

R E S O L U T I O N

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 September 29, 2005, regarding Detailed Site Plan DSP-02034 for Capital Commerce Park, Wachovia Bank, the Planning Board finds:

1. **Request:** The subject application requests the construction of a 4,068-square-foot bank in the I-3 Zone.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-3	I-3
Use(s)	Vacant	Bank
Acreage	1.86	1.86
Lots	Part of Lot 2	Part of Lot 2
Building Square Footage/GFA	0	4,068

## OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>PROPOSED</b>
Total parking spaces	13	54
of which handicapped spaces	1	2
Loading spaces	1	1

3. **Location:** The site is in Planning Area 73, Council District 6. More specifically, it is located 900 feet west of the intersection of Arena Drive and Landover Road.
4. **Surroundings and Use:** The subject property is bounded to the north by an office park, to the west by a post office, to the south by Arena Drive, and to the east by a restaurant.
5. **Previous Approvals:** The site has been the subject of a conceptual site plan (CSP-87168), approved by the Planning Board on February 11, 1988. The site has also been the subject of a preliminary plan of subdivision (4-89129), approved by the Planning Board on August 3, 1989, and formalized in PGCPB Resolution No. 89-407. The site has also been the subject of detailed site plan DSP-02034 and two revisions to that detailed site plan. The site is the subject of Tree Conservation Plan TCPII/23/95, which was approved in conjunction with DSP-94045 for the proposed construction of a Caldor department store on the site. That TCPII was later revised in

conjunction with a detailed site plan for infrastructure, DSP-02034, and was most recently revised on December 22, 2003, as Type II Tree Conservation Plan TCPH/23/95-03. Lastly, the site is the subject of approved stormwater concept plan #13137-2004, approved May 4, 2004, and effective for three years, or until May 4, 2007.

6. **Design Features:** The 1.86-acre site would be accessed from a private road that leads into the property from Apollo Drive to a parking lot on the easterly side of the proposed 4,068-square-foot bank. Total parking provided for the site is 54 spaces including 2 handicap parking spaces. Materials to be utilized in the bank's construction include a field brick specified as "Boral Williamsburg" with a "champagne" standing seam metal roof. The brick/standing seam metal roofing is extended out on the canopy that provides shelter for drive-through lanes. The building is well massed and has a balanced composition with accents in the brick providing some contrast and a pedimented roofline providing visual interest. Fenestration on the elevations complements the building's massing and detailing. An automatic teller machine is offered to patrons of the bank together with the drive-through lanes. A signage plan has been submitted for the development indicating minimal directional signage and indicating the name of the proposed bank with the usage of restrained wall signage. Landscaping for the proposed project is extensive, especially at the corner of Arena Drive and Apollo Drive and, to a lesser extent, at the corner of Apollo Drive and the private road.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-3 Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27-473, which governs permitted uses in industrial zones. The proposed bank is a permitted use in the I-3 Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-474, Regulations, regarding additional regulations for development in industrial zones except Section 27-471(f)(2) as described as follows:
8. **Variance Application:** The applicant has applied for a variance from Section 27-471(f)(2) in order to place approximately 92 percent of the required parking in the yard to which the main entrance faces. Section 27-471(f)(2) requires that:

Not more than 25 percent of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional 15 percent in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.

In this case, only five spaces (or approximately eight percent) of the required parking is located other than in the yard to which the main entrance faces, leaving 92 percent of the parking in the yard to which the building's main entrance is located. This is 67 percent more than is allowed by the zoning ordinance (25 percent) and 52 percent more than would be allowed if the Planning Board granted the additional allowance (15 percent).

Section 27-230 of the Zoning Ordinance includes required findings necessary for the Planning Board to be able to grant a variance. Below, each required finding is listed followed by staff's comments:

- “(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.”

Comment: The specific parcel of land is exceptional because has three street frontages. It is bounded to the north by a private road, to the west by Apollo Drive, and to the south by Arena Drive. One of the purposes of Section 27-471 is to preserve views from roadways. By locating most of the parking on the easterly side of the building (the yard to which the building's main entrance is oriented), this purpose is best fulfilled, because locating the parking elsewhere on the site would make it even more visible from the surrounding roadways by bringing it closer to a corner of two roadways, either the private road with Apollo Drive or the corner of Arena Drive and Apollo Drive. Further, the design for the site further hides the parking from view by extensive berming and landscaping the corners of the site. Please note that architectural treatment of the rear and sides of the building uses brick on well-articulated facades, making views of the building glimpsed through the berming and landscaping aesthetically pleasing.

- “(2) The strict application of this Subtitle will result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and”

Comment: The strict application of Section 27-471(f)(2) would result in unusual practical difficulties for the applicant if the variance is not approved because of the topography of the site, the design of the building, and the presence of utility easements on the westerly corner of the site. With respect to topography, if the front entrance were on the northerly side of the building as was originally planned, the architecture of the building would not fit as well with the natural topography of the site and a large amount of fill would be required to make the design work. The design of the building, with the front entrance on the eastern side, dictates that parking be most conveniently located for patrons on that easterly side. If parking were sited to the sides or rear of the bank, patrons would be inconvenienced by having to walk around the building to enter it. Lastly, the westerly side of the site is riddled with utility easements (water, sewer and stormdrain) making it less desirable for parking.

“(3) The variance will not substantially impair the integrity of the General Plan or master plan.”

Comment: In a memorandum dated June 8, 2005, the Community Planning Division stated that the proposed project is not inconsistent with the 2002 General Plan Development Pattern policies and that it conforms to the land use recommendations of the master plan. Granting the variance will place the parking in a location that is least visible from the surrounding roadways, allow patrons to directly access the bank, works with the natural topography of the site, requires less fill, and allows the applicant to design around the utility easements on site. Therefore, it can be said that a variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

9. **Conceptual Site Plan CSP-87168:** Staff has reviewed the subject application against the requirements of CSP-87168 and found it to be substantially in conformance.
10. **Preliminary Plan of Subdivision 4-89129:** Preliminary Plan 4-89129 was approved by the Planning Board on August 3, 1989. Resolution PGCPB No. 89-407 adopted by the Planning Board formalized that approval. Conditions 1, 3, 5, 6 and 7 of approval apply to the review of the subject detailed site plan. Please see further discussion of those conditions under Finding 14, Referrals, below.
11. **The requirements of Detailed Site Plans DSP-02034, DSP-02034/01 and DSP-02034/02:** Staff has reviewed the proposed project against the requirements of detailed site plan DSP-02034, as revised, and found it to be substantially in conformance.
12. **Landscape Manual:** The proposed development is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip, and Section 4.3, Parking Lot Requirements, of the *Landscape Manual*.

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*.

13. **Woodland Conservation Ordinance:** The project is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there is a prior Tree Conservation Plan approved for this site (TCPII/23/95). TCP II/23/95 was approved in conjunction with DSP-94045 for the proposed construction of a Caldor department store on the subject site. That TCPII was later revised in conjunction with the detailed site plan for infrastructure, DSP-02034.

The Type II Tree Conservation Plan, TCPII/23/95-03, as most recently revised on December 22, 2003, addresses the requirements of the Prince George's County Woodland Conservation

Ordinance. This 10.94-acre property with a net tract of 8.96 acres has a Woodland Conservation Threshold of 1.34 acres (1.5 percent). The amount of required woodland conservation based on the amount of clearing approved is 5.17 acres.

The TCPII has proposed to meet the requirement with 0.5 acre of on-site preservation and 4.67 acres of off-site mitigation, which meets the requirements of the Woodland Conservation Ordinance.

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

**Historic Preservation**—In an email dated May 18, 2005, the Historic Preservation Planning Section stated the proposed project would have no effects on historic resources.

**Archeology**—In comments dated May 10, 2005, the consulting archeologist to the Historic Preservation and Public Facilities Planning Section stated that she would not recommend a Phase I archeological survey for the above-referenced property. She noted, however, that state or federal agencies could still invoke Section 106 and require an archeological survey for the site.

**Community Planning**—In a memorandum dated June 8, 2005, the Community Planning Division stated that the proposed project is not inconsistent with the 2002 General Plan Development Pattern policies, and that it conforms to the land use recommendations of the master plan.

**Transportation**—In a memorandum dated May 2, 2005, the Transportation Planning Section stated that the subject property is a portion of a larger development that was the subject of preliminary plan 4-89129, and that Conditions 4-7 of that approval were transportation-related. Additionally, the Transportation Planning Section noted that they made adequacy findings based upon the transportation impact of 580 AM and 537 PM peak-hour trips, that a 20,000-square-foot post office has been developed on Lot 1, and no development other than the current application is planned for Lot 2. Therefore, they noted that a large portion of the proposed site trips would be generated by the existing and proposed use, while over half of the site remains undeveloped. The site trip generation may have to be addressed more comprehensively during a future site plan, or possibly existing Lot 2 of the Capital Commerce Center will have to be resubdivided in order to find adequacy for its full build-out. However, they noted, there is no issue with trip cap compliance with the current application and the site plan is determined to be consistent with the underlying preliminary plan. Additionally, they noted that access to and circulation within the site are acceptable. In closing, they mentioned that the subject property was the subject of a 1989 traffic study and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 1989 for Preliminary Plan of Subdivision 4-89129. In general, they stated that the proposed plan is in keeping with the requirements of that plan with respect to transportation.

**Subdivision**—In revised comments dated June 8, 2005, the Subdivision Section offered the following:

The property is the subject of Preliminary Plan 4-89129, approved by the Planning Board on August 3, 1989. The resolution of approval, PGCPB Resolution 89-407, was adopted on August 3, 1989. The property is the subject of record plat NLP 150@83 (attached) and is known as Capital Commerce Park.

The applicant has demonstrated that the detailed site plan is one of five condominium regimes created as part of the plat of subdivision of Largo Commons, specifically known as Lot 2, Block C (10.9426 acres). As such, the DSP is in conformance with the approved preliminary plan.

The property is subject to the conditions contained in the resolution of approval, PGCPB Resolution 89-407, containing seven conditions. The following conditions relate to the review of the detailed site plan. Additional comments are provided where appropriate:

1. Compliance with all conditions of approved SP-87168/01 and conformance with SP-87168/01.
3. Development of this site must be in accordance with the approved Conceptual Stormwater Management Plan, CSD #87288.

Subdivision Section Comment: The detailed site plan notes SWM Concept Approval No. 13137-2004-00.

Urban Design Comment: DER has informed Urban Design staff that SWM Concept Approval No. 13137-2004-00 is in accordance with conceptual Stormwater Management Plan CSD #87288.

5. Development shall be limited to 300,000 square feet of general office development or any other amount of development that would generate no more than 580 AM peak-hour vehicular trips and 537 PM peak-hour vehicular trips.
6. The Arena Drive reconstruction as a six-lane divided roadway shall be completed and maintenance responsibility accepted by the Prince George's County Department of Public Works and Transportation prior to the extension of Apollo Drive to Arena Drive.
7. Prior to the issuance of any building permits on this site, the applicant shall agree to pay for and install a traffic signal at the intersection of Technology Way and MD 202 if the Arena Drive reconstruction as a six-lane roadway is not completed and if deemed necessary to the State Highway Administration.

Subdivision Section Comment: Conditions 5-7 above should be referred to the Transportation Section for conformance.

Urban Design Comment: The Transportation Section has addressed conditions 5-7, among other things, in their comments located earlier in this finding. In sum, the Transportation Section stated that the proposed plan is in keeping with the requirements of Preliminary Plan of Subdivision 4-89129.

Record Plat NLP 150@83 contains four notes; the following apply to the review of the DSP that were not already addressed above:

Plat Note 1: Requires conformance to the approved and any revised/amended site development plans.

Plat Note 2: Requires that development conform to the traffic conditions of Resolution 89-407 (4-89129).

Plat Note 3: Denies access to Landover Road (MD 202) and Arena Drive.

Comment: The detailed site plan does not propose access to MD 2020 or Arena Drive.

Plat Note 4: The architectural plan submitted for building permit application for the development of this site shall comply with the following requirements:

- a. Address the provision of specific up-to-date security hardware such as adequate deadbolt locks.
- b. Any breaking and entering, thefts, or vandalism at the construction site shall be reported immediately upon the knowledge of such crimes. Construction equipment/trailers shall be in a central location and fenced. Subsequent to any breaking or entering, the developer or builder shall be required to fully alarm all points of access (windows and doors) to the construction office/ trailer(s), and implement any reasonable crime prevention measures recommended by the Police Department to help prevent future occurrences.
- c. Ground floor units of office buildings shall be alarmed with adequate intrusion alarms. Consideration should be given to individual alarms for individual suites.
- d. All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.

Subdivision Comment: Architectural elevations were not included in the referral package.

Urban Design Comment: Compliance with these requirements are ensured by Condition 1.g.(2) below.

There are no other subdivision issues at this time.

The Subdivision Section's concern regarding the discrepancy in stormwater management concept numbers has been addressed in recommended condition 1f below.

**Trails**—In a memorandum dated May 24, 2005, the senior trails planner stated that the adopted and approved Morgan Boulevard and Largo Town Center Metro Areas sector plan recommends standard sidewalks along at least one side of all roads within the study area, recognizing that pedestrian access is especially important in areas near mass transit. The applicant is proposing sidewalks along the site's entire frontage of both Arena and Apollo Drives. In addition, the sector plan's designation of Arena Drive as a master plan bicycle/trail corridor has been implemented by the inclusion of an eight-foot-wide sidewalk within several sites in the immediate vicinity. The properties immediately to the west of the subject site along the north side of Arena Drive include an eight-foot-wide sidewalk along Arena Drive extending from Apollo Drive west to Lottsford Road, and FedEx Field has provided an eight-foot-wide sidewalk along its frontage on Arena Drive, including the crossing of the Beltway. The senior trails planner recommended a continuation of the eight-foot-wide sidewalk, separated from the curb by a grass or planting strip, along the site's Arena Drive frontage. With respect to sidewalk connectivity, while the site plan reflects sidewalks along Apollo and Arena Drives, no sidewalk access is provided from either sidewalk onto the site or to the building, making it necessary for pedestrians to walk in the roadway or on the grass to access the bank from either road. Therefore, the senior planner recommended the provision of a standard sidewalk along the subject site's frontage of the access road from Apollo Drive, with additional sidewalk and/or crosswalk connections to the building entrance. The senior trails planner's suggestions are included in the recommended conditions below.

**Permits**—In a memorandum dated May 17, 2005, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

**Environmental Planning**—In a memorandum dated May 17, 2005, the Environmental Planning Section offered the following:

- a. A detailed Forest Stand Delineation (FSD) was submitted and approved during the review of Detailed Site Plan, SP-94045.

**Discussion:** No further information with respect to the detailed FSD is required with this application.

- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there is a prior tree conservation plan approval for this site (TCP/II/23/95). The Type II Tree Conservation Plan, TCP/II/23/95, was approved in conjunction with DSP-94045 for the



proposed construction of a Caldor department store on this site. That TCPII was later revised in conjunction with the detailed site plan for Infrastructure, DSP-02034.

The Type II Tree Conservation Plan, TCPII/23/95-03, as most recently revised on December 22, 2003, addresses the requirements of the Prince George's County Woodland Conservation Ordinance. This 10.94-acre property with a net tract of 8.96 acres has a woodland conservation threshold of 1.34 acres (15 percent). The amount of required woodland conservation based on the amount of clearing approved is 5.17 acres.

The TCPII has proposed to meet the requirement with 0.50 acre of on-site preservation and 4.67 acres of off-site mitigation, which meets the requirements of the Woodland Conservation Ordinance.

**Discussion:** No further information regarding woodland conservation is required as part of this application.

- c. This site is located near the headwaters of Southwest Branch, which is a tributary to the Patuxent River. Section 24-101 of the Subdivision Ordinance provides the definition of the features of the Patuxent River primary management area (PMA). The stream, wetlands, and 100-year floodplain that compose the PMA appear to be correct based on a jurisdictional determination (JD) previously reviewed for this portion of the site. The previously approved preliminary plan of subdivision and site plan did not propose any protection for these features. There are valid permits from the U.S. Army Corps of Engineers and the Maryland Department of the Environment to permanently disturb these features. As part of this application, valid wetland permits were submitted for informational purposes (Permit/Certification 91-NT-01247/199261183, with an expiration date of July 23, 2007.)

**Discussion:** No additional information is required with respect to the PMA and proposed PMA impacts.

- d. This property is located within a transportation-related noise impact zone due to its proximity to MD 202. However, the property is zoned I-3 and proposes commercial uses for the site, not residential uses that would be subject to a requirement for noise mitigation.

**Discussion:** No further information is required with respect to the transportation-related noise impacts or for noise attenuation measures because no residential uses are proposed for this site and the state noise standards for commercial uses have been met.

**Department of Environmental Resources**—In comments dated May 9, 2005, DER stated that the site plan for Wachovia Bank, Largo Capital Commerce Park, Largo Commons, DSP-02034/3, is not consistent with approved stormwater concept 13137-2004. They said that the site plan is laid out differently than was approved in the concept. Recommended condition 1e below requires

that the applicant revise its stormwater management concept plan to reflect the approved site plan layout. In an e-mail dated September 14, 2005, DER informed staff that approved stormwater concept plan 13137-2004 was in conformance with stormwater management plan CSD #97288, the stormwater management plan referred to in the approving resolution for the relevant preliminary plan of subdivision.

**Fire Department**—At the time of this writing, the Prince George’s County Fire Department staff has not offered comment on the proposed project.

**Department of Public Works & Transportation (DPW&T)**—In a memorandum dated June 3, 2005, DPW&T offered the following:

- The property is located on the northeast quadrant of the intersection of Apollo Drive and Arena Drive.
- A street construction permit was issued for the frontages of Arena Drive and Apollo Drive on December 30, 2004. Curb and gutter is in place but sidewalk construction meeting DPW&T standards is required. A commercial driveway entrance is required, as well as pavement restoration in the vicinity of the proposed utilities.
- Conformance with DPW&T street tree and street lighting standards is required
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- All storm drainage systems and facilities are to be in accordance with DPW&T’s and the Department of Environmental Resources’ requirements.

Please note the compliance with DPW&T’s requirements is enforced through their separate permitting process.

**Washington Suburban Sanitary Commission (WSSC)**—In comments dated May 5, 2005, WSSC stated that water and sewer facilities are available to the site. Additionally, they stated that on the proposed detailed site plan, on-site facilities are shown as tying into 04OS065 and that the Regulatory Services Division of WSSC will not allow different owners with separate lots in an office park to tie into another on-site unless there is a signed, shared agreement to connect into the private on-site water and sewer system. In the alternative, WSSC stated, the owners could apply for connections and request an “on-site takeover,” which would require that the existing on-site pipeline be brought up to WSSC pipeline standards. WSSC offered appropriate contact information for the applicant and will ensure that their requirements are met through their own permitting process.

**Maryland State Highway Administration (SHA)**—In a letter dated May 10, 2005, SHA stated

that since the existing ingress/egress will adequately serve the facilities, they had no objection to detailed site plan DSP-02034/3 approval.

**City of Glenarden**—In comments received June 1, 2005, the City of Glenarden stated that they were not opposed to the proposed project.

15. 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-02034/03 and further approved Variance Application No. VD-02034/03 subject to the following conditions:

1. Prior to signature approval of the plans, the following revisions shall be made or items submitted:
  - a. The site plan shall be revised to be consistent with approved Stormwater Concept Plan 13137-2204 or the concept plan shall be amended so as to be consistent with the site plan. The applicant shall provide staff with evidence from the Department of Environmental Resources that this congruency has been obtained.
  - b. The site notes shall include the setbacks required by the Prince George's County Zoning Ordinance.
  - c. In conformance with the adopted and approved Morgan Boulevard and Largo Town Center Metro Areas Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
    - (1) Provide an eight-foot-wide sidewalk along the subject site's entire frontage of Arena Drive, including curb cuts at all road intersections and a grass or planting strip between the sidewalk and the curb.
    - (2) Provide a standard sidewalk along the subject site's frontage of Apollo Drive, as reflected on the site plan.
    - (3) Provide a standard sidewalk along the subject site's frontage of the access road from Apollo Drive, with additional sidewalk and/or crosswalk connections to the building entrance, and clearly mark and label these facilities on the subject detailed site plan.
  - d. Plans shall be revised to provide information or notes on the following:

- (1) Specific up-to-date security hardware, such as deadbolt locks.
- (2) Notes shall be added to the plans as follows:
  - (a) Any breaking and entering, thefts, or vandalism at the construction site shall be reported immediately upon knowledge of such crimes. Construction equipment/trailers shall be in a central location and fenced. Subsequent to any breaking or entering, the developer or builder shall be required to fully alarm all points of access (windows and doors) to the construction office/trailers and implement any reasonable crime prevention measures recommended by the Police Department to help prevent future occurrences.
  - (b) Ground floor units of office buildings shall be alarmed with adequate intrusion alarms.
  - (c) All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 29, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6<sup>th</sup> day of October 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RG:rmk