily rental units in the Hyattsville area and a desire to encourage any future multifamily projects to be condominium projects. In short, the ability to build three-bedroom units is intended to be an incentive to build condominium projects. We recommend that no amendment be granted. •

Urban Design Staff Comment:

The City of Hyattsville, University Park and the Community Planning Division have all expressed their concerns with allowing three bedroom rental units within this project. It is perceived that when one owns a property it is taken better care of than one that is a rental property. Additionally, the Washington Post dated October 7, 2000 had an article on condominiums, ■Condo and Co-op Sales Keep Up Blistering Pace• (Sandra Fleishman, p. G7, paragraph 6) which states the following:

■In Prince George's County, listings active at the end of July were down 21 percent from 1999. Year-to-date contracts were up 23 percent.●

In light of the above-referenced concerns, especially pertaining to the numerous existing rental units in the area, the implication that a large number of these units could be student housing, the fact that three-bedroom rental units are severely limited everywhere else in the County, and that there is evidence of significant demand for condominiums in Prince George's County at this time, the Urban Design Section recommends **that no amendment be granted.**

P48 The area zoned O-S shall remain undisturbed as a tree preservation area. The following statement of justification is provided by the applicant:

■The applicant wishes to amend this requirement to allow a portion of the O-S zoned property along Adelphi Road to be utilized as a public/quasi-public use in the future. The Use table of page 129 of the TDDP permits public uses by right. The applicant utilizes the term quasi-public to describe their intended uses which may be of a more community service nature, such as a day care center, community center, museum, art gallery, cultural center, recreational program, or community spa, and respectfully requests that this mandatory requirement as well as the use table be amended to allow such community-focused uses in addition to public uses.●

The Town of University Park in a memorandum dated September 11, 2000 (Mayor Brunner to Whitmore) offered the following comment:

■The O-S zoned area on the northeast portion of the subarea near Adelphi Road should remain designated as a tree preservation area. Since there is no definitive plan for the area presented by the applicant, it seems premature to change its use to public/quasi as the applicant requests. The tree preservation area fits well with the surrounding open space common area.●

The City of Hyattsville in a memorandum dated October 5, 2000 (Mayor Armentrout to Whitmore) offered the following comment:

■There is no detailed use presented by the applicant for the northeast portion of the subarea near Adelphi Road for Public/Quasi Public Use. We recommend that the current designation remain until such time as a specific use is identified, discussed and reviewed.●

The Community Planning Division in a memorandum date September 1, 2000 (Fisher, Iraola to Whitmore) offered the following comment:

■If granted, the amendment would allow a portion of the site to be disturbed and used for public/quasi-public use in the future. Two objections are raised to this request. First, the Use Table for Subarea 2 (P.129) does not allow quasi-public uses. In order to allow quasi-public uses, an additional Primary Amendment would be required in order to amend the Use

Table to allow them. Second, this regulation was put in place deliberately to insure that at least a portion of the transit district would remain undisturbed. This would help to counterbalance the intense development allowed elsewhere in the transit district, particularly on Subareas 2 (of which the O-S area is a part) and 3. Further, most of the existing development in the transit district was done with little regard to tree conservation and consists of vast expanses of asphalt. Again, the tree preservation area helps to counterbalance this. The applicant is not making a specific proposal as to what type of public/quasi-public use will be located in the tree preservation area. As a result, the County is being asked to give up part of a tree preservation area without the opportunity to evaluate the merits or demerits of what would replace it.●

The Environmental Planning Section has stated, in a memorandum dated September 18, 2000 (Finch to Whitmore and Wagner), the following pertaining to the request for P48:

■The submitted Conceptual Site Plan and TCP I propose that a portion of the O-S zoned property be cleared and used for a public/quasi-public use. We do not support this amendment, as it would result in a requirement for woodland conservation below the threshold to be moved off-site. Also, the applicant has requested to move most of the required woodland conservation for this site out of the Northwest Branch watershed because of the difficulty of finding off-site mitigation locations. The presence of existing woodlands on-site, in the Northwest Branch watershed, and providing protection for sensitive areas of the site, provides them a priority for preservation which was recognized in the approved TDDP.●

Urban Design Staff Comment:

Based on the above referenced comments the Urban Design Section recommends that **no amendment be granted.**

SUBAREA 3 MANDATORY DEVELOPMENT REQUIREMENTS (p. 101 to 103)

P50 The minimum building height for uses other than residential shall be 4 stories. The following statement of justification is provided by the applicant:

■The applicant hereby requests an amendment to this requirement. The applicant proposes a minimum 1-story building height for the proposed cinema, retail and restaurants to allow development at the pedestrian scale as shown on the Perspective Plan. The 4-story building height minimum was created to discourage pad sites and fast-food restaurants. The applicant is proposing sit-down restaurants and a stadium-style cinema; no pad sites or drive-thrus will be permitted. The intent of this requirement will be met through the primary structures along the Boulevard.●

In conjunction with the amendment to P50, the applicant is requesting amendment of the Use Table, Table 17 on page 144 of the TDDP. The applicant asks to amend the language for eating and drinking establishments as follows:

- Eating or drinking establishments permitted provided the use is either within, or directly adjacent to an office building, department store, variety or drug store, hotel, residential building, wholly enclosed shopping mall, or within, or adjacent and accessory to an allowed use.●
- The term adjacent is utilized so as to allow the client the ability to place certain eating/drinking establishments where deemed necessary in close proximity to, touching, partially within, or as otherwise may be designed surrounding primary buildings. The applicant proffers that no drive-thru windows will be permitted in any restaurant on the property.●

The Town of University Park in a memorandum dated September 11, 2000 (Mayor Brunner to Whitmore) offered the following comment:

- The applicant is proposing that the minimum 4-story building height requirement for retail stores and restaurants be waived. This requirement is designed to discourage fast-food restaurants. The applicant states that any restaurants will be sit-down. Most fast-food restaurants currently operating, however, provide sit-down. The applicant should, therefore, indicate that there will not be any fast-food restaurants along The Boulevard.●

The City of Hyattsville in a memorandum dated October 4, 2000 (Mayor Armentrout to Whitmore) recommends Approval of P50.

The Community Planning Division in a memorandum dated September 1, 2000 (Fisher, Iraola to Whitmore) offered the following comment:

- The TDDP requires that the minimum building height for uses other than residential shall be 4 stories. The intent of the TDDP height requirement is to discourage pad site development. Therefore, we have no objection to this amendment if approval is conditioned upon a prohibition of drive-thrus and pad sites.●

Urban Design Staff Comment:

Staff recommends approval of the amendment to P50, subject to the condition that prohibits drive-thrus and pad sites. The Urban Design Section **recommends approval of the amendment** to Use Table 17 (page 144 of the TDDP), under eating and drinking establishments subject to the following modification:

The existing language states:

■Eating or drinking establishments provided the use is located within an office building, department store, variety or drug store, hotel, wholly enclosed shopping mall or within and accessory to an allowed use.●

The language should be modified to state the following:

Eating or drinking establishments provided the use is located either within, or attached to an office building, department store, variety or drug store, hotel, residential building, wholly enclosed shopping mall, or within, or attached, and accessory to an allowed use.

(Underlining indicates new language.)

P52 A build-to line shall be established 40 feet from face of curb along East West Highway.

The following statement of justification is provided by the applicant:

■The applicant proposes a uniform setback along East-West Highway, as along Toledo and Belcrest Roads. The applicant wishes to amend P52 to allow a 20-40 foot build-to line along East-West Highway. The property frontage along East-West Highway will be pedestrian-friendly, with easy access to Metro via a crosswalk across Belcrest Road to the pedestrian overpass. In addition, retail shops, a cinema, wide pedestrian sidewalks and high quality streetscape elements will all characterize the Boulevard along East-West Highway. The amendment to this setback will assist the applicant in keeping a symmetrical, uniform frame to the Boulevard.●

The Town of University Park in a memorandum dated September 11, 2000 (Mayor Brunner to Whitmore) offered the following comment:

■The applicant is proposing a 20' to 40' setback along East-West Highway as opposed to a 40' build-to line requirement. There is no discussion, however, regarding the existing high-rise office building, not owned by the applicant, located at the northeast corner of Belcrest Road and East-West Highway. This building would break the symmetry of the street that the applicant argues for. The Boulevard that is referenced is internal to the development and not along Belcrest Road or East-West Highway.●

The City of Hyattsville in a memorandum dated September 11, 2000 (Mayor Armentrout to Whitmore) offered the following comment:

■The developer assured us that the building footprint provided in the plans did not reflect the actual building being considered. The plans we reviewed retained the footprint for the movie theater complex. Our concerns focused on apartments being constructed within 25 feet of East West Highway. We would strongly object to any housing being constructed within 25 feet of MD Route 410/East West Highway. The developer has assured us that the building will be more than 25 feet from East West Highway and that it will have retail shops at

ground level with residential apartment housing on upper floors. • The City of Hyattsville recommends approval of P52.

The Community Planning Division in a memorandum dated September 1, 2000 (Fisher, Iraola to Whitmore) offered following comment:

■The TDDP requires that the build-to line shall be 40 feet from face of curb along East West Highway. This mandatory requirement is parallel to that of P1 which states that the applicant shall be responsible for streetscape improvements for a 40-foot pedestrian zone along East West highway according to figures 7, 8 and 9. It would be necessary for the applicant to request an amendment to P1 for the streetscape; however the applicant did not apply for an amendment to P1 for this purpose. In addition, the present development in Subarea 4 (across the street from Subarea 3) currently has provided the required 40-foot pedestrian zone, double staggered row of trees and a 40-foot build-to line along East West Highway. After having required the developer of Subarea 3 to comply with P1 and P52, there is no justification for excusing compliance across the street in Subarea 3. Therefore, we recommend that no amendment be granted. •

Urban Design Staff Comment:

Staff is of the opinion that a 20-foot build-to line is insufficient along East West Highway. This corridor contains an arterial six (6) lane highway and the reduction of the build-to line from forty feet (40') to twenty feet (20') would not be in the best interest of the health, safety and welfare of the residents of the county. The existing building in the southwest corner of Subarea 3 has a setback of approximately sixty feet (60') from the face of curb. It should be noted that the Shoppes at Metro Center in Subarea 4 developed in accordance with the above-referenced mandatory requirement.

By the applicant providing the required forty-foot (40') build-to line, this portion of the corridor along East West Highway will provide a more unified design and create a safer pedestrian zone. Also the forty-foot build-to line will allow for the required forty-foot pedestrian zone, thus creating a pleasing environment for the pedestrian to enjoy while feeling safe from the large volume of traffic that travels East West Highway.

Therefore, based upon the preceding analysis and the above referenced referral comments the Urban Design Section recommends that **no amendment be granted.**

P53 Build-to lines shall be 20 feet from face of curb along Belcrest and Toledo Roads. A build-to line up to 40 feet from face of curb along Belcrest and Toledo Roads may be permitted, provided the space between the building and the streetscape is designed for the pedestrian experience, for example, plaza, fountain, focal point, sitting area and landscaped area.

The following statement of justification is provided by the applicant:

■It is the applicant's belief that the retention of this requirement within Subareas 2 and 3 was an inadvertent error. The intention of the 20 to 40 foot build-to line along Belcrest Road was that Belcrest was intended to be the main ■avenue•, with retail and commercial uses lining it. Prince George's Plaza Parcel was to be rezoned and redeveloped to MXT, however, it was retained in the CSC zone. In order for there to be a sense of uniformity along Belcrest Road, the applicant has proposed that the new development be in alignment with the existing office buildings. The existing buildings are setback 80 to 90 feet from face of curb, therefore this plan proposes that the furthest point of the front facade of the new development, including articulation of front building facade, is to be aligned with the existing buildings to keep a sense of uniformity for structures. A service road, customer drop-off and pedestrian activities will take place within this area. In addition, the applicant will provide an 11-foot wide sidewalk along Belcrest Road with streetscape improvements that will be continuous with and unified with the improvements already completed. The applicant strives for the same uniformity along Toledo Road. The applicant intends on making the Boulevard the ■Main Street•, lined with high-rise offices and apartments with wide sidewalks, retail and restaurants and pedestrian activities at street level. The applicant proposes a 20-100 foot setback along Belcrest Road and a 20 to 80 foot setback along Toledo Road in Subarea 3 to keep a uniform setback. Request existing service road to be allowed to remain on the west side of the site. The service roads will be pedestrian oriented with greater importance on pedestrian safety and pedestrian traffic. Vehicular traffic will be limited to pick-up and drop-off for businesses located on the service road.●

The City of Hyattsville in a memorandum dated September 11, 2000 (Mayor Armentrout to Whitmore) recommends Approval of P53.

The Community Planning Division in a memorandum date September 1, 2000 (Fisher, Iraola to Whitmore) offered the following comment:

■The Statement of Justification and the Conceptual Site Plan have a discrepancy between the build-to line that is requested. The plan shows a 20 to 90 foot setback along Belcrest Road and Toledo Road. Clarification as to which number is correct would be needed; however, neither dimension is acceptable. The proposed buildings should adhere to the alignment of the streetscape setting proposed by the TDDP, and not uphold the applicant's ■uniformity of structures• argument from the street corner. The TDDP allows a 20-foot setback and a permitted 40-foot space if the streetscape is designed for the pedestrian experience, for example, plaza, fountain, focal point, sitting area and landscaped area. The applicant proposes the additional streetscape area for a service road, customer drop-off and pedestrian activities. These uses are not in keeping with the intent of the TDDP requirements. Therefore, we recommend that no amendment be granted.●

Urban Design Staff Comment:

The existing high-rise office buildings adjacent to Belcrest Road are approximately 60 feet from the face of curb. The existing high-rise office building on Toledo Road is 35-60 feet from the face of curb. Staff recommends that the build-to line along Belcrest Road be amended to up to 60 feet.

Staff recommends no change to the build-to line along Toledo Road. Staff recommends that P53 be amended as follows:

- Build-to lines shall be 20 feet from face of curb along Belcrest and Toledo Roads. A build-to line up to 40 feet from face of curb along Toledo Road and 60 feet from face of curb along Belcrest Road may be permitted, provided the space between the building and the streetscape is designed for the pedestrian experience, for example, plaza, fountain, focal point, sitting area and landscaped area.●

Additionally, staff recommends that the existing service roads be allowed to remain along Belcrest Road, subject to the service roads being upgraded to coincide with a pedestrian plaza in front of the proposed building, and to consist of amenities to include but not be limited to the heavy use of special paving, street furniture and lighted bollards.

P54 Any new building, building addition or structured parking shall provide a minimum 120-foot-wide building setback from the eastern property line. The following statement of justification is provided by the applicant:

- An amendment is requested for a setback of 50 to 100 feet. The reduction to a minimum 50-foot setback will allow the new construction to display the intent of the project in creating a high-density urban area. A setback of 120 feet or more would eliminate a significant portion of the proposed design and thwart the intent for achieving a significant mass necessary to create a 24-hour urban environment. Having uniform setbacks for the project will produce symmetry to the overall project as displayed in the conceptual illustrative plan.●

The Town of University Park in a memorandum dated September 11, 2000 (Mayor Brunner to Whitmore) offered the following comment:

- The applicant has requested an amendment to the requirement for a 120' setback from the eastern property line for the garage but does not offer a justification. The effect would be to decrease green space. The setback was also established in the Plan to lessen the impact of the graduated height for the proposed office towers to the west.●

The Community Planning Division in a memorandum date September 1, 2000 (Fisher, Iraola to Whitmore) had the following comment to offer:

- The TDDP requires a minimum 120-foot wide building setback from the eastern property line. The 50-100 foot setback requested by the applicant may be acceptable. The intent of the TDDP was to protect the viewshed along Adelphi Road. Currently this viewshed is impacted by existing buildings, such as a library and two churches. We have no objection to this amendment if it does not degrade the viewshed. This can be determined at DSP. A condition should be placed on the CSP that an appropriate viewshed shall be maintained along Adelphi Road.●

Urban Design Staff Comment:

The Urban Design staff recommends **approval of an amendment to P54**, subject to the condition that in addition to the requirements of S22, G39, G41 and G42, which address the appearance of parking structures, all parking structures in Subarea 3 should provide planters on all levels of the east elevation of the garage facing Adelphi Road. Each level should be staggered away from Adelphi Road a minimum of eight feet. The above condition is recommended in order to maintain an attractive viewshed along Adelphi Road.

P58 Three-bedroom units shall be permitted only when developed as condominiums.

For the same reasons as discussed in the requested amendment to P46, the Urban Design staff recommends that **no amendment be granted**.

P59 Any future development in the eastern half of the site shall provide a transition in height to the existing buildings and the future buildings to be located in the western portion of the site. At the required setback line, for each foot the structure exceeds 30 feet in height, the setback shall be increased by 2 feet (See Figure 27). The nearest building to the eastern property line shall be no higher than 6 stories. This applies to new construction only and in no way affects the existing building except in the case of a building addition.

The following statement of justification is provided by the applicant:

■At the required setback line along the eastern property line, for each foot the structure exceeds 30 feet, an additional two-foot setback is required. The proposed office tower adjoining garage #2 is to be 12 stories in height (approx. 120 ft. in height). This would require an additional 180-foot setback to the 120 foot required setback from the eastern property line. Allowing the setback to remain at 50 to 100 feet average will allow creation of the 24-hour environment in the critical mass necessary to sustain the urban environment recommended by the TDDP. It is also requested that the 40 foot minimum streetscape width along East-West Highway be reduced to a 20 foot minimum, ranging up to 40 feet depending on the ultimate building location.●

The Town of University Park in a memorandum dated September 11, 2000 (Mayor Brunner to Whitmore) offered the following comment:

■The applicant by suggesting this waiver, would essentially negate the concept of graduated heights for a transition from Adelphi Road and the residential area to the east. The Adopted Plan even includes a Figure (27) to specifically identify the transition, and this was a compromise at the time. We find the formula is fair, in that the higher the structure the greater the setback.●

The City of Hyattsville in a memorandum dated September 11, 2000 (Mayor Armentrout to Whitmore) offered the following comment:

- We believe that the graduated building height proposed by the applicant provides a responsible transition and as such is not an objectionable request.●

Urban Design Staff Comment:

The Urban Design Section recommends **approval of amendment P59** only to allow the required 120-foot setback in Figure 27 on page 103 of the TDDP to be reduced to 50 feet in conjunction with the recommendation to amend P54 to allow a reduction in the setback, subject to the same condition.

4. **Required Findings, Section 27-213.05 (e) (1) (A), (B) and (C).**

- A. The entire Map Amendment, including the Transit District Development Plan, is in conformance with the purposes and other requirements of the Transit District Overlay Zone.**

The entire Map Amendment, including the TDDP, will remain in conformance with the purposes of the Transit District Overlay Zone if the proposed amendments are approved or disapproved as recommended above. The amendments recommended for approval will not in any way impede the creation of a pedestrian-friendly area near the Metro station. The proposed mixed-use development provides a desirable urban design relationship between Subareas 2 and 3. The existing and proposed design relationships of Subarea 4, Subarea 1 and Subarea 11 (located south, northwest, and west respectively of the subject application) of which 1 and 11 are currently under review have all been considered during the review of the subject application. This coordination of review for five (5) subareas has created a coordinated and integrated development, that will complement and enhance the character of the area. In addition the mixed-use development will provide additional businesses and residences within walking distance of the Metro Station to encourage the use of public transportation by employees. Also, retail businesses in proximity to the Metro station will encourage shopping on the way to and from work.

- B. Adequate attention has been paid to the recommendations of the Area Master Plan and the General Plan, which are found to be applicable to property within the Transit District; and**

The *Approved Master Plan and Sectional Map Amendment for Planning Area 68*, May 1994 and *General Plan* recommendations for Subareas 2 and 3 are not affected by the request for the primary amendments recommended for approval. The proposed uses for Subarea 2 and 3 are in accordance with the approved TDDP and underlying zones, which considered the Master Plan and *General Plan* recommendations in establishing the permitted uses. Thus adequate attention has been paid to the recommendations of the Master Plan and *General Plan* for this property.

- C. **The particular area within the chosen boundaries of the Transit District Overlay Zone requires the coordination and flexibility provided by the Transit District Overlay Zone, due to the area's potential for new development, redevelopment, or revitalization, and the ability to provide public facilities and infrastructure. In making this finding, the Council shall review the entire area within the vicinity of an existing or proposed Metro station, especially that is within a 10-minute walk or one-half (.) mile distance of the station. This distance shall serve as a guide only, and shall not be deemed to preclude review of a somewhat larger or smaller area, in the discretion of the District Council.**

As part of the adoption of the Prince George's Plaza TDOZ, the Council provided for the coordination and flexibility of new development in the area around the Metro station. As such, it imposed various use restrictions on the development of Subareas 2 and 3. The Primary Amendments recommended for approval still allow for the coordination and flexibility provided by the Transit District Overlay Zone, especially as they apply to the proposed mix-use development in Subareas 2 and 3.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommended to the District Council that Primary Amendments to Mandatory Guidelines P1, P44, P46, P48, P52 and P58 be DENIED and that Primary Amendments to Mandatory Guidelines P50, P53, P54 and P59 be APPROVED with the following conditions:

1. The language in Use Table 17 (page 144 of the TDDP) shall be modified as follows:
 - Eating or drinking establishments provided the use is located either within, or attached to an office building, department store, variety or drug store, hotel, other retail use, residential building, wholly enclosed shopping mall, or within, or attached to and accessory to an allowed use.●
2. P53 shall be modified as follows:
 - Build-to lines shall be 20 feet from face of curb along Belcrest and Toledo Roads. A build-to line up to 40 feet from face of curb along Toledo Road and 60 feet from face of curb along Belcrest Road may be permitted, provided the space between the

building and the streetscape is designed for the pedestrian experience, for example, plaza, fountain, focal point, sitting area and landscaped area.●.

3. P54 shall be modified as follows:

A building setback of 50 to 100 feet shall be allowed along the eastern property line.

At the time of Detailed Site Plan the setbacks shall be closely reviewed to ensure the treatment of the facades facing Adelphi Road shall not degrade the viewshed along this corridor. (see condition 5).

4. Figure 27 of P59 shall be modified to reduce the building restriction line to 50 feet.
5. In order to fulfill the requirement of P59, at the time of Detailed Site Plan review, the facade of all parking structures within 120' of the eastern property line in Subarea 3 along Adelphi Road shall be provided with screening, architectural treatment, building materials, building articulation or equivalent treatment in order to maintain an attractive viewshed from Adelphi Road.

* * * * *

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 Hewlett, with Commissioners Eley and Hewlett voting in favor of the motion with Commissioner Lowe opposing the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, October 19, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:lw:ve