

Case No. DSP-07057

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 CONDITION

On April 21, 2009, the District Council affirmed Planning Board's decision, embodied within PGCPB No. 08-140, to conditionally approve Detailed Site Plan 07057<sup>1</sup> and companion variance, for construction of 503 residential dwellings, including 202 single-family detached, 203 townhouse, and 98 two-family (two-over-two) dwelling units, with a variance from the 1,800-square-foot minimum lot size for townhouse lots, for a project referred to as Woodmore Towne Centre at Glenarden, on property described as approximately 82 acres of land in the M-X-T Zone, in the northeast quadrant of I-495 and MD 202, Glenarden. On September 21, 2009, the District Council adopted a Second Revised Order, after reconsideration, in order to add a condition relating to sidewall facades for end units of townhouse and two-family dwelling units, which condition was inadvertently omitted in the District Council's April 21, 2009 Order. The omitted condition appears as Condition 32 in the Second Revised Order. *See* ZHE Ex. 11, Order of District Council, 9/21/2009.

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 8(c) in DSP-07057. *See* Applicant's Request to Amend Conditions, 3/25/2016.

Condition 8(c) in DSP-07057 required as follows:

8. The following phasing schedule shall apply to the development of the subject site:

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<sup>1</sup> The Applicant in 2009 was WTC Ventures, LLC.

- c. Prior to the release of the 393<sup>rd</sup> residential building permit for the subject site or the 500<sup>th</sup> residential building permit for the overall site (the entire 244.67± acre Woodmore Towne Centre site), permits for a minimum of 108 residential units located in Pod D (as shown on CSP-03006) shall have been issued. *See* ZHE Ex. 11, Order of District Council, 9/21/2009.

A hearing was held before the Hearing Examiner. Subsequently, the Examiner recommended approval of the Applicant's request to delete Condition 8(c). In accordance with Section 27-157 of the County Code, the District Council will grant the Applicant's request.

Condition 8(c) in DSP-07057, 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 center retail density will proceed as contemplated by the currently approved CSP as amended CSP-03006/02). *See* Recommendation of ZHE, 8/5/2016.

Accordingly, DSP-07057 is subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the TCP II shall be revised to provide a note below the TCP II signature approval block on all sheets of the plan to read as follows:
  - “DSP-07057 and TCP II/053/07-01 are only for the residential portion of the site. Additional Detailed Site Plans and TCP II revisions are required for future phases of development.”
2. Prior to certificate of approval of the detailed site plan, the DSP and the TCP II shall be revised to change the label of the “85 dBA Ldn mitigated” noise contour to “65 dBA Ldn mitigated” noise contour and a Phase II noise study that has been signed and dated by the engineer who prepared it shall be submitted.
3. Prior to certificate of approval of the detailed site plan, the TCP II shall be revised as follows:
  - a. Revise the TCP II approval block on Sheets 1 through 27 to show the previous approval signature and date typed in.

- b. Revise the matchline references on Sheet 37 to correctly reference adjacent sheets.
  - c. Show all specimen trees and critical root zones on Sheets 28 through 37.
  - d. Show tree protection devices (fences and signs) along the edge of all clearing areas.
  - e. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
4. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  5. The applicant will propose enhanced landscaping and fencing (with safety considerations) around the stormwater management ponds to the DPW&T for their review and approval. Prior to submission to DPW&T, the applicant shall review the enhanced landscaping and fencing proposal with the Urban Design Section.
  6. The street tree and lighting plans shall be reviewed and approved by the City of Glenarden for appropriate street tree selection, size, and location prior to approval of permits for construction of the residential streets associated with this detailed site plan, subject to DPW&T approval.
  7. 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.
  8. The following phasing schedule shall apply to the development of the subject site:
    - a. Prior to release of the 151st residential building permit for the subject site, permits for 100,000 sq. ft. of retail space in Pod D (as shown on CSP-03006) shall have been issued. Of this 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.
    - b. Prior to the release of the 301st residential building permit for the subject site, permits for an additional 100,000 sq. ft. of retail space in Pod D shall have been issued.
    - c. 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 currently approved CSP as amended CSP-03006/02).

- d. Prior to the release of the 701st residential building permit for the overall site (the entire 244.67± acre Woodmore Towne Centre site), 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.
- e. Prior to the release of the 500th residential building permit for the overall site (the entire 244.67± acre Woodmore Towne Centre site), permits for at least 150,000 sq. ft. of office space shall have been issued.
- f. Prior to the release of the 900th residential building permit for the overall site (the entire 244.67± acre Woodmore Towne Centre site), permits for at least 400,000 sq. ft. of office space shall have been issued.

Conditions (e) and (f) above, requiring building permits for office use at certain thresholds, 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 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. At no time may the minimum and/or maximum office ranges or the hotel space allocations of 360 rooms be converted to residential uses.

9. Prior to signature approval of this detailed site plan, the following revisions shall be made:
  - a. The plans shall be revised to include the alternative site layout as shown on Applicant's Exhibit 1, labeled Alternative Site Layout, dated September 25, 2008 by Lessard Group, Inc., and shall be updated to include the layout of the public utility easements.

- b. The architectural elevations for the clubhouse shall be revised so that no less than sixty percent of the three sides of the clubhouse shall be brick or stone. A dimensional shingle with a 30-year warranty shall be indicated. All detailing of exterior finish materials, including color palette, shall be provided for review and approval by the Planning Board or its designee.
- c. The Dakota traditional elevation and the Fairbanks Elevation A shall be deleted from the single-family detached architectural package, or those models shall be modified to display variations in roofline slope similar to that on other units. All models shall be revised as necessary to provide at least a 7:12 slope on the main gable of the unit and on any other parallel gables.
- d. Special paving materials shall be provided for the private sidewalks at the central recreational area and the entrance area into the community building, and at the corners associated with the traffic circles at the intersections of Campus Way North and Ruby Lockhart Boulevard, and Campus Way North and Geaton Park Place (which are outside of the public right-of-way) on the detailed site plan.
- e. The detailing and specifications shown on the architectural elevations of the community center shall be revised as follows:
  - (1) Meeting room large enough to accommodate seating for 100 persons.
  - (2) 750-square-foot fitness area with equipment.
  - (3) Kitchen (with a minimum of a double sink, standard-size refrigerator, dishwasher and large microwave) with lockable door(s).
- f. The multiage play area shown on the community center property and in the townhouse section of the development shall be revised to provide two separate play structures, one for age groups 2-5 years and another for 6-12 years.
- g. The landscape plans shall be revised to indicate the proposed locations of street trees within the public rights-of-way with dashed or shaded tree symbols.

- h. The plans shall be revised to comply with the standards outlined in the *Park and Recreation Facilities Guidelines*.
  - i. Where possible, the location of the shade trees along Campus Way North and Ruby Lockhart Boulevard shall be adjusted to place them between lead walks where there is sufficient area to allow for root growth and to reduce the possibility of the roots interfering with the alignment of lead walks in the future.
  - j. The landscape plan shall be revised to provide one tree in the front yard of all lots. Shade trees shall be used in the areas of the lots along a street line if there is sufficient area. Columnar varieties shall be used where necessary.
  - k. The plans shall be revised to add sidewalks and crosswalks in general conformance to Staff Exhibit A. All crosswalks shall be shown with interlocking pavers.
  - l. Retaining wall details shall be revised to reflect the details and specifications shown on DSP-07011, and are to be reviewed and approved by the City of Glenarden.
  - m. Modify the detailed site plan and all other relevant plans including the storm drain and paving plans to include the five-foot-wide sidewalks along both sides of all the internal residential roads consistent with approved CSP-03006.
  - n. The lighting fixtures shown on the plan shall be reviewed and approved by the City of Glenarden and the Urban Design Section. The lighting plan shall indicate the use of full cut-off light fixtures to minimize light pollution.
  - o. The plans shall show public utility easements along all roadways, public and private.
10. Prior to opening of Glenarden Parkway, all retaining walls are to be inspected and approved by the City of Glenarden.
11. Prior to the issuance of the first residential building permit for the subject site, the applicant shall submit to the Department of Parks and Recreation (DPR) detailed construction drawings for the construction of recreational facilities on park property, including a grading plan, layout, landscaping plan and construction details, and if required, a lighting plan and PA system plan. DPR shall have 180 days from the date of submittal to review and approve these plans. The applicant shall work with DPR to reduce any potential impacts that the lighting and public address systems, if required, will have on the two-over-two units along Campus Way North.

12. Three weeks prior to submission of a final plat, three original, executed recreational facilities agreements (RFA) shall be submitted to the 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.
13. A performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD for the multiage playground located within the townhouse section shall be submitted to DRD at least two weeks prior to applying for any townhouse building permits.
14. The developer, the developer's 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 future maintenance of the proposed recreational facilities, and to ensure that all future residents of the community as shown on DSP-07057 shall have access to the community center and its facilities.
15. The following schedule shall govern bonding and construction of recreational facilities within HOA land and shall be included in the recreational facilities agreement(s):
  - a. Prior to the issuance of the 100<sup>th</sup> residential building permit in the subject site, the applicant shall bond the community building and the associated recreational facilities.
  - b. Prior to the issuance of the 250<sup>th</sup> residential building permit in the subject site, the applicant shall complete the community building and the associated recreational facilities.
  - c. Prior to the issuance of the 226<sup>th</sup> residential building permit for townhouses and the two-family dwellings, the applicant shall complete the multiage playground located outside of the central recreational area.
16. Prior to certificate of approval of the plans, the applicant and the applicant's heirs, successors, and/or assignees shall submit for approval by the City of Glenarden and the Planning Board (or its designee) a detailed site plan for signage to provide the exact quantity, location and appearance of all signs in the development, all signs shall prominently state "at Glenarden" when reference to Woodmore or Woodmore Towne Centre is contained in the sign. 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.
17. To ensure a variety of lot sizes, at least 50 percent of the total single-family detached units shall be 6,000 square feet or larger, with no more than 30 percent at 5,000 square feet (per CSP-03006). Amendments to the plans with respect to this

paragraph are to be submitted to the City of Glenarden for review. Prior to certificate approval, the applicant shall provide verification to demonstrate that all single-family detached lots with a net lot area between 5,000 square feet and 6,000 square feet shall have lot frontages of at least 50 feet at the street line.

18. The applicant shall make a monetary contribution of \$250,000 in 2006 dollars toward the reconstruction of athletic fields at Glenarden Community Center Park. The applicant shall make a first installment of \$60,000 for design, engineering and permit fees prior to February 1, 2008. The remaining balance of \$190,000 (or more if adjusted for inflation) shall be paid prior to October 1, 2008 or prior to issuance of 50 percent of residential building permits, whichever comes first. If payments are not made according to the schedule above, no additional permits shall be issued. Beginning from the date of the first payment (\$60,000), the remaining balance due shall be evaluated and adjusted for inflation on an annual basis using the Consumer Price Index (CPI). Prior to the issuance of the first building permit (other than a permit for infrastructure construction) for any residential lot or parcel, if received prior to February 1, 2008, the applicant shall either post an irrevocable letter of credit or a surety bond in the amount of \$250,000 in order to guarantee the payment for the reconstruction of athletic fields at Glenarden Community Center Park.
19. Existing Glenarden Parkway shall not be connected to the development until such time as there are two other vehicular access points to the development, presumed to be Ruby Lockhart Boulevard and Campus Way. This condition shall not be read or interpreted as a change in the DSP-07011 requirement that the connection to Glenarden Parkway be constructed.
20. No clearing, grubbing or grading, except as required for sediment control shall occur within 150 feet of the rear lot lines of Lots 15, 16, and 17, Block F and Lots 25, 26, 27, 28, 29, and 49, Block E until Condition No.18 of DSP-07011 is satisfied.
21. Any revision to the DSP shall demonstrate conveyance of stormwater from Block F, Lots 15, 16 and 17, and Block E, Lots 25, 26, 27, 28, 29 and 49 in such a manner as to ensure it does not drain onto adjoining properties, as per approval by Prince George's County DPW&T, and to ensure compliance with Condition 37 of Preliminary Plan 4-06016.
22. Per conditions of approved DSP-07011, before the connection between Glenarden Parkway and the project is made available for use, the developer shall construct a traffic calming circle (Condition 19) on Glenarden Parkway and traffic calming devices (Condition 23) on adjoining City of Glenarden streets.
23. Prior to signature approval of DSP-07057 (Residential), the following revisions shall be made to be in general conformance with Applicant's Exhibit 1, labeled Alternative Site Plan Layout and Detailed Site Plan, dated September 25, 2008 by Lessard Group, Inc., subject to the review and approval of the City of Glenarden:
  - a. Parking shall be provided on a concrete parking pad tandem to the

garage to a minimum depth of approximately 19 feet (but not less than 18 feet) for all but 26 of the rear-load garages.

- b. The center court for Lots 51–61 and 62–72 in Block “O” shall not be less than 60 feet from face of building to face of building.
  - c. For rear load garage townhouses, add a minimum ten-foot-wide and four-foot-deep cantilevered deck at the rear of the unit.
  - d. All sidewalks shall be constructed to DPW&T cross section, but with a five foot width.
  - e. Place a multiage play area in open space in Block “O,” which generally adjoins side lots and not in front of townhouse units unless placement in the front is the last resort. Remove parallel parking spaces in front of the play area, align walkways appropriately and provide a four-foot-high non-climbable fence between the play areas and streets/alleys.
  - f. To promote the safety of the residents, the applicant shall submit a photometric plan to demonstrate approximately 1.25-foot candles along private streets and sidewalks.
24. Prior to signature approval of the DSP, the central recreation area should be revised to reflect the following:
- a. The multiage play area shown shall be revised to eliminate the seat wall, provide two separate play structures, one for age groups 2–5 years and another for 6–12 years. One swing set for age group 2–5 and another set of swings for 6–12 years, if room allows. The playground should meet ASTM and CPSC standards, and the Department of Parks and Recreation facilities guidelines.
  - b. Relocate the tennis court gate to a central location at mid court. Provide fencing for the tennis court per the Department of Parks and Recreation facilities guidelines.
  - c. Move the pool deck to the right rear of the community center and add arbor that connects with arbor currently shown on the plan, unless the area is required for stormwater management facilities.
  - d. The applicant will study moving the trash area to a less visible and safer location, allowing the reduction of parking spaces if needed.
  - e. Move the kiddie pool to the location currently showing “pool deck by others,” unless required for stormwater management facilities.

- f. Accent the vehicular entrances to the central recreation area with landscaping (perennials).
  - g. Parking provided in the central recreation area cannot be used to satisfy overall parking needs for the proposed development.
25. Neither the applicant, WTC Ventures LLC, nor its heirs, successors and/or assignees will, by act or omission, impair or prejudice the conversion to condominium of the rental units, to be built as part of the two mid-rise buildings referenced in this DSP.
  26. No townhouse lot shall be less than 1,266 square feet in size.
  27. The lot areas for each of the lots that are included in the Planning Board Resolution for DSP 07057 Lot Size Chart for townhouses shall remain as stated in the Resolution with the exception that for any lot listed at less than 1,266 square feet, that lot shall now be listed at a minimum of 1,266 square feet.
  28. The lighting and signage plan shall incorporate the precast capping detail and lettering detail incorporating the words “Woodmore Towne Centre at Glenarden” similar to what was approved for the commercial component in DSP-07011/01. Lighting shall be modified to provide for full cutoff light fixtures.
  29. The layout of the lots and parking shall be in substantial conformance with the most recent revision to Applicant’s Exhibit 1, which has been revised to provide no townhouse lot smaller than 1,266 square feet and which illustrates areas on driveway pads for parking. The two parking spaces proposed to be located between Lots 25 and 51, Block O shall be relocated.
  30. Prior to the certification of DSP-07057, the applicant will confer with the Staff of the Maryland–National Capital Park and Planning Commission (“M-NCPPC”) and conduct a survey to determine if trees abutting homes along Gary Lane in the vicinity of the stormwater management ponds, being 9215, 9217, 9219, 9221 and 9223 Gary Lane, are in need of removal to protect the property located at said addresses from damage. If it is determined that any trees should be removed, prior to issuance of building permits for Block F, the applicant shall take those steps necessary to obtain approval to remove said trees, and, if determined appropriate by M-NCPPC staff, shall provide and install additional substitute plantings as approved by M-NCPPC staff;.
  31. A sign stating “Woodmore Towne Centre at Glenarden”, shall be constructed, if approved by the Department of Public Works and Transportation and if a permit is issued by Prince George’s County, in the circle located at the intersection of Campus Way and Geaton Park Place by the applicant, at the same time as other signage is installed for the project. If necessary to fulfill this condition, the applicant will request an amendment to the DSP for infrastructure for the project

(DSP-07011) to provide for the sign.

- 32. For one-family attached (townhouse) end units which are visible from a public street, and all two-family dwelling units which are visible from a public street, the side (or end) walls from finished grade to cornice or gable shall be of brick or stone. On any unit which receives this treatment, the front façade of said unit shall receive the same treatment.

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:

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 Redis C. Floyd  
 Clerk of the Council