

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 April 15, 2004, regarding Detailed Site Plan DSP-87050/09 for Constellation Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for adding a 49,327-square-foot office building to an existing mixed-use center, Constellation Center, in the C-S-C Zone.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-S-C (Commercial Shopping Center)	C-S-C
Use(s)	Mixed-use center	Addition of an office building
Acreage	25	25
Building Square Footage/GFA	369,048	49,327 additional
Of which Office 1 (existing)	196,957	
Bank	3,180	
Building supply store	105,488	
Garden center	28,476	
Petsmart	26,932	
Daycare center	8,024	

OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>PROPOSED</b>
Total parking spaces	1,150	1,519
Of which handicapped spaces	36	36
Standard spaces (9.5' x 19')	NA	1,121
Compact spaces (8.0' x 16.5')	NA	362
Loading spaces	4	4

3. **Location:** The subject site is located at the intersection of Oxon Hill Road (MD 414) and the Capital Beltway (I-95).
4. **Surroundings and Use:** The subject site includes Parcels B and C of a subdivision known as Rivertown Commons, which is a linear property parallel to the Capital Beltway consisting of three parcels between the Capital Beltway and Oxon Hill Road. The site is bounded on the north

by the Beltway, on the east by a Capital Beltway exit ramp, on the south by Oxon Hill Road, and on the west by Rivertown Commons Shopping Center (which is on Parcel A).

5. **Previous Approvals:** On July 24, 1984, the Prince George's County Council adopted the Subregion VII Sectional Map Amendment via Council Resolution CR-100-1984 to rezone the entire Rivertown Commons Subdivision (containing Parcels A, B and C) from the C-2 Zone to the C-S-C Zone. During the District Council review of the proposal, representatives of the property owner submitted to the Council's Hearing Record a set of covenants (a declaration of covenants recorded at Liber 6032, folio 759, and an agreement recorded at Liber 6036, folio 785) concerning development on the property, which require that the 25 acres be developed as a mixed-use area and comply with certain landscaping and design guidelines (see the attached Declaration of Covenants). The Council appeared to have concurred with the concept and design guidelines contained in the covenants and incorporated them in the resolution as Finding (b). To assure that the Council's concerns were addressed in subsequent site plan review procedures, Finding (b) was attached as a condition of approval of Preliminary Plan of Subdivision 4-84080, with similar notes made on the final subdivision plat.

On August 2, 1984, the Planning Board approved Preliminary Plan of Subdivision 4-84080 subject to three conditions. On August 18, 1987, the Planning Board approved Detailed Site Plan DSP-87050, subject to four conditions (Resolution PGCPB# 87-298). The Detailed Site Plan was subsequently revised eight times for various reasons. The property was recorded as Final Plat NLP 122@10 with three notes.

6. **Design Features:** The proposed office building is located east of the existing bank with a side elevation fronting Oxon Hill Road. The office building will use the existing access point off Oxon Hill Road and a shared access road with Rivertown Commons Shopping Center, respectively, to provide vehicular access. The office building will also use the existing leftover parking capacity within the Constellation Center to accommodate its parking needs.

The proposed office building is designed in an international style with large expanses of ribbon glass windows in painted aluminum framing. The exterior wall of the building is finished with face brick. The main elevation of the building is oriented to the east, facing the existing parking compound and the main entrance to Constellation Center. The main elevation is in a symmetric composition with a recessed glass entrance. The triangular cut-away sections along both sides of the entry help define the main entrance area. The other elevations are treated in a simple way without much architectural enhancement. The office building is three stories with a total building height of 40 feet. The proposed office building is generally consistent with the existing 12-story office building in design/style and material, but not in color. The office building proposes a much brighter and more reddish brick veneer than the existing buildings in the center. The Urban Design Section recommends that the proposed office building color be harmonious with the existing buildings, especially the existing office building.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27- 461(b), which governs permitted uses in commercial zones. The proposed office building is a permitted use in the C-S-C Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-462, Regulations, regarding additional regulations for development in commercial zones.
  
8. **The Conditions of Preliminary Plan 4-84080 and Final Plat NLP 122@10:** Preliminary Plan of Subdivision 4-84080, which contains Parcels A, B and C, was approved by the Planning Board on August 2, 1984, subject to three conditions. The Preliminary Plan was recorded in Plat Book NLP 122@10 in 1985. The three preliminary plan conditions were translated into three final plat notes. Of the three, Note 3 requires development of the site subject to conditions of a Declaration of Covenants recorded in Liber 6032, folio 759.

The Declaration of Covenants, which contains eight points that define the parameters of development of the Rivertown Commons subdivision, was presented to the District Council at the time of the Subregion VII Sectional Map Amendment. The District Council incorporated the following specific three points in the Covenants as Finding (b) of CR-100-1984 that are relevant to this Detailed Site Plan review:

1. **No integrated shopping center shall contain in excess of 400,000 square feet of gross leaseable area (GLA);**
  - (1) **At least 25 acres of the property shall be utilized as a mixed-use commercial area which shall include office and employment uses and may include such uses as hotels, theatres, and restaurants; and**
  - (2) **That screening shall be provided along the peripheral roads (Capital Beltway and Oxon Hill Road). The type and extent of screening shall be incorporated into an overall landscaping plan which shall be subject to review and approval by the Planning Board.**

**Comment:** The subject application encompassing Parcels B and C of the Rivertown Commons Subdivision constitutes the above 25-acre, mixed-use commercial center, known as Constellation Center. Parcel A of the Rivertown Commons Subdivision is the integrated shopping area referred to in the Point (1) above. The screening had been approved and put into place when the mixed-use center was developed. Since the proposed office building is fronting on Oxon Hill Road only, additional landscaping has been provided along the perimeter of the site along the Oxon Hill Road frontage and will be subject to final approval by the Planning Board.

9. **Detailed Site Plan DSP-87050:** The Planning Board approved Detailed Site Plan DSP-87050 on August 18, 1987, subject to four conditions. The Detailed Site Plan was revised eight times thereafter. No condition of approval is specifically relevant to the review of the subject Detailed Site Plan application, which is the ninth revision.
10. **Landscape Manual:** The proposed development is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3 (a), Landscaped Strip Requirements and (c), Interior Planting of the Parking Lot Requirements; and Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*.

Compliance with the aforementioned sections of the *Landscape Manual* had been addressed at the time of previous Detailed Site Plan approvals. This revision is to develop an office building by removing a portion of the existing parking compound to the east of the bank site. The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*, except for Section 4.3(c), Parking Lot Interior Planting. A condition of approval has been proposed in the Recommendation section of this report.

11. **Woodland Conservation Ordinance:** This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, contains less than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan. A tree conservation plan is not required. A letter of exemption was issued for this property on December 15, 2003.
12. **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 March 22, 2004, the Community Planning Division noted that the application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and conform to the land use policy of the 1981 *Adopted and Approved Master Plan for Subregion VII, Henson Creek (Planning Areas 76A and 76B) and South Potomac (Planning Area 80)*.
  - b. In a memorandum dated March 22, 2004, the Subdivision Section staff indicated that the Detailed Site Plan is subject to Finding (b) of the sectional map amendment, CR-100-1984, which rezoned the property from the C-2 Zone to the C-S-C Zone. See Finding 8 in this report for a detailed discussion.
  - c. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated March 11, 2004, the staff noted that the site plan is consistent with approved stormwater management concept #275-2004.

- d. The Transportation Planning Section memorandum and conditions will be presented to the Planning Board at the time of the hearing.

In a separate memorandum from the Transportation Planning Section dated March 31, 2004, on detailed site plan review for master plan trail compliance, the trails planner found that the recommended master plan trail/bicycle facility along Oxon Hill Road was implemented as a six-foot-wide sidewalk. There are no other master plan trails issues with this application.

- e. The Environmental Planning Section, in a memorandum dated March 8, 2004, indicated that there are no environmental planning issues with this application.
  - f. The Redevelopment Authority, Prince George's County, in a memorandum dated March 16, 2004, provided no comments on this application.
  - g. The Department of Public Works and Transportation, in a memorandum dated March 9, 2004, indicated that because the site is fronting state-maintained roadways, coordination with the Maryland State Highway Authority is necessary.
  - h. The State Highway Administration (SHA), in a memorandum dated March 31, 2004, did not have an objection to the approval of Detailed Site Plan DSP-87050/09.
  - i. The Permit Section, in a memorandum dated March 12, 2004, required more information on previously approved uses to be provided on the site plan. The reviewer also noted that the yard setback and internal planting are not sufficient. The comments have been incorporated into the recommendation section of this report.
  - j. The City of Forest Heights had not responded to the referral request at the time the staff report was written.
13. As required by Section 27-285(b) of the Zoning Ordinance, 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-87050/09, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Delineate the ultimate right-of-way of Oxon Hill Road with center line on the site plan.

- b. Label graphically the setbacks from both the adjacent Bank parcel and the right-of-way of Oxon Hill Road.
- c. Provide the required number of shade trees in Parking Area "B."
- d. Revise the parking tabulation table on the detailed site plan to provide total gross floor area for each phase of the Center.
- e. Work with the Urban Design Section to select an exterior color that is harmonious with the existing office building.

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 Harley, with Commissioners Eley, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of April 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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