

Case No.: DSP-09006

Applicant: Contee Company, LLP t/a Belcrest Plaza

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

ZONING ORDINANCE NO. 3 - 2012

AN ORDINANCE to approve an amendment of conditions for a Detailed Site Plan.

WHEREAS, Detailed Site Plan 09006 was approved by the District Council on July 12, 2010, for construction of 639 multifamily dwelling units, 57 attached dwelling units and 2,900 square feet of ancillary commercial retail/office space, on property described as approximately 12.47 acres of land in the M-U-I/T-D-O (Mixed Use-In Fill) (Transit District Overlay) Zones, located in the intersection of Toledo Terrace and Northwest Drive, also known as Belcrest Plaza, Hyattsville, Maryland; and

WHEREAS, the applicant has filed a request with the District Council to amend Condition 1 (f), which was a condition to the Planning Board's approved resolution, PGCPB No. 10-10, which stated as follows:

1. Prior to the certification of the overall detailed site plan, the applicant shall:
  - f. Revise the plans to insure that all buildings and structures are shown outside of the public utility easements.

WHEREAS, notice of the applicant's request was posted on the subject property prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Zoning Hearing Examiner reviewed the proposed amendment in public hearing and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, including the testimony at the public hearing, the

District Council has determined that the request should be granted; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, the request to approve an amendment of a condition for a Detailed Site Plan is granted subject to the conditions attached to the Detailed Site Plan; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings of facts and conclusions of law in this case.

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 to show an approved Detailed Site Plan for construction of 639 multifamily dwelling units, 57 attached dwelling units and 2,900 square feet of ancillary commercial retail/office space, on the property that is the subject of DSP-09006, with conditions as approved herein.

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 the public utility easements, unless approved by the affected utilities and/or DPW&T.
  - 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.
2. 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.

3. 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.
4. 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."
5. 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.
6. Construction of the streetscape improvements shall be completed with each phase of the development, and phasing shall be delineated on the site plan.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.

17. 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.
18. 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

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 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

- 20. 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.

Enacted this 16<sup>th</sup> day of April, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles and Turner

Opposed:

Abstained:

Absent:



Vote: 9-0

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: \_\_\_\_\_  
Andrea C. Harrison, Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council