

Case No.: CSP-03006-02  
Woodmore Towne Centre  
at Glenarden

Applicant: D. R. Horton, Inc.

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

FINAL DECISION — APPROVAL OF REQUEST TO AMEND CONDITIONS

In 2015, applicant, Woodmore Towne Centre, LLC, filed a request with the Planning Board to revise its conceptual site plan—to relocate the hotel and conference center from Pod B to Pod E, relocate the multifamily from Pod D to Pod B, and add an institutional use to Pod E. Subsequently, the District Council affirmed Planning Board's decision in PGCPB No. 15-68, which permitted a relocation of up to 360 multifamily units from Pod D to Pod B. The District Council, as part of its approval of PGCPB No. 15-68 (which revised the conceptual site plan), modified original Condition 1(a)(iii) of CSP-03006 to allow that condition to be met by having at least 108 multifamily permits issued in either Pod D or Pod B. Accordingly, the District Council's approval of CSP-03006-02 modified the original text of Condition 1(a)(iii) of CSP-3006 from

Of the first 500 residential permits, at least 108 were to be located in Pod D.

to

Of the first 500 residential permits, at least 108 shall be in either Pod D or Pod B. *See* ZHE Ex. 9, Order of District Council, CSP-03006, 1/23/2006, ZHE Ex. 12, Order of District Council, CSP-03006-02, 11/09/2015, ZHE Ex. 20(c), PGCPB No. 15-68.<sup>1</sup>

On or about March 25, 2016, the instant applicant, D. R. Horton, Inc., filed a written request, pursuant to Section 27-157(c)(1), to delete Condition 1(a)(iii) in CSP-03006 as modified

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<sup>1</sup> The Examiner is incorrect that the District Council erred or failed to carry over existing conditions of CSP-03006 when it approved CSP-03006-02. Planning Board approved and the Council affirmed the Applicant's request to revise a conceptual site plan, not a request to amend conditions pursuant to Section 27-157.

in CSP-03006-02 noted above. Applicant D.R. Horton, Inc., also requested modification of original Condition 18(i) in CSP-03006. *See Applicant's Request to Amend Conditions, 3/25/2016.*

Condition 18(i) in CSP-03006 required as follows:

18. The applicant shall undertake the following actions regarding public parks:
  - i. Construction of the park shall be completed prior to issuance of 50 percent of the residential building permits. *See ZHE Ex. 9, Order of District Council, CSP-03006, 1/23/2006.*

A hearing was held before the Hearing Examiner. Subsequently, the Examiner recommended approval of the applicant's request to amend Condition 1(a)(iii) in CSP-03006 as modified in CSP-03006-02, and Condition 18(i) in CSP-03006.

On or about August 22, 2016, applicant Woodmore Towne Centre, LLC took exceptions to certain findings and omissions contained within the Examiner's written recommendations, which have been addressed herein. *See Appeal Letter by Woodmore Towne Centre, LLC, 8/22/2016.*

In accordance with Section 27-157 of the County Code, the District Council will grant the applicant's request.

Condition 1(a)(iii) in CSP-03006 as modified in CSP-03006-02, is amended as follows:

Fee simple title of Lots 1 and 2 shall be transferred to commercial developer of Woodmore Towne Centre (i.e., evidence that the town centre retail density will proceed as contemplated by the current approved CSP as amended CSP-03006/02). *See Recommendation of ZHE, 8/5/2016, p. 4.*

Condition 18(i) in CSP-03006, is amended as follows:

The applicant shall commence park construction prior to the issuance of a building permit for the 425th residential dwelling unit. The applicant shall complete park construction, prior to the issuance of a building permit for the 479th residential dwelling unit or 18

months after final approval of this condition, whichever event occurs first. applicant's time for completion of park construction may be extended, as determined in the sole discretion of DPR, by the number of days that it is delayed in the progress of park construction by any cause beyond applicant's reasonable control, including but not limited to, acts of nature, strikes or labor disputes, inaction by the required governmental authorities, or any other force majeure event. For the purpose of this condition, commencement of park construction shall mean commencement of physical construction of the park following a preconstruction meeting with DPR no less than ten calendar days prior to construction; completion shall mean certification by DPR that the park is satisfactorily completed, which certification shall be timely and not unreasonably withheld. *See Recommendation of ZHE, 8/5/2016, pp. 14-5.*

Accordingly, CSP-03006-02 is subject to the following conditions:

1. Prior to Certificate Approval of the conceptual site plans, the plans shall be revised as follows, or the indicated information shall be provided on the plans:

Approved development for CSP-03006-01 is subject to the original minimum-maximum ranges of uses plus the addition of an institutional use and the associated 50-500 rooms not to exceed 500,000 square feet:

- 900 to 1,100 residential units.
- 400,000 to 1,000,000 square feet of retail.
- 550,000 to 1,000,000 square feet of office (subject to waiver provisions in Condition 1(a) of the approval of CSP-03006.
- A maximum of 500,000 square feet of institutional uses.
- 400,000 square feet of retail and 550,000 square feet of office are required minimum amounts for the two uses. Applicant shall endeavor to achieve the permitted maximum amount of office use.
- No more than 2,000,000 square feet of retail, office, and institutional uses combined are permitted.
- Hotel uses consisting of 360 rooms and conference center between 6,000 and 45,000 square feet.  
The square footage included in the construction of any hotel space and/or conference center may be credited against any minimum requirement of commercial office space.

In addition to these basic development parameters, all future development shall be in substantial conformance with the Illustrative Plan dated September 21, 2005, as revised pursuant to CSP-03006 /01, CSP-03006/02, as to site layout, development

pattern, and the intended relative amounts of development of different types and their relationships and design.

- a. Phasing lines and the phasing schedule shall be shown on the plan. A stipulation shall be added to the phasing schedule as follows:
  - i. Prior to release of the 151st residential permit in Pod F, permits for 100,000 sq. ft. of retail space in Pod D shall have been issued. Of these 100,000 sq. ft. of retail space, at least one third shall be for tenants occupying space consisting of 30,000 sq. ft. or less.
  - ii. Prior to the release of the 301st residential permit in Pod F, permits for an additional 100,000 sq. ft. of retail space in Pod D shall have been issued.
  - iii. Fee simple title of Lots 1 and 2 shall be transferred to the commercial developer of Woodmore Towne Centre (i.e. evidence that the town center retail density will proceed as contemplated by the currently approved CSP as amended by CSP-03006/01 and CSP-03006/02).
  - iv. Prior to the release of the 701st residential permit, permits for an additional 150,000 sq. ft. of retail space in Pod D shall have been issued, and a permit shall have been issued for one of the hotel sites.
  - v. Permits for at least 150,000 square feet of office space shall have been issued, prior to release of the 500th residential permit.
  - vi. Permits for at least 400,000 square feet of office space shall have been issued, prior to release of the 900<sup>th</sup> residential permit.
  - vii. The Conditions requiring building permits for office use may be waived or modified if the applicant demonstrates to the satisfaction of the Planning Board and the District Council that insufficient market demand exists for said office use. If the applicant demonstrates that it has graded pad sites for 150,000 square feet of office space and stubbed utilities to those pad sites and the applicant has continuously in good faith marketed those pad sites

for a period of one hundred and eighty days through an exclusive listing agent, and has been unable to obtain a user, said effort shall constitute a satisfactory demonstration to justify waiver or modification of said office permitting requirement. The Planning Board's and District Council's waiver of the office space permitting requirements will not be unreasonably withheld, conditioned, or delayed.

This waiver provision is intended solely to provide an opportunity for the applicant to proceed with the construction of residential units based upon satisfying the above criteria. It does not authorize the applicant to convert commercial office space to residential use. This conceptual site plan requires a minimum of 550,000 square feet of commercial office. At no time may the residential maximum exceed 1,100 units. At no time may the minimum and/ or maximum office ranges or the hotel space allocations of 360 rooms be converted to residential uses.

- b. In order to expedite the construction of office uses, within 60 days from the final approval of the conceptual site plan by the District Council, the applicant shall enter into an agreement with a nationally recognized brokerage firm having expertise in the marketing of commercial office space. The applicant shall consult with and consider recommendations from local civic associations along the MD 202 corridor, as well as the City of Glenarden, in identifying and selecting this broker, although the final decision concerning which broker will be retained shall be exclusively a determination of the applicant. Once retained, the selected broker shall focus on attracting quality office users to the project. The broker shall provide monthly progress reports to the Prince George's County Economic Development Corporation, the City of Glenarden, and the District Council. The applicant shall also meet monthly with an advisory panel comprised of up to four designated representatives from the City of Glenarden, as well as up to four designated representatives from the civic associations along the MD 202 corridor in order to provide progress reports on marketing efforts and solicit input and suggestions concerning office marketing strategies. The brokerage agreement, reporting requirement and monthly meeting requirement shall remain in force and effect until no less than 250,000 square feet of office space is purchased and/ or leased by an office developer. In lieu of entering into a brokerage agreement, within sixty days from the final approval of the conceptual site plan by the

District Council, the applicant may directly enter into an exclusive agreement with an office developer in order to provide for construction of office uses within the project.

- c. This development shall be required to provide retail uses, office uses and residential uses. This requirement shall supersede the provisions of Section 27-547 (d) of the Zoning Ordinance which requires that at least two of the three categories listed therein be included in the development.
- d. Amend the Illustrative Plan dated September 21, 2005 to include an inset drawing depicting certain infrastructure shown cross-hatched thereon. This infrastructure shall be constructed in its entirety as part of the first phase of the development in order to facilitate the construction of commercial office uses. It shall include certain internal roads and associated water and sewer lines and storm drainage facilities.
- e. The applicant shall be prohibited from requesting a Text amendment to the Prince George's County Zoning Ordinance, which would authorize the conversion of any land area included within this conceptual site plan from commercial office use to residential use.
- f. Within the first phase of the development, the applicant will designate a sufficient land area to accommodate a 250,000 square foot office building and a sufficient land area to accommodate a hotel/conference center site. This land will be designated for a potential public/private venture between the applicant and Prince George's County ("County") whereby the County, if it so desires, will have the opportunity to market the land area for office development to a governmental and/or private sector developer. It is the intent of this public/private venture to facilitate and expedite the improvement of the designated land for commercial office use. The designated land will be made available for sale and/or construction at fair market value determined at the time of said sale and/or construction, as appropriate. The designated land area will remain available to the County for its marketing efforts for a period of two years from the date of the final approval of this conceptual site plan or until the applicant has secured another buyer and/or user for the subject land area, whichever occurs first. The applicant shall be entitled to all proceeds which may result from any sale or construction which occurs as a result of this public/private venture.
- g. All of the requirements and rights contained in Condition 1 shall be binding upon and inure to the applicant, its successors and/or assigns.

- h. Standards shall be submitted for the architectural appearance (size, massing, character, material, details) of the office, retail and recreational buildings.
- i. Label all the facilities in the recreation area of Pod F and indicate on the Plan the main elements in the community building. The community building shall not be smaller than 3,500 square feet in gross floor area.
- j. Any substantive amendment to this conceptual site plan or any of the Conditions attached to this conceptual site plan (including without limitation a request for waiver or modification of the office permitting requirement under the 180-day waiver provision, as contained in Condition (1)(a)(vii) above) shall be reviewed and approved by the District Council.
- k. The total number of stacked townhomes (two over two units shall not exceed 98 units.
- l. Revise the FAR Chart on the coversheet of the Plan set as follows:
  - (1) Indicate the residential maximum residential square footage as 2,000,000 (not 2,000,00).
  - (2) Include a note stating that the “approval of conceptual site plan CSP-03006/01 did not impact the maximum square footage permitted in the development.”
  - (3) Add the institutional use proposed square footage to the table.
- m. A Note shall be added to the general notes of the CSP stating the following:

“All buildings shall be fully equipped with automatic fire suppression systems in accordance with applicable National Fire Protection Association standards and all applicable County Laws.”
- n. Submit to DPR staff for review the existing maintenance agreement between the applicant and the Prince George’s County Department of Permitting, Inspections and Enforcement to determine if the agreement sufficiently sets forth the rights, responsibilities, and liabilities of all the parties including the applicant, the M-NCPPC and the DPIE.
- o. Revise the illustrative exhibit to indicate ownership of parkland and show approved recreations facilities to be constructed in the park.

2. Prior to or concurrent with the submission of any detailed site plan for any development parcel, the applicant, his heirs, successors and/or assignees shall submit for approval by the Planning Board a detailed site plan for signage to provide the Planning Board and the community with a concrete idea of the exact quantity, location and appearance of all the signs in the development. This signage plan shall not be required to be submitted prior to or concurrent with a detailed site plan for infrastructure only. At the time of submitting said signage plan to staff of M-NCPPC, the applicant shall also submit a copy of said signage plan to the City of Glenarden and community stakeholders.
- 2A. At the time of submission of the first preliminary plan of subdivision for the project, the applicant and successors or assignees shall submit for approval a full traffic study, as required in the Planning Board's *Adopted Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Staff and Planning Board shall thoroughly review the anticipated impacts of the project on major intersections within Glenarden. At the time of submission of the first detailed site plan, the applicant and successors or assignees shall submit for approval a study showing the effects of the proposed connection between the project and Glenarden Parkway, unless otherwise requested by the District Council.
3. Prior to Certificate Approval of the conceptual site plan, the following revisions shall be made:
  - a. A tree-lined boulevard with median, or a double row of street trees on each side, or another equivalent treatment agreed to by and between the applicant and staff, shall be provided between Campus Way North and the Residential Pod F community center.
  - b. Provide additional retail shops with second level office/residential along the north/south corridor of the main street in the proposed location of the retail kiosk areas.
  - c. Provide additional shops with second level office/residential along the east/west corridor of the main street in place of the proposed location of the retail kiosk area.
  - d. Show proposed locations for civic uses such as a library, museum, cultural center, etc., on the town center main street. The final determination concerning the feasibility of providing these uses as well as their location(s) shall be determined by the applicant in consultation with the City of Glenarden prior to or by the time of the approval of the appropriate detailed site plan.
  - e. Show proposed locations for entertainment and cultural activities, public service and dining on the town center main street. The final determination concerning the feasibility of providing these uses as well as their location(s) shall be determined by the applicant in consultation with the City of Glenarden prior to or by the time of the



approval of the appropriate detailed site plan.

- f. Extend the retail shops with second-level office/residential along the east/west corridor of main street.
  - g. Provide additional retail shops along the north/south corridor of the main street adjacent to the proposed department store.
  - h. Identify future shops/retail/restaurant at vacant space adjacent to Office Tower A and adjacent parking structure.
4. The detailed site plan(s) for private recreational facilities submitted for approval by the Planning Board shall comply with the standards outlined in the Parks and Recreation Facilities Guidelines.
  5. The recreational community center of Residential Pod F shall be located on the homeowner's association land and shall be available to all residents of Pod F.
  6. Three weeks prior to submission of a final plat, three original, executed recreational facilities agreements (RFA) shall be submitted to Development Review Division (DRD) for their approval. Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.
  7. A performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD shall be submitted to DRD at least two week prior to applying for building permits for the section or phase in which the specified facilities are located.
  8. The developer, his heirs, successors and/or assignees shall satisfy the Planning Board or its designee, through the review of the homeowners association documents that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
  9. The following private recreational facilities shall be provided within the development and shall be deemed adequate:

Townhouse area of Residential Pod F – one multiage playground combination.

Two over two area of Residential Pod F – one multiage playground combination, and one picnic area.

Up to two of the play areas for the townhouses and two over two in Pod F may be relocated to the 13.5 acre park subject to DPR approval.

Central recreational area on minimum of acres 2 acres of land (excluding woodland preservation area), including the following:

- Community center with meeting room, lounge, kitchen (with a minimum of a double sink, standard size refrigerator, dishwasher, and large microwave), appropriately sized fitness facility, bath facilities for pool patrons.
- 25-meter swimming pool.
- One multiage playground combination.
- One full-size multipurpose court (indoor or outdoor).
- One tennis court.
- Appropriately sized parking facility for the residents only.

The Planning Board may modify these requirements and approve alternate facilities at the time of approval of detailed site plan.

10. The following schedule shall govern bonding and construction of recreational facilities and shall be included in the recreational facilities agreement(s):
  - a. Prior to the issuance of the 100<sup>th</sup> single-family detached residential building permit in the development, the applicant shall bond the central recreational facilities.
  - b. Prior to the issuance of the 300<sup>th</sup> single-family detached residential building permit in the development, the applicant shall complete the central recreational facilities.
  - c. The bonding of the recreational facilities for the townhouses and the two over two units shall precede the issuance of the building permits for each of these types of units respectively. The completion of those recreational facilities allocable to the townhouses shall occur prior to issuance of use and occupancy permits for 75 percent of all of the townhouses. The completion of the recreational facilities allocable to the two over two units shall occur prior to issuance of use and occupancy permits for 75 percent of the two over two units.
  
11. Prior to Certificate Approval of the conceptual site plan:
  - a. The TCP I shall be revised to eliminate approximately six acres of woodland conservation from the 13.5 acres parcel to be dedicated to

DPR. The offsite-mitigation acreage shall be increased accordingly in the woodland conservation worksheet.

- b. The applicant shall submit a copy of the approved/proposed Stormwater Management Concept Plan for Phase II.
12. At the time of detailed site plan review, if residential uses are proposed within the 65 dBA Ldn noise contour, noise mitigation measures shall be provided for outdoor activity areas and interior living areas to meet the state noise standards.
  13. The following development standards apply and shall be demonstrated throughout the review of future plans within Pod F. In addition to the residential models proposed by the applicant at CSP, other unit models are to be submitted, for review and consideration.

**SINGLE-FAMILY DETACHED (6,000 Sq. Ft. or Larger):**

**Traditional SFD.**

Minimum net lot area – 6,000 square feet.

Minimum finished living area – 2,200 square feet.

Two car garage – yes.

Maximum lot coverage – 45 percent.

Minimum lot frontage at the street line – 60 feet.

Front yard setback – 25 feet.

Side yard setback – 6/12 combined feet.

Rear yard setback – 20 feet.

Accessory building rear yard setback – 2 feet.

Maximum height of building – 40 feet.

Deck standards – 7 feet from any property line.

**Traditional SFD (5,000-6,000 Sq. Ft.).**

Minimum net lot area – 5,000 square feet (limited to 30% of total SFD lots).

Minimum finished living area square feet – 2,200 square feet.

Two car garage – yes.

Maximum lot coverage – 50 percent.

Minimum lot frontage at the street line – 50 feet.

Front yard setback – 20 feet.

Side yard setback – 5/10 combined feet.

Rear yard setback – 20 feet.

Accessory building rear yard setback – 2 feet.

Maximum height of building – 40 feet.

Deck standards – 7 feet from any property line.

75% of the single family detached units will have at least 75% masonry front facades. No less than 10% of the masonry shall be stone. Limited amounts of synthetic stucco may be used for accent treatments. The remaining 25% of the single family detached homes may be vinyl siding or like material. Homes with fronts of siding shall be intermittently spaced among the total number of single family detached dwellings.

**TOWNHOUSES:**

All townhouse in the M-X-T Zone are subject to Section 27-548(h) of the Zoning Ordinance.

A minimum 75% of the front facades of the townhouses shall be masonry.

No less than 10% of the masonry shall be stone. Synthetic stucco may be used for accent treatments.

**TWO OVER TWO UNITS:**

Not more than seven ground level units in a row.

Minimum width of the dwelling shall be no less than 20 feet wide.

Minimum finished living area shall be no less than 1,100 square feet.

Minimum of 75 % of the front façade shall be masonry.

No less than 10 % of the masonry shall be stone.

Synthetic stucco may only be used for accent treatments such as lintels, door and window trim.

The Planning Board may modify these standards at detailed site plan if it can be found that the modification will improve the quality and functioning of the community.

14. At the time of detailed site plan, the following standards shall be observed:
  - a. 60% of three sides of the clubhouse shall be brick, and the building shall be placed in a visually prominent location.
  - b. Rooflines for all dwelling types shall be varied and provide for reverse gables where appropriate to add interest to the streetscape.
  - c. Lighting fixtures throughout the development shall be coordinated in design. Such fixtures shall be reviewed and approved by DPW&T

and/or the City of Glenarden as appropriate prior to or by the time of approval of the appropriate detailed site plan.

- d. Special paving materials shall be provided in appropriate access areas, such as, central recreation area, the entrance to the multifamily development, and the office/retail development.
  - e. A double row of 2 <sup>1</sup>/<sub>2</sub>-to 3-inch caliper trees shall be provided along major boulevards on both sides of the sidewalks, if determined to be necessary. The inside row of trees are allowed to be located in the yard and may be used to fulfill Section 4.1 of the Landscape Manual. In addition, a double row of two and one half to three inch caliper trees shall be provided along the interior street which extends from the extension of Glenarden Parkway to the residential Pod F community center, which road segment shall not be required to be a boulevard with median.
  - f. Increase the number of units fronting onto Campus Way North and ensure adequate but not excessive parking areas in close proximity to all units.
  - g. The location of future pedestrian connections, crosswalks, and proposed locations for bus stops, shall be shown on the plans. The plans shall show the location of the connection between Campus Way North and Brightseat Road.
15. Prior to the approval of a preliminary plan of subdivision and detailed site plan, the plans shall reflect that of the total number of single family detached residential units no more than 30% shall have lot frontages of 50 feet at the street line.
16. The following transportation-related Conditions shall be fulfilled:
- a. The applicant, its successors and/or assignees, shall complete the following improvements:
    - i. Construct Campus Way North extended from its current planned terminus at the boundary of the subject property through the site to the proposed Evert Road bridge as a four lane divided highway, approximately 3,000 linear feet.
    - ii. Add a 4<sup>th</sup> thru lane along Maryland Route 202, from Lottsford Road to the northbound I-95 ramp, approximately 3,600 linear feet.
    - iii. Add a 4<sup>th</sup> thru lane along Maryland Route 202, from I-95 to Lottsford Road, approximately 3,600 linear feet.

- iv. Add a double left turn lane along Maryland Route 202 to northbound St. Joseph's Drive, approximately 900 linear feet.
  - v. Rebuild and install the traffic signal at the intersection of Maryland Route 202 and St. Joseph's Drive.
  - vi. Reconstruct St. Joseph's Drive from Maryland Route 202 to Ruby Lockhart Drive to six lanes in width.
  - vii. In addition to making the improvements set forth above, the applicant, its successors or assignees shall pay a Road Club fee. The amount of this fee shall be determined at the time of the approval of the first preliminary subdivision plan filed for this property. This amount shall be paid at building permit on a prorata basis. In determining this amount, the applicant shall receive a credit for any road improvements which it is making at its expense and which are part of the regional improvements identified in the MD 202 Corridor Study.
  - viii. The timing for the construction of required transportation improvements shall be determined at the time of preliminary subdivision plan approval.
- b. The cross-sections along any public streets to be maintained by the City of Glenarden must have approval of the City of Glenarden prior to detailed site plan approval. Such approval shall not be unreasonably withheld, conditioned or delayed.
  - c. A public street connection between the subject site and Glenarden Parkway shall be reflected on the preliminary plan of subdivision.
  - d. The following rights-of-way must be shown as dedication on the preliminary plan of subdivision:
    - (1) The public roadway between Saint Joseph's Drive (at Ruby Lockhart Boulevard) and the western property line at the Capital Beltway.
    - (2) The public roadway connection between Campus Way and the roadway described in (1) above.
    - (3) The public roadway connection between the subject

site and Glenarden Parkway.

17. In conformance with the Adopted and Approved Largo-Lottsford Master Plan, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
  - a. Provide the Master Plan trail along the public roadways extending from Campus Way North to office area "E" as indicated on the submitted CSP.
  - b. Provide the urban pedestrian walkways as indicated on the submitted CSP. The width of the sidewalk within these walkways should be no less than eight feet in areas of street trees, planters, or pedestrian amenities.
  - c. Provide sidewalks or wide sidewalks along both sides of all internal roads.
  - d. Provide the trail connection through the park and/or school site from Campus Way North to the pedestrian walkway south of area "C".
  - e. A more specific analysis of all trail and sidewalk connections will be made at the time of detailed site plan. Additional segments of trail or sidewalk may be recommended at that time.
  
18. The applicant shall undertake the following actions regarding public parks:
  - a. Dedication to the Commission of 13.5± acres as shown on Department of Parks and Recreation Exhibit "A."
  - b. Land to be dedicated shall be subject to Conditions 1 through 7 of attached Exhibit "B."
  - c. The applicant shall construct the following recreational facilities on the dedicated parkland: two combination football/ soccer fields, softball field, 100-space parking lot, pavilion, drinking fountain, restroom facility and architectural fence. Other facilities of equal value may be substituted with written approval from the Department of Parks and Recreation.
  - d. A concept plan showing the location and design of the recreational facilities on dedicated parkland shall be submitted to DPR for review 60 days prior to submission of the preliminary plan for the residential portion of the development.
  - e. The recreational facilities shall be designed and constructed in

accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.

- f. Prior to submission of final plat of subdivision for the residential lots, the applicant shall enter into a public recreational facilities agreement (RFA) for the construction on dedicated parkland.
  - g. The applicant shall submit a performance bond, letter of credit, or other suitable financial guarantee to DPR to secure the grading and construction of the recreational facilities on park property, in an amount to be determined by the DPR, at least two weeks prior to applying for building permits.
  - h. Detailed construction drawings for recreational facilities on park property including grading plan, layout and details shall be submitted to DPR for review 60 days in advance prior to submission of the detailed site plan for the residential development.
  - i. The applicant shall commence park construction prior to the issuance of a building permit for the 425<sup>th</sup> residential dwelling unit. The applicant shall complete park construction, prior to the issuance of a building permit for the 479<sup>th</sup> residential dwelling unit or 18 months after final approval of this condition, whichever event occurs first. Applicant's time for completion of park construction may be extended, as determined in the sole discretion of DPR, by the number of days that it is delayed in the progress of park construction by any cause beyond applicant's reasonable control, including but not limited to, acts of nature, strikes or labor disputes, inaction by the required governmental authorities, or any other force majeure event. For the purpose of this condition, commencement of park construction shall mean commencement of physical construction of the park following a preconstruction meeting with DPR no less than ten calendar days prior to construction; completion shall mean certification by DPR that the park is satisfactorily completed, which certification shall be timely and not unreasonably withheld.
  - j. Prior to certificate of approval of the plan incorporating the revisions to the timing of the commencement and completion of the park, the existing recorded Recreational Facilities Agreement (RFA) shall be amended to reflect the language indicated in Condition 18(i) above and be recorded in the Land Records.
19. Prior to approval of conceptual site plan CSP-03006 and Type I Tree Conservation Plan TCPI/13/05 subject to the following Conditions:
- a. Prior to Certificate Approval of the conceptual site plan, a revised



- noise study shall be submitted that models the unmitigated 65, 70, 75 and 80 dBA Ldn noise contour lines related to the Capital Beltway based on a 10-year timeframe for projection (2004-2014), a year 2003 ADT of 214,675 vehicles shall be used to calibrate the on-site noise measurements made in 2003, and a posted speed limit of 55 miles per hour; and these noise contours shall be correctly delineated on the conceptual site plan.
- b. Prior to Certificate Approval of the conceptual site plan, the conceptual site plan shall be revised to place no commercial buildings or hotels within the 80 dBA Ldn noise impact zone (120 feet).
  - c. Prior to Certificate Approval of the conceptual site plan, a revised noise study shall be submitted that models the unmitigated 65, 70, and 75 dBA Ldn noise contour lines related to Landover Road (MD 202) based on a 10-year timeframe for projection (2004-2014), a year 2003 ADT of 60,725 vehicles shall be used to calibrate the on-site noise measurements made in 2003, and posted speed limit of 50 miles per hour; and these noise contours shall be correctly delineated on the conceptual site plan.
  - d. Prior to Certificate Approval of the conceptual site plan, a revised noise study shall be submitted that models the unmitigated noise contour lines related to Campus Way North based on a 10-year timeframe for projection (2004-2014), and a proposed speed limit and traffic volume determined by the Transportation Planning Section. The conceptual site plan shall be revised to correctly delineate the modeled 65 and/or higher unmitigated dBA Ldn noise contour for Campus Way North.
- 20. A minimum of 60% of all facades of street frontage elevations of multifamily units shall be brick.
  - 21. Prior to approval of the applicable detailed site plan, relocate office building parking structure at Ruby Lockhart Boulevard entrance from close proximity to the northeast property line adjacent to proposed single-family dwelling units. Alternatively, the applicant may be relieved of this requirement upon demonstrating to the Planning Board that the parking structure has been attractively finished and sensitively designed so as to be compatible with the adjoining office building.
  - 22. At time of preliminary plan application, a Phase II noise study shall be submitted for review that addresses noise impacts for I-95, MD 202 and Campus Way North. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn for outdoor activity area and 45 dBA Ldn for interior areas, and the

recommendations of the Phase II noise study shall be addressed on the preliminary plan and TCPI.

23. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of residential structures within the 65 dBA Ldn noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
24. At time of preliminary plan, the applicant shall demonstrate that the proposed impacts to the Patuxent River Primary Management Area or expanded stream buffer shall be minimized to the greatest extent possible, and any required variation requests or letters of justification shall be submitted.
25. No pole signs shall be erected in the development. Free standing pylon signs will be allowed.

Detailed Site Plan Consideration: Prior to submission of any future Applications, applicant will continue to study and will not foreclose the option of providing additional sleeved perimeter block development of retail shops with second-level office/residential use around a 50,000 to 125,000 square foot retail tenant at the core or in close proximity of the town center main street.

ORDERED this 18<sup>th</sup> day of October, 2016, by the following vote:

In Favor: Council Members Davis, Lehman, Patterson, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin, Glaros, Harrison, and Toles.

Vote: 5-0

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: \_\_\_\_\_  
Derrick L. Davis, Chairman

ATTEST:

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