

Case No.: A-9280-C/9281/08-C

Applicant: Parcel D2, LLC

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

ZONING ORDINANCE NO. 25 - 2008

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by amending an approved basic plan, with conditions.

WHEREAS, for Application No. A-9280/9281/08, the applicant has filed a request with the District Council to amend the basic plan and conditions of zoning for property described as approximately 8.5 acres of land in the M-A-C Zone, located on the southwest corner of Arena Drive and Lottsford Road, identified as 9401 Arena Drive Largo, Maryland; and

WHEREAS, the applicant's request was given public notice, in accordance with all requirements of law, and a public hearing on the request was held by the District Council; and

WHEREAS, having reviewed the record in this case and the testimony and exhibits presented at the public hearings, the District Council has determined that the request to amend the basic plan meets the requirements of Section 27-197(c) and should be approved, with conditions, as recommended by the Zoning Hearing Examiner; and

WHEREAS, as the basis for this action, the District Council adopts the decision of the Examiner as its findings of fact and conclusions of law; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended basic plan is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plan for Application No. A-9280/9281/08 is hereby amended, as requested, subject to the following conditions:

1. All previous conditions of approval and CDP considerations listed in the previously approved Basic Plan Amendment (Zoning Ordinance No. 4-2005) and other previous preliminary plans and Comprehensive Design Plans will remain in effect unless otherwise modified by the subject Basic Plan Amendment.

2. The proposed mixed-use development on this property shall include a minimum of 115,000 square feet and a maximum of 160,000 square feet of office and supporting commercial uses and a maximum of 300 residential units.

3. No building permits shall be issued for any residential uses on the property prior to the issuance of building permits for a minimum of 115, 000 square feet of office and supporting retail uses and commencement of the building foundation for the main office building structure. A certification prepared by a qualified engineer shall be used to provide verification that the office building has commenced construction. It must include, at a minimum, photographs of portions of the office building foundation. This condition shall be carried forward to all subsequent Comprehensive Design Plans, Preliminary Plans and Specific Design Plans for the subject property.

4. The Applicant shall provide a data table clearly showing the total acreage of the site, the total acreage of easements for underground tracts, the net acreage and the proposed density and

FAR calculations for the subject site and the overall Largo Town Center.

5. The following land use quantities shall be established for the Largo Town Center:

Zone: M-A-C (New Town or Corridor City Center)
Area: 175.1±Acres

Residential Density

Residential Area: 77.4 acres
Base residential density (10 du/acre): 774
Increment: 1,170 units
Maximum dwelling units (25 du/acre): 1,935 units

Commercial Density*

Gross Commercial Area: 97.7 acres
Base Commercial Space (0.2 FAR): 851,160 square feet
Increment: 1,448,840 square feet
Maximum commercial space (0.54 FAR): 2,300,000 square feet**
Maximum retail commercial space: 300,000 square feet

*The exact number of dwelling units and amount of commercial floor area will be determined on the basis of public benefit features to be provided by the Applicant, pursuant to Section 27-491(b) of the Zoning Ordinance, with said benefit features being staged in conjunction with residential and commercial development at the time the Comprehensive Design Plan is approved by the Planning Board.

**The overall maximum commercial space can be reduced by a maximum of 201,000 square feet if it cannot be accommodated on the remaining undeveloped parcels.

6. The Comprehensive Design Plan application shall include the exact break up of the proposed office square footage, the ancillary retail uses and the bank. It shall also include information on the type of the proposed residential units (one-bedroom, two-bedroom, etc.), the square footage for each type of residential unit and the required and proposed parking for the office, residential and ancillary retail uses.

7. The Comprehensive Design Plan application shall include a Conceptual Site Plan showing the location of the office, residential, retail and parking structures, the vehicular access points, vehicular circulation, pedestrian access points, pedestrian circulation, extent of landscape buffers, all easements, etc.

8. An Application for a new Preliminary Plan of Subdivision shall be filed for the subject property. The new preliminary plan shall make a new determination of transportation adequacy to address the increase in peak-hour trips and the inclusion of the residential use on the property. The plan shall also address previous transportation conditions of approval that are applicable to the subject property and any previously approved overall trip caps for the entire Largo Town Center.

9. The Preliminary Plan review shall also address compliance of the proposal with the requirements of CB-31-2003 regarding school surcharge fees.

10. Prior to the submission of the Comprehensive Design Plan application, a revised Forest Stand Delineation text and plan shall be submitted for Parcels 1-A and 1-B, Block D, as part of a Natural Resources Inventory (NRI) application. A staff-signed NRI shall be included in the Application package for the CDP.

11. All subsequent plan submittals shall reflect the location of the unmitigated 65 dBA Ldn noise contour for Lottsford Road for this property based on a Phase I noise study.

12. The Preliminary Plan of Subdivision submittal shall include a Phase II noise study that generally reflects the proposed mitigation measures to ensure that all exterior activity areas and interior residential areas meet or exceed the state noise standards with relation to Lottsford Road.

13. The Specific Design Plan for the subject property shall include a Phase II noise study with specific mitigation measures that will ensure compliance with the state noise standards for exterior and interior residential areas for residential units within the 65 dBA noise contour on Lottsford Road.

14. The Comprehensive Design Plan application shall include information regarding the anticipated construction schedule. It

shall also include an amenities package for the office, residential and retail uses to ensure that the proposal is a high-quality development.

15. Landscape buffers shall be provided along the Capital Center property line to visually screen the development from the center. Landscape buffers shall also be provided along the underground tracks easement to create visual appeal. The landscape buffers shall be reviewed during the Specific Design Plan stage.

16. A cohesive relationship shall be created between the office and residential components by using similar landscape elements, paving materials, etc throughout the development. The landscape elements and paving materials shall be reviewed during the Specific Design Plan stage. The bank building shall have at least two stories of usable office space (bank or other office uses) and shall be compatible in scale and design with surrounding structures. The height, scale, and design of the bank building shall be reviewed during the SDP stage.

17. The Comprehensive Design Plan application shall include:

a. Design standards that establish design and review parameters, including setbacks, lot coverage, and other design standards for the materials, architecture and signage for the entire site. The text shall also address the streetscape improvement along both Arena Drive and Lottsford Road's frontage of the proposed Grand Boulevard.

b. A pedestrian circulation plan including the location of bus stop and its supporting pedestrian path network, the location and design of pedestrian crossing and other protective measures that protect the pedestrian from vehicular traffic.

c. Proposed buffering and screening design, specifically relating the residential development to internal and external uses.

18. The Comprehensive Design Plan application shall include information regarding the improvements for Largo Town Center Park to be constructed by the Applicant and the construction schedule for the improvements. The Applicant shall construct in the Largo

Town Center Park, a terrace (including planters, steps, handrails and brick paving) as specified on the plans for the Largo Town Center Park prepared for M-NCPPC by P.E.L.A Design, Inc., dated October 2002, and technical specifications dated July 18, 2002, prepared by the M-NCPPC staff. The Applicant shall be responsible for obtaining County construction permits. The Applicant, his successors, and/or assigns shall construct the off-site recreational facilities for Largo Town Center Park in phase with development. Prior to issuance of the second residential building permit in Parcel-I, the off-site recreational facilities shall be completed.

19. The Applicant, his successors, and/or assigns shall provide adequate, private recreational facilities on site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The Comprehensive Design Plan application shall include a list of private indoor and outdoor recreational facilities and their location. Adequacy of the private recreational facilities will be determined at the Comprehensive Design Plan stage and the location, design and details of the recreational facilities shall be reviewed at the Specific Design Plan stage.

20. The Comprehensive Design Plan application shall include the location of the Master Plan trail/sidewalk along Arena Drive and Lottsford Road. The width, landscaping and details of the trail/sidewalk shall be reviewed at the Specific Design Plan stage.

21. The Specific Design Plan application shall include bicycle parking in accordance with the DDOZ standards of the adopted and approved Morgan Boulevard and Largo Town Center Metro Areas Sector Plan.

22. The Specific Design Plan shall include internal sidewalks and walkways.

23. The Comprehensive Design Plan application shall include the location of a pedestrian connection from the subject property to the adjacent Capital Center development. The details of the pedestrian connection shall be reviewed at the Specific Design Plan stage.

24. The applicant has proffered, and the District Council requires, the establishment of a condominium regime, with condominium quality in all structures, for the multifamily buildings.

SECTION 2. This Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become effective when the applicant accepts in writing the conditions in Section 1.

Enacted this 22nd day of September, 2008, by the following vote:

In Favor: Council Members Dean, Bland, Dernoga, Exum,
Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Campos

Vote: 8-0

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

A-9280-C/9281/08-C

Parcel D2, LLC

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

FINAL CONDITIONAL ZONING APPROVAL

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

WHEREAS, the District Council in approving Application No. A-9280-C/9281/08-C, to amend the approved basic plan on the subject property, attached conditions; and

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9280-C/9281/08-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable

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

SECTION 3. This Ordinance is effective October 20, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

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

BY: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council