

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 25, 2008, regarding Detailed Site Plan DSP-07057 and Variance VD-07057 for Woodmore Towne Centre at Glenarden, Residential Section, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for 202 single-family detached units, 203 townhouses, 98 two-family dwellings and the future homeowners association community center.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential
Acreage	82.0	82.0
Lots	0	407
Units	0	202 single-family detached 203 townhouses 98 two-family dwellings
Parcels	1	19
Square Footage/GFA		
Single family detached	0	612,000
Townhouse	0	394,000
Two-family	0	200,000
Community Center		<u>3,500</u>
Total sq. ft.		1,209,500
Floor Area Ratio:		
Based on net tract area of the M-X-T Zone (238.67 acres)	0	0.12

3. **Location:** The site is in Planning Area 73, Council District 5. More specifically, the property is located on the north side of Landover Road (MD 202), approximately 550 feet northwest of its intersection with Saint Joseph's Drive, immediately adjacent to and east of the Capital Beltway (I-495/95). The residential portion of the site which includes 82 acres of the overall 244 acres of land is located in the northern portion of the property.

4. **Surroundings and Use:**

North: The overall property is bounded on the north by existing single-family detached subdivisions that are known as Glenarden Heights and La Dova Heights. Several existing streets terminate into the northern edge of the subject property; they are 7<sup>th</sup> Street, 9<sup>th</sup> Street, 10<sup>th</sup> Street and 11<sup>th</sup> Street.

East: The overall property is bounded on the east by two portions of a new single-family detached subdivision that is known as Balk Hill, dissected by a new extension of Campus Way North that will terminate at the eastern edge of the subject property.

South: The overall property directly to the south is the Saint Joseph's Roman Catholic Parish Center. Also, along the southern edge of the subject property is the currently terminated Saint Joseph's Drive and vacant property in the M-X-T Zone.

West: The overall property is bounded to the west by Landover Road (MD 202) and the Capital Beltway (I-495/95).

5. **Previous Approvals:** On March 14, 1988, the District Council approved Zoning Map Amendment A-9613-C, rezoning the subject property from the R-R to the M-X-T Zone subject to 11 conditions.

On January 23, 2006, the District Council approved Conceptual Site Plan CSP-03006, which proposed 900–1,100 residential units, including single-family detached units, single-family attached units (townhouses), multifamily units, stacked condominiums (stacked townhouses), 400,000–1,000,000 square feet of retail and 400,000–1,000,000 square feet of office subject to 25 conditions and one consideration.

Preliminary Plan of Subdivision 4-06016 was approved subject to 40 conditions on October 26, 2006. The plan proposed 1,079 dwelling units, 750,000 square feet of commercial retail, 1,000,000 square feet of commercial office and a 360-room hotel on 375 residential lots, 39 commercial lots and 17 parcels.

On September 24, 2007 the District Council reviewed and approved Detailed Site Plan for Infrastructure DSP-07011. On October 10, 2007, the case was appealed to the Circuit Court.

The subject property has an approved Stormwater Management Concept Plan (20908-2003-02) valid through February 5, 2011.

6. **Design Features:** The detailed site plan proposes approximately one-half of the dwelling units that were proposed for the development by the approved preliminary plan. The preliminary plan proposed 208 single-family detached lots, 162 townhouse units and 98 two-family dwellings, designed as what is commonly referred to as two-over-two units. The subject DSP plan proposes 41 more townhouse lots than were approved on the preliminary plan and also includes land area for a future multifamily structure, but the site planning and architecture for the multifamily building(s) are not included.

The single-family attached and two-family dwellings are located along the rights-of-way of Ruby Lockhart Boulevard and Campus Way North. Single-family detached development extends north and west of the more concentrated development near the intersection of these roadways. The townhouses and the two-family dwellings are designed with rear-load garages exclusively; therefore, all of these types of units are served by both a private street and an alley, which results in more asphalt than in a traditionally designed townhouse development which loads the garages from the front.

A central recreational area has been provided at the intersection of two residential streets that are centrally located within the development. The proposed recreational facilities include a 3,500-square-foot community building, a 25-meter swimming pool with a separate child's pool, a multiage playground, a multipurpose court, one tennis court and a parking compound for over 50 vehicles. In addition, there is a multiage play area within the open space of the site surrounded by townhouses.

ARCHITECTURAL MODEL DATA

The following architectural models for K. Hovnanian Homes are proposed:

<b>MODEL</b>	<b>BASE FINISHED AREA (SQ. FT.)</b>
<b>Single-Family Dwellings</b>	
Cambridge I	2,565
Cambridge II	2,835
Oxford	2,685
Glenmont	2,705
Delaware	2,658
Virginia I	2,402
Virginia II	2,736
Colorado	3,433
Maryland I	2,350
Maryland II	2,550
New Hampshire I	2,454
New Hampshire II	2,734
New York	3,300
Arizona	3,101
Multiage	3,700
Dakota	2,200
Cardiff III	2,802
York	3,442
Pennwood	2,540
Park Hollow	2,806
Fairbanks	2,631
Brentwood	2,918
<b>Townhouses</b>	
Melbourne	2,257
Avalon	1,865
Sawgrass	1,865
Muirfield	1,865
Doral	1,865
<b>Two-family (two-over-two)</b>	
Unit A	1,167
Unit B	2,350
Unit C	1,165
Unit D	2,350

7. **Section 27-548:** M-X-T Zone regulations establish standards for the development in this zone. Detailed Site Plan conformance with the applicable provisions is discussed as follows:

**(a) Maximum floor area ratio (FAR):**

- (1) Without the use of the optional method of development—0.40 FAR**
- (2) With the use of the optional method of development—8.0 FAR**

The applicant has proposed to use the optional method of development in this application by proposing a residential component to the overall development. This will potentially increase the floor area ratio (FAR) by 1.0 if more than 20 dwelling units are provided with the application. This DSP includes a total of 503 dwelling units and is eligible for this bonus.

The DSP proposes the use of the optional method of development, but has a FAR below 1.4. The proposed FAR is as follows:

<b>Uses</b>	<b>Square footage</b>
Single-Family detached	202 DUs = 612,000 SF
Single-Family attached	203 DUs = 394,000 SF
Two-Family dwellings	98 DUs = 200,000 SF
Residential Total	1,206,000 SF
Community Building	3,500 SF
Total	1,209,500 SF
Site: 238.67 acres	10,396,465.2 SF
FAR	0.12

The FAR for this DSP is much lower than the allowable FAR. As more development is proposed on the site through the submission of DSPs for the remainder of the site, the FAR will increase.

**(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The DSP complies with this requirement.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is applicable to this detailed site plan.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

See Finding No. 15 for a discussion of conformance to the Landscape Manual.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The DSP complies with this requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

The improvements for this project do not interfere with either the air space or the below-ground public rights-of-way.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The site's compliance with this requirement was established at the time of the review of the preliminary plan of subdivision. This detailed site plan has been reviewed and remains in conformance with this requirement.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size...**

This provision is the subject of Variance VD-07057, which is discussed below in Finding No. 8.

...and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and

**accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots.**

The plan adheres to the remainder of Section 27-548(h) of the Zoning Ordinance.

8. **Variance VD-07057:** Concurrent with the subject detailed site plan, the applicant submitted a variance request to Section 27-548(h) of the Zoning Ordinance in order to allow reduced sizes of townhouse lots below the minimum 1,800 square feet. Section 27-548(h) states the following:

**Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size...**

In order to justify this request, Edward C. Gibbs, Jr., and Haller, on behalf of the applicant submitted the following justification statement, dated August 29, 2008, that explains the reason for the reduced lot sizes, as well as the reconfiguration of unit types on the site:

“On September 29, 2005, the Prince George’s County Planning Board (“Planning Board”) approved the Conceptual Site Plan for Woodmore Towne Centre. The District Council reviewed and approved the Conceptual Site Plan on January 23, 2006. In approving the conceptual site plan, the District Council affirmed the Planning Board’s limitations on development to include 900 to 1,100 residential units of all types, up to 1 million square feet of commercial retail uses, up to 1 million square feet of office uses, and hotel uses consisting of 360 rooms and a conference center. At the time of the approval of the conceptual site plan, neither the Planning Board nor the District Council placed any limit on the number of townhomes to be constructed. The number of townhomes would be subject only to the percentage limitation for townhomes applicable in all zones. On September 21, 2006, the Planning Board approved the Preliminary Subdivision Plan for Woodmore Towne Centre (4-06016). On July 19, 2007, the Planning Board approved a Detailed Site Plan for Infrastructure (DSP-07011) for Woodmore Towne Centre. The Detailed Site Plan for Infrastructure was also approved upon review by the District Council on September 24, 2007. The instant detailed site plan is being filed in order to obtain approval for all residential units (excluding architecture for multifamily units) within that portion of Woodmore Towne Centre owned by WTC Ventures, LLC (“WTC”), the master developer of the residential component of the project.

“This variance application is being filed seeking relief from the lot area requirements for residential townhomes pursuant to the provisions of Section 27-548(h) of the Zoning Ordinance. That section provides that townhouses developed pursuant to a detailed site plan for which an application is filed after December 30, 1996 shall be located on lots at least 1,800 square feet in size. One of the townhome lots being proposed for Woodmore Towne Centre is less than 1,800 square feet in size, thus necessitating this variance.



“The master design scheme for Woodmore Towne Centre is to create an urban atmosphere utilizing planning concepts such as grid system blocks, dwelling units located near the streets for pedestrian-friendly design, rear access lots served by alleys between units, pocket parks, a central community center and a public area to serve the entire project. Throughout the initial planning stages for Woodmore Towne Centre over a course of several years, and during numerous meetings with staff of The Maryland-National Capital Park and Planning Commission, Woodmore Towne Centre was constantly urged to propose an overall site development which increased density and created an urban environment. This is of course a goal of the M-X-T Zone. The M-X-T Zone is only to be granted for properties meeting certain criteria. In this instance, the M-X-T Zone was warranted in part because the property was located at the intersection of two major highways (MD 202 and I-495). Some of the purposes of the M-X-T Zone, are to facilitate and encourage a 24-hour environment, encourage the blending of diverse land uses, create dynamic relationships among different uses, and promote optimum land planning through the use of economies of scale (Section 27-542). In short, the M-X-T Zone permits, and indeed encourages, a mix of uses at high densities.

“Originally, the applicant had envisioned 162 residential townhome units within the overall maximum range of 1,100 residential units permitted pursuant to the approval of the conceptual site plan. These townhome units were to be located north of Campus Way North and Ruby Lockard Boulevard which essentially bisect the Woodmore Towne Centre project. The area north of those thoroughfares consists of single-family detached residential, townhome residential and two-over-two residential units. South of those thoroughfares and within the town center area are four multifamily residential buildings which have retail uses on the first floor. Woodmore Towne Centre owns two of those multifamily sites. The land area subject to those two multifamily residential buildings is included within this application. However, given the fact that plans are presently being designed for those buildings, the architecture of those buildings is not included in this detailed site plan and instead will be the subject of a future revision.

“When originally proposed, these two multifamily residential buildings would have been a total of ten stories in height. Over the course of the last year, a request was made of Woodmore Towne Centre by Prince George’s County to accelerate the construction of these two multifamily buildings. This request was made in order to give a completed appearance to the town center portion of the project. Even more importantly, the anchor retail tenant, Wegman’s, felt a need to make smaller retail commercial space (such as is to be located on the ground floor of the multifamily buildings) available early in the development process. There was a concern not to have the commercial segment of Woodmore Towne Centre dominated by individual retail uses with large footprints. Further, the ability to lease smaller retail sites will create a synergy within Woodmore Towne Centre which will promote overall success for the entire project. Woodmore Towne Centre has expressed a willingness to bring these two buildings to the marketplace immediately. However, high-rise residential development over retail in the ten-story range is currently not feasible due to market conditions and due to construction

expenses which have increased dramatically over the last 24 months. Therefore, instead of a ten-story structure, Woodmore Towne Centre can only immediately bring forward five stories of residential uses above the first story of commercial retail space. The reduction in the size of these buildings has the obvious effect of reducing the overall number of residential units. In order to recover some of the lost residential units, changes have been made within the residential portion of Woodmore Towne Centre located north of Campus Way North and Ruby Lockhart Boulevard. One of those changes primarily impacts the residential townhome portion of the project. Woodmore Towne Centre now proposes to construct 203 residential townhomes, an increase of 40 townhomes. Two-over-two units are proposed to remain unchanged (98).

“The addition of residential townhome units necessitated a redesign of the land mass within the overall project which will accommodate the townhouse development. Some of the land area originally proposed to contain single-family detached residential units was amended to increase the land area allocated to residential townhouse development. Specifically, six single-family detached lots will be deleted and that land area will be added to the townhome component.

“Woodmore Towne Centre also took the opportunity to propose a reduction in the lot area of some of the residential townhouse lots below the normal required standard of 1,800 square feet. In order to authorize these smaller lots, the instant variance request is necessary. Approval of this variance will allow the approved density within the project to be met and to accomplish the County’s design and development goals for this area while adjusting to meet current market demand, which in turn will allow the project to remain viable at this important gateway location within Prince George’s County.

“As noted earlier, a portion of the total 203 proposed residential townhouse lots are requested to be less than 1,800 square feet in area. The smallest townhouse lot being proposed is 1,266 square feet. A total of 118 lots will be less than 1,800 square feet in area. However, the average townhome lot size will be 1,805 square feet. These are located within the interior of the residential section. All lots located along Ruby Lockhart Boulevard will remain at 1,800 square feet. Attached hereto as Exhibit “A,” is a table providing the breakdown of the various proposed lot areas for the townhomes.

“The criteria governing the grant of a variance are set forth in Section 27-230 of the Zoning Ordinance. That section provides that a variance may be granted when the Planning Board finds that:

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

“The applicant submits that in the instant case, there are numerous unique conditions relating to the land forming the subject matter of this application as well as the overall

tract of land which forms the site of Woodmore Towne Centre. There are also extraordinary situations and conditions which apply and which warrant the grant of the requested variance.

“Initially, it should be noted that the overall tract of land forming the site of Woodmore Towne Centre and consisting of 245 acres has a very unique shape. There are several angle changes constituting the boundary lines of the property. In particular, there are three different property boundary lines along the Beltway frontage of the property. At the extreme northern end of the Beltway frontage, the land area takes a sharp turn which creates an acute angle. More acute angles occur as the property boundary is outlined along the single-family detached land area constituting a portion of the City of Glenarden. A small panhandle exists along the southeast corner of the site near the intersection of St. Joseph’s Drive and Ruby Lockart Boulevard.

“If one is to restrict the analysis of this application to the residential component of the project forming the subject matter of DSP-07057, the land mass takes on an even more unusual shape. As has been described earlier, the residential portion of the project is located essentially north and east of Ruby Lockart Boulevard and Campus Way North, which bisect the overall property. The land area constituting the site of the two multifamily buildings which is included in this detailed site plan application, creates a further unusual shape to the property. In general, the portion of the land subject to this application has a triangular shape with an acute angle created where the park site intersects Ruby Lockart Boulevard. Therefore, the property does have an exceptional shape which satisfies the first criterion of Section 27-230 of the Zoning Ordinance.

“In addition, there are other extraordinary situations and conditions which apply to this variance. As noted above, the townhouse lots located along Ruby Lockart Boulevard will remain 1,800 square feet in area. The townhouse lots in need of the requested reduction in lot area are located more toward the interior of the townhouse development. The need for the reduction in lot area is really necessitated by the alley space between the rear of the individual townhouse lots. It should be noted that all of the townhome units have two-car garages and on-street parking is plentiful. However, the garages for the units are accessed by private alleys which will be owned by the homeowners association. If the lot line for the individual townhouse lots were allowed to extend to the centerline of the alley (as is the case in some other jurisdictions in the Metropolitan Washington area), there would be no need for this variance as all lots would be substantially more than 1,800 square feet in area. Therefore, while some of the lots will actually be less than 1,800 square feet in area, the appearance of the lots will be that they are in fact at least 1,800 square feet in area. The applicant submits that this in and of itself constitutes an extraordinary situation or condition which pertains to this development. Also, the applicant could elect to construct identical units and sell them as condominiums. This could be done without a variance as there would be no individual lots. However, the applicant prefers not to do this as it believes fee simple ownership is a superior alternative.

“It is submitted that a further extraordinary situation and condition exists in this case. As noted above, throughout the planning process for Woodmore Towne Centre, staff of M-NCPPC encouraged higher densities and urban design standards to be applied to this site. That of course also is in line with the purposes of the M-X-T Zone. Therefore, throughout the design and initial review processes, additional density was continually added to Woodmore Towne Centre in order to create a development concept conforming to new town center/new urbanism standards. In creating this unique urban environment, the applicant believes all parties understood that certain deviations from typical standards of development within the Zoning Ordinance would be necessary. The variance being requested in this instance constitutes one of those deviations.

“It should be noted that the smaller lot sizes being requested will have little or no impact on the ability to recreate within Woodmore Towne Centre. There are numerous trails which meander through Woodmore Towne Centre. Further, the applicant, in conjunction with the developer of the commercial component of Woodmore Towne Centre, has agreed to dedicate an 11.7± acre public park site. The applicants have further agreed to construct major improvements within the park including the first artificial turf playing surface for The Maryland-National Park and Planning Commission owned facility in Prince George’s County. Additionally, a recreational area, internal to the residential component, including a clubhouse, pool and tennis courts will provide further recreational amenities for all of the residents of Woodmore Towne Centre. Therefore, the grant of this variance to allow smaller lots will not result in any diminution in the quality of life for residents in Woodmore Towne Centre. The entire recreational package being provided far exceeds the typical requirement for a community of this size and offers numerous alternatives to backyard activities as is appropriate in a town center development. The unique interface of the townhouse lots with the public park allows residents of the townhome component to walk directly to the 11.7± acre public park site in order to recreate.”

The applicant’s argument that the overall site is unique in its shape is valid for the reasons the applicant provides. In addition, the site has unique topographic and natural features including steep slopes, floodplain and wetlands. The applicant’s agreements concerning other extraordinary situations and conditions are also valid for the reasons set forth by the applicant and staff.

**“2. The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.**

“The applicant further submits that the requirement for 1,800 square foot lots for townhomes in the M-X-T Zone is simply not appropriate. The requirement to provide townhouse lots that are 1,800 square feet in area emanates from the original townhouse net lot area requirements applicable to the R-T Zone pursuant to Section 27-442(b), Table I in the Zoning Ordinance. The R-T Zone is of course a Euclidian residential zone. It

primarily envisioned the development of residential townhomes in a suburban setting. That is contrary to the purposes of the M-X-T Zone, which encourages urban, as opposed to suburban, development. In fact, one legislative change to Section 27-548(h) of the Zoning Ordinance has already occurred pursuant to the enactment of CB-40-2002. That legislation removed the minimum lot size requirement, as well as other development regulations, for townhomes in the M-X-T Zone where the property in question was situated within one-half mile of an existing or planned mass transit rail station operated by the Washington Metropolitan Area Transit Authority. The applicant submits that the enactment of this legislation, authorizing townhome lots with no minimum net lot area, is an acknowledgment that the traditional requirement for 1,800 square foot lots in the M-X-T Zone may be inappropriate, given the facts and circumstances of a particular case. The applicant submits that Woodmore Towne Centre constitutes such a case given the desire of staff and the applicant to create a vibrant urban environment where residential uses will freely interface with commercial office and commercial retail uses oriented within a town center concept.

“It is important to note that the Maryland Court of Special Appeals has held a distinction exists between use variances and area variances. The variance application being considered in this case is in fact an area variance as it deals with a development regulation concerning net lot area. A lower burden of proof is required of an applicant seeking an area variance (Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d. 220, 1974). Further, Anderson also holds that where an area variance is being requested, an applicant is not required to prove the existence of both practical difficulty and undue hardship. Instead, when requesting an area variance pursuant to an ordinance such as that contained in the Prince George’s County Zoning Ordinance, in Section 27-230, an applicant is only required to show the existence of practical difficulty. In Anderson, the Court of Special Appeals opined that in proving practical difficulty, an applicant need only show that requiring strict conformance with the terms of the restriction in question (1), “...would unreasonably prevent an owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome”, (2) whether grant of the variance applied for would do substantial justice to all involved, and (3) whether relief can be granted so that the spirit of the ordinance in question can be observed (See Anderson, page 39).

“In this instance, the variance being requested by Woodmore Towne Centre more than satisfies the practical difficulty standard articulated in Anderson. As noted earlier, the applicant has increased the number of residential townhomes in an effort to recover some of the density lost as a result of the mandate to bring the multifamily residential units to the marketplace immediately. This is a request made of the applicant by Prince George’s County in order to promote the overall success of the commercial component of the development. While the applicant is not expressly offering those operative facts as part of the justification for the variance, it does support the conclusion that the need for the variance is not a self-created hardship. Further, it is clear that requiring compliance with the 1,800 square foot net lot area requirement would, under the facts and circumstances

of this case, render conformity with the normal net lot area requirement unnecessarily burdensome. This is particularly true given the fact that there has been an acknowledgment within Prince George's County, through the enactment of legislation referenced above, that the 1,800 square foot lot area requirement for townhouse lots in the M-X-T Zone, in many instances, may be inappropriate and inconsistent with the goals and objectives of the M-X-T Zone. It should also be noted that the applicant is not exceeding either the total number of residential units permitted pursuant to the approval of the conceptual site plan for Woodmore Towne Centre or the percentage of townhomes (20%) authorized within the overall development.

“It is also clear that the grant of the variance being requested in this instance will do substantial justice to the applicant as well as other property owners. Granting the variance will in fact allow Woodmore Towne Centre to recover some of its lost density as a result of having to bring the multi-family units to the marketplace immediately. Granting the variance further assists the owner and developer of the commercial component of Woodmore Towne Centre in that the immediate development of the multi-family units allows the ground-level commercial retail space to be made available sooner, thus promoting the overall success of the town center component of the project. Further, since the townhouse lots in question are located in the interior of Woodmore Towne Centre, the size of the lots will have no adverse impact whatsoever on any other residential uses located on adjoining properties. Given these facts and given the overall review authority which the staff of M-NCPPC, the Planning Board and the District Council exercise in approving a detailed site plan, the spirit of the Zoning Ordinance will be observed and the public safety and general welfare will be secured.”

The applicant's argument on this aspect of the variance requirements is reasonable considering the provision of the conceptual site plan that gives the Planning Board the authority to modify the standards, as stated in Condition 13 of CSP-03006. The CSP noted that all townhouses are subject to the requirements of Section 27-548(h) of the Zoning Ordinance, but recognized that the modifications of standards could be allowed if “it can be found that the modifications will improve the quality and functioning of the community.” Staff agrees that the reduction in lot sizes will improve the quality and functioning of the community if additional green area is provided. The amount of usable green space within the common areas has diminished with each subsequent plan of development. The green area was reduced from the conceptual site plan to the preliminary plan and then reduced further from the preliminary plan to this detailed site plan.

**“3. The variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.**

“Finally, the grant of this variance will not substantially impair the intent, purpose or integrity of the General Plan or the Master Plan. The General Plan places the Woodmore Towne Centre property within the Developing Tier, thus recommending its development. The master plan clearly placed the Woodmore Towne Centre property in a striped pattern thus recommending a mix of commercial and residential uses. Further, conformance to

the master plan recommendations has been found not just in the 1988 rezoning of the subject property, but in the review and approval of the conceptual site plan, authorizing a maximum of 1,100 residential units of varying types.”

The granting of the variance from the minimum 1,800-square-foot size will not impair the purpose or integrity of the General Plan or master plan, based on the applicant’s reasoning above, if sufficient green area is added into the design of the community. The variance application was filed with the original detailed site plan. During the review of the detailed site plan, the staff continually worked with the Applicant and the City to improve the design of the townhouse and two-over-two section of the development. This resulted in an alternative site layout for the townhouse and two-over-two area being filed along with an amended justification for the variance. The staff continued to work with the Applicant and the City to make further improvements to this area of the plan. Included were requests by the staff to add more green area and open space to the layout and improve views into the townhouse area of the development. This led to the applicant filing a final revised layout. A DVD which included three drawings showing the final revised layout was submitted to the Planning Board. The layout was reviewed at the time of the hearing by the Planning Board and was marked as Applicant’s Exhibit 1. The Planning Board agrees that the final layout represents a further improvement and that the new design should be incorporated into the plans prior to signature approval and certification of the detailed site plan pursuant to Condition 9(a) and 23. The revision to the townhouse area of the development, which added green area, had the effect of causing a further reduction in net lot area with a corresponding impact on the variance. At the time of the hearing, Staff indicated that the smallest lot would be approximately 1,100 square feet. In actuality, the smallest lot will be 1,180 square feet. The requested variance from the net lot area requirement was therefore approved authorizing a minimum net lot area of 1,180 square feet, with the following minimum lot sizes approved for each lot less than 1800 square feet, as indicated in Applicant’s Exhibit 1:

<u>BLOCK</u>	<u>LOT</u>	<u>LOT AREA</u>	
O	34	1280	WOODMORE TOWNE CENTRE AT GLENARDEN
O	9	1180	DSP-07057 & DDS-591
O	10	1180	<b>Proposed Lot Size Chart</b>
O	11	1180	ALTERNATIVE DETAILED SITE PLAN
O	14	1180	Dated: 25-Sep-08
O	15	1180	K.HOVNANIAN KHV034A
O	16	1180	
O	17	1180	
O	52	1400	
O	53	1400	
O	54	1400	
O	57	1180	
O	58	1180	
O	59	1180	

<u>BLOCK</u>	<u>LOT</u>	<u>LOT AREA</u>
O	60	1180
O	63	1180
O	64	1180
O	65	1180
O	66	1180
O	69	1380
O	70	1180
O	71	1180
U	11	1418
U	12	1418
U	13	1418
U	14	1418
U	18	1418
U	19	1418
U	20	1418
U	21	1418
U	25	1418
U	26	1418
U	27	1773
U	30	1418
U	31	1418
U	32	1418
U	37	1418
U	36	1418
O	35	1280
O	36	1280
O	2	1400
O	3	1400
O	4	1400
O	5	1400
O	44	1280
O	46	1280
O	47	1280
O	48	1280
O	49	1280
O	8	1180
O	72	1180
O	40	1280
U	2	1414
U	3	1414
U	4	1414
U	7	1410
O	41	1280



<u>BLOCK</u>	<u>LOT</u>	<u>LOT AREA</u>
P	27	1519
P	19	1400
P	20	1400
P	21	1400
P	22	1400
P	25	1527
P	26	1516
O	21	1400
O	22	1400
O	23	1400
O	24	1400
O	28	1280
O	29	1280
O	30	1280
U	42	1437
U	43	1437
O	42	1280
U	28	1773
U	35	1418
Q	14	1640
M	17	1417
M	16	1440
M	15	1465
Q	13	1688
M	14	1481
P	10	1700
O	43	1280
M	5	1297
M	23	1724
Q	12	1732
M	22	1739
M	21	1740
M	26	1741
M	27	1740
M	20	1741
M	29	1741
M	28	1743
P	16	1726
P	15	1744
P	14	1753
M	4	1347
M	32	1774
Q	11	1781

<u>BLOCK</u>	<u>LOT</u>	<u>LOT AREA</u>
P	11	1766
Q	10	1796
M	3	1396
M	2	1448
U	5	1410
U	6	1410
M	10	1347
M	9	1397
P	23	1790
O	12	1770
O	13	1770
O	56	1770
O	67	1770
U	29	1418
U	34	1773
O	61	1770
M	8	1447
U	17	1418
U	24	1418
M	6	1551
O	18	1180
O	37	1280
O	73	1280
O	62	1770
O	7	1710
M	12	1552
U	41	1437
M	11	1298
O	27	1280
O	31	1280
U	40	1437
L	1	1759
U	10	1418
O	19	1770

9. The detailed site plan is in general conformance with the requirements of a detailed site plan in the M-X-T Zone, except for Section 27-548(h) of the Zoning Ordinance, a provision that addresses the size of the lots for townhouses and that is the subject of the variance discussed above, in Finding No. 8.
10. The detailed site plan is in general conformance with Zoning Map Amendment A 9613-C, which became effective September 5, 2007. The following conditions warrant discussion and relate to

the review of the subject detailed site plan:

- 1. Development within the retail town center should be oriented inward with access primarily from internal streets. Offices and hotels located along the site's frontage on the Capital Beltway and at its entrance from St. Joseph's Drive may be oriented toward the Capital Beltway and the project entrance, respectively. A connection shall be made from the single-family detached component to Glenarden Parkway. Individual building sites shall minimize access to Campus Way and St. Joseph's Drive. The Planning Board or District Council, as appropriate, shall approve access points onto these thoroughfares at the time of detailed site plan approval.**

This condition applies to the residential portion of the development only in regard to the vehicular connection to Glenarden Parkway. The plan for the previously approved DSP for infrastructure provided the vehicular connection to Glenarden Parkway and St. Joseph's Drive. The plans indicate the connection to the site from Campus Way North as limited access. The access points have been reviewed by the Department of Public Works and Transportation (DPW&T) as well as the Transportation Planning Section and have been found to be acceptable.

- 2. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent residentially zoned land.**

During the review of the tree conservation plan I (TCPI) for the subject site, the areas of contiguous woodlands were evaluated and priority areas were shown to be preserved on the approved TCPI. The streams and the woodlands in their associated buffers are shown to be preserved to the fullest extent possible.

- 3. Development of the site shall be in accordance with parameters provided in the approved Conceptual Site Plan (CSP-03006) (Exhibits 6(b) and 23 herein), as revised from time to time.**

Exhibits 6(b) and 23 are the order affirming the Planning Board's decision with modifications dated January 23, 2006, and the approved Conceptual Site Plan, CSP-03006, respectively. The detailed site plan will be in conformance with both, given the fact that additional green area has been added into the design and will be shown on the detailed site plan prior to certification pursuant to Conditions 9(a) and 23 of this approval.

- 4. 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.**

This condition is proposed to become a condition of the detailed site plan in order to ensure its enforcement.

- 5. Each Detailed Site Plan shall include a status report identifying the amount of approved development and the status of corresponding required highway improvements, including the proposed bridge crossing the Capital Beltway. In approving a Detailed Site Plan, the Planning Board shall find that the Plan conforms with approved staging requirements. The applicant shall design the highway improvements, in consultation with DPW&T, to minimize the addition of traffic loads onto Lottsford Road.**

This condition requires that a status report of the amount of approved development and the status of the corresponding transportation conditions be provided. Furthermore, it requires that the Planning Board find that each detailed site plan conform to the staging requirements. Finally, it is required that roadway improvements be designed to minimize the site's traffic impact on Lottsford Road. The status report was provided in conjunction with the review of the detailed site plan. The determination in the report that all improvements are under design is acceptable. Therefore, the Planning Board found that the current plan is in accordance with the approved transportation staging requirements. Furthermore, with the improvements being constructed, there is a stronger reliance on directing traffic toward the MD 202/St. Joseph's intersection with less reliance upon the use of Lottsford Road to access the uses on this site.

- 6. The District Council shall review for approval the Conceptual Site Plan, the Detailed Site Plans, and the Preliminary Plan of Subdivision for the subject property.**

The District Council will review this and all future detailed site plans. The District Council approved Conceptual Site Plan CSP-03006 on January 23, 2006. The Planning Board approved Preliminary Plan 4-06016 on October 26, 2006. The District Council approved the DSP for infrastructure, DSP-07011, on October 10, 2007. Pursuant to Maryland State law, it is not within the jurisdiction of the District Council to hear preliminary plans of subdivision.

11. The detailed site plan is in general conformance with Conceptual Site Plan CSP-03006 and the applicable conditions of approval. The following conditions are relevant to the review of the detailed site plan:

- 1. Prior to certificate approval, the plans shall be revised as follows, or the indicated information shall be provided on the plan:**

**Approved development for CSP-03006 is subject to the following minimum-maximum ranges:**

**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. below)**

**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 and office 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 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.**

The subject detailed site plan encompasses the entire area shown on the Conceptual Site Plan as Pod F. Development proposed in this detailed site plan conforms to the approval ranges. To insure conformance with phasing requirements, this condition should be carried over to the approval of the subject plan to ensure its enforcement. The condition is clarified to confirm that Pod F is the land area subject to this detailed site plan.

- 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.**

The subject detailed site plan encompasses the entire area shown on the conceptual site plan as Pod F. This condition should be carried over to the approval of the subject plan to ensure its enforcement and clarified to confirm that Pod F is the land area subject to this detailed site plan.

- iii. Of the first 500 residential permits, at least 108 shall be in Pod D.**

The subject detailed site plan encompasses the entire area shown on the conceptual site plan as

Pod F. Pod D is shown as the area south of Ruby Lockhart Boulevard and west of the main street within the primarily commercial portion of the development. This condition has been clarified to reflect that Pod D is not part of this detailed site plan. The clarification occurs in Condition 8(c) of this approval.

- 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.**

This condition should be carried over to the approval of the subject plan to ensure its enforcement, since the subject application contains residential development.

- v. Permits for at least 150,000 square feet of office space shall have been issued, prior to release of the 500th residential permit.**

This condition should be carried over to the approval of the subject plan to ensure its enforcement, since the subject application contains residential development.

- vii. Permits for at least 400,000 square feet of office space shall have been issued, prior to release of the 900th residential permit.**

This condition should be carried over to the approval of the subject plan to ensure its enforcement, since the subject application contains residential development.

- 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.**

The applicant has submitted a copy of a representation agreement dated March 24, 2006, between Petrie/ELG Inglewood, LLC and Jones Lang LaSalle Americas, Inc., which is attached to the back-up. The agreement is not executed. No other information concerning the reporting and meeting requirements in the condition above has been provided.

- 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.**

This condition requires that all three of the uses above be developed within the project. This detailed site plan provides for one of the three uses required.

- 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.**

The area of the land was identified on the conceptual site plan as Pod B, Hotel and Conference Center. The time frame in which the County has the opportunity to market the land area for development as an office use continues to be valid, if the applicant has not "secured another buyer and/or user for the subject land area."

- h. Standards shall be submitted for the architectural appearance (size, massing, character, materials, details) of the office, retail and recreational**

**buildings.**

The preliminary architectural elevations and floor plans for the community building have been submitted for review as part of this application. The plans indicate an approximately 3,500-square-foot, one-story building clad in stone and horizontal siding. No actual delineation of the exterior finish materials has been provided. Staff recommended and the Planning Board agreed, that the architectural elevations be revised to incorporate 60 percent brick on three sides of the building, to include all the areas shown as horizontal siding. The plans should also reflect a dimensional shingle with a 30-year warranty on the architectural drawings, and that the plans be placed in a final format prior to signature approval.

- 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.**

As required by this condition, the community center located within the homeowners association land is shown on the footprint as approximately 50 feet by 70 feet in size, or approximately 3,500 total gross floor area. The conceptual site plan was approved with the following recreational facilities which are shown on the detailed site plan and associated architectural drawings:

Community Center—land area is shown on the detailed site plan as 2.43 acres.  
Meeting room  
Lounge  
Kitchen  
Fitness Center  
Office  
Bathhouse facilities

None of the facilities above have been dimensioned on the plans and the details of the kitchen have not been delineated. The following details of the facilities should be provided prior to signature approval of the plans:

- Meeting room large enough to accommodate seating for 100 persons
- 750-square-foot fitness area with equipment
- Kitchen (with a minimum of a double sink, standard-size refrigerator, dishwasher and large microwave) with lockable door(s).

The outdoor facilities, as shown on the conceptual site plan and included on the detailed site plan, include the following:

- 25-meter swimming pool and accessory child's pool
- One tennis court
- One multi-age play area
- One multipurpose court



- Parking facility for 50+ vehicles

All of the outdoor facilities are shown on the plan, but the multiage play area is not shown correctly. The concept of a multiage play area is that the facility provides a play structure for age group 2–5 and another separate one for 6–12 years of age. The plans should be revised prior to signature approval to indicate this all-inclusive type of facility.

- k. The total number of stacked townhomes (two over two units) shall not exceed 98 units.**

The proposed number of stacked townhomes (two over two units) is 98 units.

- 2. Prior to or concurrent with the submission of any detailed site plan for any development parcel, the applicant and the applicants 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.**

The application only proposes signage for the subject site (residential component), not for the overall development contained in the CSP. However, in order to satisfy this condition, the applicant also submitted a copy of the proposed signage plan for the commercial component of the project. The signage proposed for the site is not particularly elaborate or decorative. There appears to be two types of signage proposed; each is the same size, approximately 5.5 feet in height by 8.5 feet in width, with stone veneer over a concrete masonry interior structure, and a precast decorative concrete cap. The signs are different only in regard to the panel wording. A painted aluminum panel with mounted letters is proposed to indicate the names of the two sections of the community. These signs are placed throughout the community at each of the traffic circles along Campus Way North and Ruby Lockhart Boulevard. Another sign is proposed within the median of the street connecting the project to existing Evergreen Parkway. In order to address staff concerns, the Planning Board has added Condition 16 to this approval. The DSP should be reviewed by the City of Glenarden and community stakeholders, as well.

- 2(a) 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.* [emphasis added]

This condition requires that the applicant submit a full traffic study at the time of preliminary plan of subdivision. This study was done, and includes two major intersections within or adjacent to the City of Glenarden. Further work was required at the time of the initial detailed site plan to perform a study showing the effects of the proposed connection between the project and Glenarden Parkway. This study was submitted on June 29, 2007, during review of DSP-07011, and the findings were acceptable and consistent with the findings made at the time of preliminary plan. No transportation adequacy findings are required as a part of this detailed site plan.

- 3(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.**

The plans do not show any street tree plantings, although a row of street trees is anticipated to be planted in the public right-of way. The plans should be revised pursuant to Condition 9(g) to locate street trees in the right-of-way as required and shown on the stormdrain and paving plans for the project. The subject DSP shows trees on the lots, fulfilling the requirement for the inside row of street trees.

- 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.**

The Planning Board included the above as a condition, as some modifications of the recreational areas are necessary to bring them fully into conformance with the guidelines.

- 5. The recreational community center of Residential Pod F shall be located on the homeowners association land and shall be available to all residents of Pod F.**

The homeowners' association documents will ensure that the community center will be available to all the residents of Pod F, which is the subject of this detailed site plan.

- 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.**

The condition above has been included in the recommendation section of this report to ensure its enforcement.

- 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 weeks**

**prior to applying for building permits for the section or phase in which the specified facilities are located.**

The condition above has been included in the recommendation section of this report to ensure its enforcement.

- 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.**

The condition above has been included in the recommendation section of this report to ensure its enforcement and to ensure that the community center will be available to all of the future residents.

- 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 Department of Parks and Recreation (DPR) approval.**

The applicant has obtained approval from the Department of Parks and Recreation (DPR) to locate one of the play areas and one picnic area on the public park. One multiage playground has been left to remain on the site outside of the central recreational area. It is located in the townhouse section of the development in accord with Conditions 9(f) and 23(e) of this approval.

**Central recreational area on a minimum of two 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**
- **Five-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.**

As required by this condition, the plans generally demonstrate conformance to the condition above, but some detailing of the plans is still necessary to ensure implementation in accordance with the condition, as well as conformance to the *Park and Recreation Facilities Guidelines*. Condition 9 has been added to this approval to insure this implementation.

**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.**

This condition is problematic because it allows for the development of two-family dwellings (98 units) and the townhouses (203 units) plus 100 single-family detached units or 401 dwelling units before bonding would occur. It appears that at the time of the conceptual site plan, the condition was based on a mistaken assumption that a central recreational facility area would be used only by the single-family detached units. Staff recommended that this condition be revised to delete the words, "single-family detached," so that the applicant could pull 99 permits for the development of any of the residential unit types and then would be required to bond the central recreational facilities. This clarification appears in Condition 15(a).

- 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.**

This condition is also problematic because, as currently designed, the entire development contains only 200 single-family detached units. Therefore, in keeping with the practice of requiring recreational facilities to be constructed and open for use in the early stages of the development, staff recommended, and the Planning Board agrees, that the condition be revised to require the completion of the central recreational facilities prior to the release of the 250th residential unit of any kind (attached, detached or two-family dwelling) pursuant to Condition 15(b) of this approval.

- 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.**

Pursuant to Condition 15(c) herein, the Planning Board clarified the condition above so that the multiage playground, which is located separate from the community center, be required to be built at the time of the development of the townhouse section around it, and not later than the release of 75 percent of the townhouse and two-family dwelling units combined, which would be approximately 226 building permits.

- 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.**

Two-family residential dwellings are proposed to be located within the unmitigated 65 dBA Ldn noise contour; however, because these types of units do not have outdoor recreational areas that would be affected by outdoor noise and because normal construction practices generally reduce noise for interior living areas by 20 dBA, no additional mitigation measures are necessary 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.**

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

**A minimum of 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 percent of the front facade shall be masonry.**
- **No less than ten percent 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.**

In regard to the requirement that 75 percent of the front façade shall be masonry, the Planning Board required 75 percent of the units to have full brick or stone fronts. It was recognized by the Planning Board that it would be difficult to administer the issuance of building permits with the previous requirement that 75 percent of each façade be masonry. The clause allows the Planning Board to modify the development standards consistent with this proposed change and the approval of the variance to the minimum lot size of 1,180 as presented at the public hearing on the alternative site layout.

**14. At the time of detailed site plan, the following standards shall be observed:**

- a. **Sixty percent 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 Department of Public Works and Transportation (DPW&T) and/or the City of Glenarden as appropriate prior to or by the time of approval of the appropriate detailed site plan.**

The applicant originally proposed a combination of stone and siding for the clubhouse. However, applicant agreed that brick was required. Pursuant to Condition 9(b), the applicant must demonstrate conformance to this requirement prior to signature approval. In regard to condition 14(b), the Planning Board deleted units without any variation in roofline, pursuant to Condition 9(c). The architectural plans will be improved, and the ultimate appearance of the project from the street line will be improved. The location and details of proposed light fixtures were reviewed and approved by the City of Glenarden at the time of the infrastructure DSP-07011 for the major streets only. The Planning Board required that full cut-off light fixtures be used in the residential

areas to minimize nighttime light pollution. A condition was incorporated into the approval of the DSP for infrastructure requiring the use of the approved fixture and/or coordinating fixtures throughout the entire development.

- 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.**

The central recreation area is part of the subject DSP but the detailing of the entrances to the multifamily development is not proposed with this DSP. The plans do not include special paving material for the central recreational area. There are two additional locations that will be improved with special paving, the corners associated with the traffic circles along Campus Way North and Ruby Lockhart Boulevard, both of which are the subject of this DSP pursuant to Condition 9(d) of this approval.

- e. A double row of 2½- 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 a road segment shall not be required to be a boulevard with median.**

Part of the condition above was addressed with the DSP for Infrastructure that proposed to create the public streets. In regard to the double row of street trees, this has been accomplished by placing shade trees on the lots and common space along the inside edge of the sidewalk. However, the location of some shade trees should be adjusted to place them between lead walks where there is plentiful area to allow for root growth and to reduce the possibility of the roots interfering with the alignment of lead walks in the future. This minor revision should be addressed prior to signature approval of the plans.

- 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.**

The detailed site plan has re-oriented units so that the front façades of the buildings are located onto Campus Way North, by that means fulfilling the condition.

- g. The location of future pedestrian connections, crosswalks, and proposed locations for bus stops, shall be shown on the plans.**

Crosswalks should be provided at each traffic circle and articulated with interlocking pavers to match the previously approved details shown on DSP-07011. The plan shows no bus stops. Communications with the transit operators have indicated that these agencies cannot review the

placement of bus stops until uses are actually proposed. Any of the streets shown on this plan can be modified with a bump-out to serve bus vehicles or a shelter to serve passengers once it is determined that it would be appropriate. Compliance with this condition will be checked as subsequent site plans are submitted.

- 15. Prior to the approval of a preliminary plan of subdivision and detailed site plan, the plans shall reflect the total number of single family detached residential units. No more than 30 percent shall have lot frontages of 50 feet at the street line.**

The plans show the total number of single-family detached lots. Prior to signature approval and prior to final plat approval, final engineering and lot computations should be completed. It should be emphasized that the alternative schematic layout proposed by the applicant for the townhouse section of the development, does not contain a sufficient degree of engineering detail (e.g., spot grades and final lot sizes) upon which to approve final plats for the single-family lot areas of this development. Therefore, the Planning Board adopts a condition to require that the parameters regarding lot frontages in Condition No. 15 of CSP-03006 above have been adhered to.

- 16. The following transportation-related conditions shall be fulfilled:**

- a. The applicant and the applicant's heirs 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 fourth through lane along MD 202, from Lottsford Road to the northbound I-95 ramp, approximately 3,600 linear feet.**
  - iii. Add a fourth through lane along MD 202, from I-95 to Lottsford Road, approximately 3,600 linear feet.**
  - iv. Add a double left-turn lane along MD 202 to northbound St. Joseph's Drive, approximately 900 linear feet.**
  - v. Rebuild and install the traffic signal at the intersection of MD 202 and St. Joseph's Drive.**
  - vi. Reconstruct St. Joseph's Drive from MD 202 to Ruby Lockhart Drive to six lanes in width.**
  - vii. In addition to making the improvements set forth above, the applicant and the applicant's heirs its successors and/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 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 pro-rata bases. 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.**

This condition enumerates several conditions that were determined to be necessary for adequacy at the time of conceptual site plan review. Subcondition (vii) requires that the amount of the road club fee be determined at the time of preliminary plan. Subcondition (viii) requires that the timing for the construction of the improvements in (i) through (vi) be determined at the time of preliminary plan. All of these improvements will be required at the time of building permit for this Phase. Transportation adequacy findings are not a required or appropriate part of the review and approval of a detailed site plan.

- 16(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.**

Cross-sections for future City of Glenarden streets have been approved by the City.

- 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.**

These connections are made through the standard and wide sidewalks provided along all internal roads. Major connections include wide sidewalks and in some cases designated bike lanes. Sidewalk widths for the subject application are discussed below and addressed in the conditions.

- 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.**

Road cross sections for all internal roads have been approved through CSP-03006 and DSP-07011. Standard or wide sidewalks are included along both sides of all roads and designated bike lanes are included along some corridors. Roads designated as boulevards have the wide sidewalks and in some cases designated bike lanes. The road cross sections included in DSP-07011 were approved by DPW&T and the City of Glenarden.

**c. Provide sidewalks or wide sidewalks along both sides of all internal roads.**

Road cross sections for all internal roads have been approved through CSP-03006 and DSP-07011. Standard or wide sidewalks are included along both sides of all roads and designated bike lanes are included along some corridors.

**d. Provide the trail connection through the park and/or school site from Campus Way North to the pedestrian walkway south of area "C."**

The park trail has been addressed through the park concept plan approved as part of DSP-07011. This concept plan includes a loop trail through the proposed parkland with connections to Campus Way North, Ruby Lockhart Boulevard, and the land uses to the south.

**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.**

Trail and sidewalk facilities were evaluated through the DSP for Infrastructure (DSP-07011). Comments regarding sidewalk widths in the subject application are made below and are included in the conditions.

**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."**

At the time of the review of the DSP-07011 for Infrastructure, the Department of Parks and Recreation staff reviewed the mass grading, street grading, street trees and lighting, utilities, stormwater management, retaining walls, and proposed lot lines, etc. The size of the dedication area was reduced to 11.73 acres, consistent with the acreage shown on the preliminary plan.

**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.**

The Department of Parks and Recreation reviewed and approved the concept plan.

- 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.**

The plans have been submitted. Condition 11 of this approval addresses this requirement.

- 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.**

Two-family residential dwellings are proposed to be located within the unmitigated 65 dBA Ldn noise contour; however, because these types of units do not have outdoor recreational areas that would be affected by outdoor noise and because normal construction practices generally reduce noise for interior living areas by 20 dBA, no additional mitigation measures are necessary to meet the state noise standards. No additional noise mitigation measures are necessary to meet the state noise standards.

**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.**

The consideration above should be addressed at the time of the DSP for the development of the main street proposed in the commercial retail area of the site.

12. The detailed site plan is in conformance with Preliminary Plan 4-06016 and the applicable conditions of approval. On September 21, 2006, the Planning Board approved the preliminary plan with conditions found in PGCPB Resolution No. 06-212. Preliminary Plan of Subdivision 4-06016 was reviewed for the creation of 375 residential lots, 34 commercial lots and 17 parcels. That approval remains valid until September 21, 2012, or until a final plat is approved. A Type I Tree Conservation Plan, TCPI/13/05, was included in the approval of CSP-03006 and underwent an -01 revision during the review of Preliminary Plan 4-06016.

The Subdivision Section has reviewed the plans and provided the following comment on the original layout:

“The subject property is a portion of a larger 244.67-acre parcel known as Woodmore Towne Centre which was subdivided by Preliminary Plan of Subdivision Application No. 4-06016 (PGCPB Resolution No. 06-212, adopted October 26, 2006). That approval created 414 lots and 17 parcels for a mixed-use development. It has not yet been recorded, and remains valid until October 26, 2012, or until a final plat is recorded,

whichever comes first. This DSP is for the residential area north of Campus Way North and east of Ruby Lockhart Drive.

“Of particular concern to the Subdivision Section is the addition of 35 townhouse lots that were not shown on the approved preliminary plan. While a certain degree of fine-tuning is expected for these large mixed-use developments, a change of this magnitude is beyond that measure. Notwithstanding the fact that in order to add these lots would require the approval of a variance to drop the minimum lot size from 1,800 square feet to 1,080 square feet. Given that the additional, smaller lots result in the creation of an inferior, crowded lotting pattern and what appears to be a corresponding decrease in green area, we cannot find the subject plan to be in general conformance with the patterns and principles of the preliminary plan.”

Since the review of the original detailed site plan, the applicant has submitted an alternative site layout rendering that addresses the overcrowding aspect of the previous plan layout. The alternative layout expands the area of the townhouse development into areas that were previously shown as single-family detached development. That change allowed for the orderly layout of the increased number of townhouses on the property to the north of the multifamily area. The following memo was provided by the Subdivision Section in response to the revised alternative layout plan:

“Staff has reviewed the Alternative Site Plan Layout of August 26, 2008, submitted by the applicant in the above referenced case and finds it to address many of the preliminary plan compatibility issues identified in our previous memo. The new layout is closer to the grid pattern envisioned by the preliminary plan, and although it still shows additional townhouse units not contained on the preliminary, it is our understanding that these will be placed in condominium parcels in lieu of a similar number of condo townhouses proposed for the opposite side of Ruby Lockhart Drive. The previous submittal appeared to show these townhouses on fee-simple lots. As noted in the original referral, there is always some transfer of units/lots expected in these large mixed-use developments and the alternative layout now is within the expected norm.

“Other than the layout, staff was also concerned by the original DSP’s loss of green space. This alternative layout improves that, but in our opinion additional green space should be provided, even if it means the loss of units. We would support further revisions to the plan through the imposition of a condition that called for the provision of additional green area. With that condition in place, staff can find the revised DSP to be in substantial compliance with the preliminary plan.”

The plan for Woodmore Towne Centre has always had the obvious open space elements of the public park and the homeowners association land area for the community center. But in addition to these active recreational spaces, the plans also had green open space areas embedded in the residential neighborhoods. These spaces were designed for small-scale active or passive recreation engaged in by residents who would benefit by living near them and having less

structured green areas for social interaction, walking of dogs, and informal play by small children. On the conceptual site plan, the areas internal to the townhouse and two-family dwelling area were shown with four open space areas that were substantial green components of the site. Additionally, two open space components were located immediately adjacent to the intersection of Campus Way North and Geaton Park Place. On the preliminary plan of subdivision, the plans reduced and rearranged the open space components of the plan into three spaces that were strategically placed at the terminus of three streets, where the open space was highly visible to the internal community. These spaces were substantially smaller in size than what was shown on the CSP.

This detailed site plan has further reduced and rearranged the open space component into three linear spaces that are not connected and benefit only a small portion of the development. Staff recommended that these areas be expanded to better connect the open spaces, create a more interconnected open space network, and make them more visible to the community at large. The plans should provide for clear visibility from the street line, more in keeping with the open space configuration shown on the preliminary plan. Staff requested the applicant make further revisions to the townhouse and two-over-two layout area. The applicant agreed and submitted an additional alternative layout to the Planning Board at the time of the hearing. Staff agreed that the revised layout addressed staff's concerns and the Planning Board adopts Conditions 9(a) and 23 to address this issue. None of the townhouses are proposed to be condominium units.

13. The following conditions of approval of the preliminary plan relate to this review:

4. **At the time of submittal of the initial detailed site plan within the subject property (not to include a detailed site plan for infrastructure), the applicant shall submit an acceptable study of traffic control and lane usage as well as a traffic signal warrant analysis to the transportation planning staff and DPW&T for the intersection of St. Joseph's Drive and Ruby Lockhart Boulevard. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a traffic signal is warranted and approved, or if other traffic control improvements (a roundabout) deemed warranted, the applicant shall bond the improvement with the appropriate agency prior to the release of any building permits (other than permits to construct infrastructure) within the subject property. The improvement shall be installed/constructed at a time when directed by that agency. The recommended improvement(s) shall be made a part of the recommendation for the initial detailed site plan (not including a detailed site plan for infrastructure) within the subject property.**

This condition requires a traffic signal warrant study along with needed studies of lane usage and control for the intersection of St. Joseph's Drive and Ruby Lockhart Boulevard. This traffic signal warrant study was submitted with the detailed site plan for the subject site. Through discussions with the Department of Public Works and Transportation (DPW&T), it has been determined that the needed studies have been submitted. Rather than a roundabout, DPW&T has determined that

a signalized intersection is appropriate at this location. It has been determined that prior to the issuance of any building permits within the subject property (not including permits issued for the construction of infrastructure), the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and have an agreed-upon timetable for construction with the appropriate operating agency at the intersection of St. Joseph's Drive and Ruby Lockhart Boulevard:

- The south leg (northbound St Joseph's Drive approach) shall have a minimum of four approach lanes, including dual left-turn lanes, and three receiving lanes.
- The north leg (southbound St Joseph's Drive approach) shall have a minimum of three approach lanes and two receiving lanes.
- The west leg (eastbound Ruby Lockhart Boulevard approach) shall have a minimum of three approach lanes and three receiving lanes.
- The east leg (westbound Ruby Lockhart Boulevard approach) shall have a minimum of two approach lanes and two receiving lanes.
- Provision of signalization.

The Planning Board agrees with the applicant that the requirements above were duly noted and would be enforced at the time of building permit issuance for the subject site since transportation adequacy issues are not required or appropriate for the review of a detailed site plan.

- 6. The two crossings of Ruby Lockhart Boulevard over the environmental features on the site, as shown on the preliminary subdivision plan, shall provide for four travel lanes, five-foot bike lanes in each direction, and a five-foot sidewalk on each side. This shall be confirmed at the time of detailed site plan, and the right-of-way for Ruby Lockhart Boulevard shall be adjusted accordingly if necessary.**

The road cross section for the bridges was approved by DPW&T as part of DSP-07011. They were revised by DPW&T to include a twelve-foot-wide sidewalk/sidepath for bicycles and pedestrians, as opposed to designated bike lanes.

- 8. Total development within the subject property shall be limited to uses which generate no more than 3,112 AM and 3,789 PM peak-hour vehicle trips, with trip generation determined in a consistent manner with the March 2006 traffic study. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This condition establishes an overall trip cap for the subject property of 3,112 AM and 3,789 PM peak-hour trips. The current plan involves 503 residences generating 361 AM and 421 PM peak-

hour trips. Therefore, development is within the overall trip cap, and for the purpose of the phasing of transportation improvements, development is within the initial phase. While this information is noted, transportation adequacy issues are not reviewed as part of the approval of detailed site plans.

**9. A Type II tree conservation plan shall be approved at the time of approval of the DSP.**

Submittal of DSP-07057 included a Type II tree conservation plan to address this condition. However, because the DSP is only for the residential portion of the site, the Planning Board found that a note should be located below the standard M-NCPPC TCPII signature approval block on all sheets of the plan to clearly denote the approval contained therein, as stated below:

“DSP-07057 and TCPII/053/07-01 are only for the residential portion of the site. Additional Detailed Site Plans and TCPII revisions are required for future phases of development.”

**10. Development of this site shall be in conformance with Stormwater Management Concept Plan 20908-2003-02, and any subsequent revisions.**

The current plan submittal included the stormwater management concept approval letter issued on February 8, 2008. No further information pertaining to stormwater management is required.

**12. In conformance with the Adopted and Approved Largo-Lottsford Master Plan and approved CSP-03006, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:**

- d. At the time of detailed site plan, provide specifications and graphics of the planned pedestrian crossings of Ruby Lockhart Drive between the residential component of the development and the town center. These graphics should address the location and design of the crossings, as well as surface materials, lighting, signage, pedestrian refuges, and other pedestrian safety features. These crossings should be approved by the Planning Department and the Department of Public Works and Transportation. If necessary, additional crossing options may be considered to ensure safe pedestrian access between the residential development and the town center.**

DSP-07011 was revised to include medians and pedestrian refuges at all traffic circles and along Ruby Lockhart Boulevard. Pedestrian refuges are the single most important feature for improving pedestrian safety and have been provided at appropriate locations.

**16. The applicant and the applicant's heirs, his successors, and/or assignees, shall provide adequate, private recreational facilities on site on the Home Owners Association (HOA) land in accordance with the standards outlined in the Parks and**

**Recreation Facilities Guidelines.**

- 17. A detailed site plan review by the Planning Board is required for the proposed siting of private recreation facilities.**

The two conditions above have been addressed through the submission of a plan of development for the community center.

- 25. 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% 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 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 \$250,000.00 in order to guarantee the payment for the reconstruction of athletic fields at Glenarden Community Center Park.**

The DPR indicates that they received checks totaling \$60,000 for design, engineering and permitting fees for Glenarden Community Center Park. The remainder of the contribution balance (or 50 percent of the residential building permits—whichever comes first) for Glenarden Community Center Park will be due by October 1, 2008. The \$190,000 in 2006 dollars adjusted for inflation will amount to \$207,307.34 in 2008 dollars. No permits will be issued after October 1, 2008 until this balance is paid. A condition of approval stating the above has been included in the recommendation section of this report.

- 26. Within 60 days from the date of approval of the preliminary plan, DPR shall notify the applicant in writing of certain minor revisions to the park concept plan to include possible relocation of the restroom facility, conceptual landscaping and design of the pedestrian access/plaza area. The applicant shall submit an amended park concept plan to DPR for its review and approval prior to certification of the preliminary plan. Stormwater management for the park shall be provided off of the park site. The detailed site plan for the park, when submitted, shall include a detailed landscape plan.**

The applicant has submitted the detailed landscape plan to the Department of Parks and Recreation for approval.

- 28. At time of final plat, a conservation easement shall be described by bearings and**



**distances. The conservation easement shall contain streams, wetlands, 100-year floodplain and severe slopes within the Primary Management Area (PMA) and the expanded buffer, except for areas of approved disturbance, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

This condition will be addressed at time of final plat.

- 29. 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.**

Due to numerous PMA and expanded buffer impacts approved in Preliminary Plan 4-06016, this condition is reiterated as it relates to the DSP and has been included as a condition of approval of this DSP.

- 30. All future tree conservation plans shall show woodland conservation on-site to be no less than 10 percent of the net tract area.**

This condition is addressed in the current TCPII worksheet because the site has a net tract area of 231.71 acres and the proposed on-site tree preservation is 24.18 acres, or slightly more than the required 10 percent.

- 32. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/013/05-01). The following note shall be placed on the Final Plat of Subdivision:**

**“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/013/05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”**

This condition will be addressed at time of final plat.

- 33. Prior to acceptance of the first detailed site plan, the package shall be inspected to**

**ensure that it includes a revised Phase II noise study that reflects the proposed building and grading locations shown on the DSP. A separate sheet within the DSP shall show all unmitigated noise contours and mitigated contours at a scale that clearly shows the noise mitigation measures proposed.**

A Phase II noise study was submitted that reflects the proposed building and grading locations shown on the DSP; however, the study needs to be signed and dated by the engineer who prepared it. A separate sheet within the DSP which shows unmitigated and mitigated contours has been submitted. The DSP and TCPII erroneously label the 65 dBA Ldn mitigated noise contour as an 85 dBA Ldn mitigated noise contour. Therefore, the Planning Board adopted the following condition:

Prior to certification of the detailed site plan, the DSP and the TCPII 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.

- 34. Prior to the approval of building permits for residential buildings and the hotel, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.**

Two-family residential dwellings are proposed to be located within the unmitigated 65 dBA Ldn noise contour; however, because these types of units do not have outdoor recreational areas that would be affected by outdoor noise and because normal construction practices generally reduce noise for interior living areas by 20 dBA, no additional mitigation measures are necessary to meet the state noise standards. No additional noise mitigation measures are necessary to meet the state noise standards.

- 35. If the proposed athletic field is to be equipped with athletic field lighting or a public address system, those impacts shall be carefully evaluated at the time of detailed site plan.**

Lighting and public address (PA) systems have the potential to impact the two-over-two units along Campus Way North. The applicant should work with DPR in order to address this issue at the time of the review of the development of the public park.

- 37. Stormwater from Lots 23, 24, 25, 26, 27, 28 and 48 Block E and Lot 17 of Block F shall be conveyed in such a manner as to ensure it does not drain onto adjoining properties.**

This issue of stormwater management is addressed through the review by the DPW&T. The applicant has submitted evidence that the stormwater management concept letter has been

approved.

- 38. A 20 foot-wide, 80% opacity year round buffer is to be provided at the rear of Lots 23, 24, 25, 26, 27, 28 and 48 Block E and Lot 17 of Block F.**

This issue was previously addressed in DSP-07011 for infrastructure, and again demonstrated on the subject application.

- 39. Prior to signature approval of the Preliminary Plan a two (2) mile loop trail system throughout the project shall be shown.**

According to the trails coordinator, the following measurements were taken from the plans:

2,040 linear feet of loop trail in the proposed parkland (per DSP-07011)  
912 linear feet of eight-foot wide sidewalk and bike lanes along Evarts Street  
960 linear feet of standard sidewalk and designated bike lanes along Tower Place  
3,300 linear feet of eight-foot sidewalk and designated bike lanes along Ruby Lockhart Blvd.  
1,200 linear feet of eight-foot wide sidewalk along Campus Way North.  
Over 10,000 linear feet of sidewalk within the residential component of DSP-07057.

These sidewalks and trails were measured from the approved DSP for infrastructure and the current submittal (DSP-07057).

14. The detailed site plan is in conformance with the previously approved detailed site plan for infrastructure that was approved by the District Council on October 10, 2007 for the site. The following conditions of approval warrant discussion:

- 1. Prior to signature approval of this detailed site plan, the applicant shall:**
- c. The plans shall show a public utility easement along all roadways, public and private.**

The plan should be updated to include an exhibit of the design of the townhouses that will impact the current layout of the public utility easements. These issues will have to be addressed at the time of the certification of the plans pursuant to Condition 9(a) and 9(o) of this approval.

- 2. Prior to the approval of any future detailed site plans, impacts to the Patuxent River Primary Management Area and expanded buffers other than those conceptually approved by the Planning Board with Preliminary Plan 4-06016, shall require a revised preliminary plan application.**

No additional impacts to the Patuxent River Primary Management Area or the expanded buffer are proposed as part of this DSP. This condition will be evaluated as each phase of this project is submitted.

7. **Prior to acceptance of a DSP for residential buildings impacted by the unmitigated 65 DBA noise contour (as reconfigured as a result of grading and construction of retaining walls as approved in this DSP for infrastructure), the package shall include a revised Phase II noise study that reflects the proposed building location and grading shown on the DSP. A separate sheet within the DSP shall show all unmitigated noise contours and mitigated contours at a scale that clearly shows the noise mitigation measures proposed for outdoor activity areas and interior living areas in order to meet the State noise standards.**

A Phase II noise study was submitted that reflects the proposed building and grading locations shown on the DSP; however, the study needs to be signed and dated by the engineer who prepared it. A separate sheet within the DSP which shows unmitigated and mitigated contours has been submitted. This issue is addressed above.

9. **Prior to certificate approval of DSP-07011, the TCPII shall be revised to show Prince George's County phased worksheet with phase one representing the proposed grading and infrastructure improvements in DSP-07011. The revised worksheet cannot show a shortage regarding how the site's woodland conservation requirement will be addressed and the phased worksheet shall show the correct fee-in-lieu. The first phase in the revised worksheet shall be represented by the subject DSP and TCPII and include all proposed on and off-site clearing.**

The TCPII shows a phased worksheet that has been updated to reflect the information pertaining to the current DSP. No further information pertaining to the TCPII worksheet is required.

26. **At the time of each subsequent detailed site plan, the applicant shall report on their progress toward replacement of the temporary advertising sign with attractive permanent signage, as soon as is feasible. The temporary sign (Applicant's Exhibit 3) will be mounted on 61 foot high poles.**

The applicant did not submit any information regarding the temporary advertising sign.

15. This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The TCPII submitted and reviewed with the subject application is in conformance with the TCPI approved for the site. The plans are also required to show all necessary features for construction and to meet the minimum requirements of the Woodland Conservation Ordinance.

The Planning Board adopts Condition 3 of this approval in order to require that, prior to certification of the detailed site plan, the TCPII be revised.

16. The detailed site plan is subject to the Landscape Manual. The plans demonstrate conformance to Sections 4.1 and Sections 4.3(a) and (c). The application is not subject to Section 4.7, Buffering Incompatible Uses because the surrounding uses are single-family detached units, as are those units proposed at the perimeter of the development. From a landscaping design standpoint, the plans use ornamental trees in many of the front yards of both the single-family detached and the single-family attached units. Some of the single-family attached units do not have any trees on the lots. The plans should be revised to provide one tree in the front yard of all lots. The use of shade trees is recommended in the areas of the lots along the street line in order to soften the streetscape and combat the heat effect of the asphalt contained within the street. Another benefit of using shade trees along the street line is that they provide shade for pedestrians walking on the public sidewalk.

The plans do not show any street trees. This might be due to the fact that the street tree plantings within the right-of-way are generally under the purview of the DPW&T. It is anticipated that since the streets will be turned over to the City of Glenarden, that the City will maintain the street trees. In accordance with that concept, it is appropriate that the street tree and lighting plan (which indicates location and type and size of street trees) be reviewed and approved by the City of Glenarden prior to approval of the permits for the construction of the residential streets associated with this detailed site plan, subject to DPW&T approval. However, the landscape plans should be submitted with the street trees shown in a shaded or dashed line to show the possible location of street trees.

The inside row of shade trees along Campus Way North and Ruby Lockhart Boulevard is tightly spaced along the street edge and strategically placed between sidewalk and lead walks in an attempt to clear the public utility easements. The plans should be revised to relocate shade trees where they are located in a narrow planting area less than five feet wide. The use of columnar varieties should be considered for these areas.

17. **Referral Comments:** The subject application was referred to the following agencies and divisions. The referral comments are summarized as follows:
- a. **Subdivision Section**—In addition to the previous comments, the proposed public utility easements (PUE) are not clearly shown on the alternative site layout exhibit prepared by the applicant for this case. The plan must clearly show an unobstructed ten-foot PUE parallel and contiguous to all public and private rights-of-way. Therefore, the Planning Board required that the plans be clarified prior to signature approval, to clearly address the location of public utility easements associated with the implementation of any roadways and or private drives that provide access to the development. Further, any refinements to the location and servicing of the individual uses on the lot shall be addressed prior to final plat of subdivision.
  - b. **Transportation Planning Section**—In a memorandum dated September 5, 2008, the Transportation Planning Section addressed the conditions of Conceptual Site Plan

CSP-03006 and Preliminary Plan of Subdivision 4-06016 that pertain to trails. The trails planner provided the following analysis:

One master plan trail issue impacts the subject site. The approved Largo-Lottsford master plan recommends a trail/bikeway facility along Campus Way North. More specifically, a Class II hiker-biker trail is proposed in the master plan (page 110). This trail will provide access to employment and shopping areas, as well as serve for recreational trail use. Road cross sections have been approved as part of both the CSP and the DSP for infrastructure that accommodate bicycles and pedestrians. These cross sections should be adhered to for the subject application as discussed below under Issues/Concerns.

Street sections were approved as part of the CSP. The street sections diagram illustrates the road cross sections (including pavement width, landscaping, and sidewalks) along all internal roads. Minimum five-foot-wide sidewalks are indicated on the CSP for all roads, including Road Type E, which is indicated for the majority of the internal residential roads. It should be noted that the DSP for infrastructure (DSP-07011) did not indicate sidewalk widths for the residential portion of the development, but only indicated lot lines and right-of-ways.

Bicycle and pedestrian facilities approved as part of the DSP for infrastructure (DSP-07011) are listed below. The road cross sections approved at the time of DSP were agreed to by DPW&T and are shown on the paving sections and details graphic. The facilities noted below are from those approved cross sections.

- Eight-foot-wide sidewalks and designated bike lanes along both sides of Ruby Lockhart Boulevard.
- Standard sidewalks along both sides of Campus Way North (extended).
- The park concept plan includes a ten-foot-wide loop trail through the proposed parkland at Campus Way North and Ruby Lockhart Boulevard.
- Twelve-foot sidewalk/sidepath for pedestrians and bicyclists along both sides of Evarts Street.
- Standard sidewalks and designated bike lanes along Tower Place.

Bicycle and pedestrian facilities along the major roads (Campus Way North, Ruby Lockhart Boulevard, Evarts Street, and Tower Place) were approved as part of DSP-07011 and do not impact the subject application.

Condition No. 1(e) of DSP-07011 revised the sidewalk along the east side of Campus Way North to eight feet in width. The condition is copied below.

- e. **The plans shall be revised to show the proposed five-foot-wide sidewalk as eight feet, within the right-of-way along the east side of Campus Way North, unless modified by DPW&T, and to provide a minimum of five feet on each side of Campus Way North from the face of the curb to the sidewalk.**

The east side of Campus Way North is across from the subject site and does not impact the subject application. The condition of approval from the infrastructure DSP requires the construction of the wide sidewalk.

### **ISSUES/CONCERNS**

Road cross sections approved at the time of the Conceptual Site Plan (CSP-03006) and the Detailed Site Plan (DSP-07011) included sidewalks with a minimum width of five feet. The CSP indicates that the residential portion of the development including in the subject site will be Type “E,” which includes five-foot-sidewalks along both sides. The submitted DSP reflects only four-foot-sidewalks. The plans should be modified to include the five-foot sidewalks along both sides of all the internal residential roads consistent with approved CSP-03006.

Pedestrian safety across Ruby Lockhart Boulevard was mentioned as a concern during earlier reviews and the pedestrian refuges/medians provided along Ruby Lockhart Boulevard and at the traffic circles appear to address this concern.

The approved Detailed Site Plan for Infrastructure (DSP-07011) includes road cross sections for Campus Way North, Ruby Lockhart Boulevard, and Tower Place that have been approved by the DPW&T and Transportation. These roads shall be constructed as previously approved and do not impact the subject application.

### **TRAIL RECOMMENDATIONS**

In conformance with the approved Largo-Lottsford master plan, CSP-03006, 4-06016, and DSP-07011, the applicant, the applicant’s heirs, successors, and/or assignees shall provide the following:

**Modify the detailed site plan to include the five-foot wide sidewalks along both sides of all the internal residential roads consistent with approved CSP-03006.**

- c. **Environmental Planning Section**—The Environmental Planning Section reviewed the detailed site plan submitted for Woodmore Towne Centre, DSP-07057, and the Type II Tree Conservation Plan, TCPII/053/07-01, stamped as received on August 26, 2008. The previously submitted plan did not show the proposed development and was required to be revised so that conformance with the DSP could be evaluated. The August 26, 2008, submittal contained the required information. The Environmental Planning Section recommends approval of DSP-07057 and TCPII/053/07-01 subject to conditions.

## **BACKGROUND**

The Environmental Planning Section previously reviewed Zoning Map Amendment A-9613-C, which was approved with conditions by the District Council on March 14, 1988. The Planning Board approved Conceptual Site Plan, CSP-03006, on September 29, 2005. The Board's conditions of approval are found in PGCPB Resolution No. 05-205. The notice of final decision of the District Council for CSP-03006 is dated February 15, 2006. Preliminary Plan of Subdivision 4-06016 was reviewed for the creation of 375 lots for single-family attached and detached dwellings, multifamily attached dwelling units and the commercial portion where 39 lots were proposed. On September 21, 2006, the Planning Board approved the preliminary plan with conditions found in PGCPB Resolution No. 06-212. A Type I Tree Conservation Plan, TCPI/13/05, was included in the approval of CSP-03006 and underwent an -01 revision during the review of Preliminary Plan 4-06016. The Planning Board approved Detailed Site Plan, DSP-07011, on July 19, 2007, for rough grading and infrastructure. The Board's conditions of approval are found in PGCPB Resolution No. 07-144. The notice of final decision of the District Council for DSP-07011 is dated October 2, 2007.

A Type II Tree Conservation Plan, TCPII/053/07, was reviewed and approved with the rough grading plan for infrastructure, however, it did not show the proposed development on any of the parcels. As required, TCPII/053/07-01 was submitted with DSP-07057 and was required to show the proposed development. The scope of review in DSP-07057 is for the development of the residential section of Woodmore Towne Centre with 204 single-family dwellings, 197 townhouses, and 100 two-family dwellings.

## **SITE DESCRIPTION**

This 244.67-acre site in the M-X-T Zone is located in the northeast quadrant of the intersection of Landover Road (MD 202), and the Capital Beltway (I-495). The site is approximately 94 percent wooded. Regulated environmental features are associated with the site including: streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils and severe slopes. Landover Road (MD 202), future Ruby Lockhart Boulevard, a planned arterial road, and the Capital Beltway (I-95/495) have been identified as transportation-related noise generators and noise impacts are anticipated. Nine soil series are found to occur at the site according to the *Prince George's County Soil Survey*. These soils include: Adelpia, Bibb, Collington, Monmouth, Ochlochnee, Shrewsbury, Silty and Clayey Land and Sunnyside. Although some of these soils have limitations with respect to drainage and infiltration those limitations will have the greatest significance during the construction phase of any development on this property and will not impact the layout of the proposed uses. Based on available information, Marlboro clay is not found at this location. There are no designated scenic or historic roads in vicinity of the site. According to available information from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered



species are not found in vicinity of the site. According to the *Approved Countywide Green Infrastructure Plan*, the site is not within the designated network. The site is located in the headwaters of Cabin Branch in the Anacostia River Basin; and also in the Bald Hill Branch and Southwestern Branch watersheds of the Patuxent River Basin. The site is also in the Largo-Lottsford Planning Area and in the Developing Tier as reflected in the adopted General Plan.

The conditions relating to previous condition of approval are contained in the discussion above. The Environmental Planning section recommends approval of the plan based on the inclusion of three conditions relating to woodland conservation.

- d. **Department of Parks and Recreation**—In a memorandum dated July 22, 2008, the Department of Parks and Recreation indicated that prior to certification of DSP-07057, DPR shall review and approve 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 public address system.
- e. **Community Planning Division**—The Community Planning Division reviewed the detailed site plan and offered the following comments:

The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The application is in conformance with the land use recommendations of the Largo-Lottsford and vicinity approved master plan (1990) for mixed-use transportation-oriented development at this site.

#### **2002 General Plan—Developing Tier**

The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

The Capital Beltway (I-495) is an existing freeway (F-5). Landover Road (MD 202) is an existing expressway (E-6). The two roads meet at a grade-separated interchange adjacent to the property. St. Joseph's Drive is a proposed collector (C-145), Campus Way North is a proposed arterial (A-29), and I-1 is a proposed industrial road. The property is bordered on the east by the proposed St. Joseph's Drive alignment. Two other proposed road alignments (Campus Way North and an unnamed industrial roadway) cross the lower half of the proposed development site. The nearest Metrorail facility is the Largo Town Center Station.

The application is generally in conformance with the master plan recommendations for land use. However, it does not contain a commitment to ensure that the applicant either builds the planned Evarts Street overpass across the Capital Beltway (I-95) or contributes funds toward the building of this critically needed master plan facility. We are also concerned about proposed changes in the phasing and location of some of the community

amenities called for in the approved conceptual site plan for this proposed development (CSP-03006). Finally, we are concerned that allowing the requested lot size variances could result in a residential community with more impervious surfaces and less green cover. Such a community would be less attractive and could lead to increased stormwater runoff as well as an enhanced urban “heat island” effect.

The 1990 Largo-Lottsford and vicinity master plan (pages 63-64) noted the challenges involved in building residential development close to a designated Major Employment Area and called for careful planning in the development of a residential alternative area as part of Neighborhood D (in which the proposed residential development is located). The applicant needs to work closely with M-NCPPC to plan a residential community that is not only attractive but minimizes stormwater runoff and “heat island” thermal impacts.

The applicant should also coordinate with the Prince George’s County DPW&T & Transportation and the Department of Environmental Resources to ensure the adequacy of the public infrastructure network, and to ensure that significant environmental features on the site are preserved. Assurance that the applicant will either (help to) build the planned Evarts Street/Capital Beltway overpass or contribute funds towards its construction should also be made a condition of detailed site plan approval.

The issue of the construction of the master planned Evart Street/Capital Beltway overpass is addressed in the condition of approval relating to transportation systems, specifically the following preliminary plan condition:

This referral was discussed in detail at the hearing before the Planning Board. The construction of the Evarts Street connection over the Beltway is the subject of Condition 2 of the preliminary subdivision plan approval (4-06016) for the project. That condition provides:

2. **Prior to the issuance of any building permits for uses generating more than 876 AM and 1,397 PM peak-hour trips within the subject property, as defined in the March 2006 traffic study as Phases II and III with trip generation determined in a consistent manner with the same traffic study, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency’s access permit process, and have an agreed-upon timetable for construction with the appropriate operating agency:**
  - a. **Campus Way: Construct Campus Way as a major collector through the site to I-95.**
  - b. **Evarts Street Connection: Construct an overpass over the Capital Beltway from the end of Campus Way to existing Evarts Street.**

The overall development of the property is subject to this condition, which will require the construction of the bridge over the Capital Beltway. If the applicant, the applicant's heirs, successors, and/or assignees or others acquire funding for the construction of that facility, the project can move forward beyond the trip cap established above. However, there is no requirement for incremental funding for the overpass construction. The existing and proposed traffic network was found to be adequate to support development up to this phase, so funding of the construction by the applicant or others to allow development beyond the trip cap is a private matter.

This detailed site plan does not prevent the Evarts Street connection from ultimately being made and the conceptual site plan (CSP-03006) and Infrastructure site plan (DSP-07011) both show an alignment for the connection, in conformance with the Master Plan. Detailed site plan approval does not involve a transportation adequacy test. Construction and/or funding of the bridge is governed by a subdivision condition which is enforced through a limitation on the issuance of building permits. In any event, this detailed site plan does not propose development which would exceed the subdivision plan trip cap condition.

In regard to the phasing to the community facilities and amenities, the conditions of the CSP relating to those conditions have been addressed through a revised condition of approval for this detailed site plan as discussed above.

- f. **Department of Public Works and Transportation**—The Department of Public Works and Transportation has not offered comments on the subject application.
- g. **The City of Glenarden**—The City of Glenarden reviewed the Detailed Site Plan DSP-07057 and Variance VD-07057 on September 19, 2008, and provided the following recommendation in letter dated September 23, 2008 to Samuel J. Parker, Chairman from James Herring, City Council President:
  - 1. Add to M-NCPPC Condition 15 “and all signs shall prominently state ‘at Glenarden’ when reference to Woodmore or Woodmore Towne Centre is contained in the sign, with no less than ¾ size of the font used for ‘Woodmore’ or ‘Woodmore Towne Centre’ for the reference to Glenarden, and use of the same color.”
  - 2. Amend M-NCPPC Condition 5 to include: “Plans shall be revised to include construction of a split rail fence per DPW&T detail with a galvanized wire mesh backing, subject to DPW&T approval.”
  - 3. Amend M-NCPPC Condition 9(m) by adding “...are to be reviewed and approved by the City of Glenarden prior to signature approval and the walls are to be inspected and approved by City of Glenarden prior to opening of Glenarden Parkway.”

4. 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 and Campus Way. This condition shall not be read or interpreted as a change in DSP-07011 requirement that the connection to Glenarden Parkway be constructed.
5. Amend M-NCPPC Condition 19 to read "...20 percent of the total number of dwelling units based on the total number of units under the ownership of this applicant only."
6. DSP-07011 Condition 18. Prior to signature approval of DSP-07011, the plans shall be revised to provide for a wall, and a fence six feet in height. The applicant shall place the wall and fence at a ten-foot setback, wall and fencing to be of type as shown on Exhibit F, with landscaping, as shown in typical section for Lots 27 and 28 (Applicant's Exhibits 1 and 2), at the top and bottom of the wall, with final details to be approved by the Urban Design Section and the City of Glenarden. The wall is to be constructed of materials that do not impede growth of landscaping/trees. Applicant shall construct wall and fencing at the mass grading operation which is in the first phase of development. Landscaping shall be installed at the time of the wall installation and shall be guaranteed for two years. A 20-foot easement will be placed on the lots to provide a perpetual easement to protect the buffer. This easement, to the benefit of the City of Glenarden and respective adjacent property owners, shall be shown on the final plan and included in the deed for each of the lots for which the buffer is required. Lots designated on the current DSP-07057 as Block F, Lots 15, 16 and 17, and Block E, Lots 25, 26, 27, 28, 29 and 49.

Comment: The mass grading operation has begun, and no permit has been received for this wall. These permits should be requested immediately, as mass grading is underway.

7. Condition 16 of DSP-07011 is restated. Prior to the approval of the Detailed Site Plan(s) for Lots 23, 24, 25, 26, 27, 28, 48 and Lot 17, each such plan shall demonstrate conveyance of stormwater from each said lot 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 insure compliance with Condition 37 of Preliminary Plan PGCPB No. 06-212, Condition 37. Stormwater from Lots 23, 24, 25, 26, 27, 28, and 49, Block E and Lot 17, Block F shall be conveyed in such a manner as to ensure it does not drain onto adjoining properties. (Lots on DSP-07057 are Block F, Lots 15, 16 and 17, and Block E, Lots 25, 26, 27, 28, 29 and 49.)

Comment: Stormwater conveyance was not shown on DSP-07011.

8. 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.
9. Prior to signature approval of the DSP-07057 (Residential) the following revisions shall be made to Staff Exhibit A, labeled Alternative Site Plan Layout, on a document titled Detailed Site Plan dated August 22, 2008 by Lessard, 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 nineteen 19 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 maintain eighty (80) feet from face of building to face of building;
  - c. For rear load garage townhouses, add a maximum allowed width standard deck at rear of unit. Depth of deck shall be the maximum possible without use of posts to the ground;
  - d. All sidewalks shall be constructed to DPWT cross section but with a five (5) foot width;
  - e. Place a multi-age 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 last resort. Remove parallel parking spaces in front of area, align walkways appropriately and provide a four-foot-high non-climbable fence to surround the multi-age play area with outside latch;
  - f. Provide sufficient street lighting in accordance with CSP to promote the safety of the residents of the area. Current lighting plans require that house lights be lit to provide sufficient light.
10. 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 plans with respect to this paragraph are to be submitted to City of Glenarden for review.
11. Prior to signature approval of 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. Playground should meet ASTM and CPSC standards, and Parks and Recreation Facilities Guidelines.
  - b. Relocate Tennis Court Gate to central location at mid court. Provide fencing for tennis court per Parks and Recreation Guidelines.
  - c. Move the pool deck to the right rear of the Community Center and add arbor that connects with arbor currently shown on plan, unless area required for bioretention.
  - d. Move trash area to less visible and safer location.
  - e. Move the Kidde Pool to the location currently showing “pool deck by others” unless required by bioretention.
  - f. Provide ten-foot-wide landscape strip with shade and flowering trees with exception of tennis court and pool areas.
  - g. Accent the vehicular entrances to the Central Recreation area with landscaping (perennials).
  - h. Parking provided in Central Recreation Area can not be used to satisfy overall parking needs for the proposed development.
12. Neither the Applicant, WTC Ventures, LLC, nor its heirs, successors or assigns will, by act or omission, impair or prejudice the ability of the rental units, now proposed to be built as part of the two mid-rise buildings referenced in this DSP, to be converted to condominium units.

The Planning Board considered each of the proposed conditions by the City of Glenarden. The Planning Board agreed with some of the proposed conditions and disagreed with others. In regard to Condition 5, the Planning Board addressed the concerns for safety as expressed by the City of Glenarden by modifying the language to include safety considerations, but also allowing some flexibility in the design and detailing of the fence. The main concern of the City of Glenarden was that the fence be designed so that a child could not easily penetrate the fence to access the water body within the storm water management pond.

18. 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.

There are numerous facts contained in the record which support these findings, including:

- a. The detailed site plan is in general conformance with the conceptual site plan. For the most part, the approved conceptual site plan showed all single-family detached dwellings located in the northwest portion of the overall site. For the most part, residential townhomes and two-over-two residential units were located immediately southeast of the single-family detached homes and immediately northwest of the public park. All of the single-family detached residential units and virtually all of the townhomes and two-over-two units were separated from the commercial development by Ruby Lockhart Boulevard. The detailed site plan continues to honor this general arrangement of residential uses. The interior street pattern servicing the single-family residential detached units remains essentially unchanged from the conceptual site plan. While additional townhomes have been added, the general arrangement of townhomes and two-over-two units conforms to the conceptual site plan. Recreational areas are proposed and are located in general conformance with the recommendations of the conceptual site plan.
- b. The detailed site plans also conform to the site design guidelines for site plans set forth in Section 27-274. In particular, parking and interior circulation roads have been designed in such a manner so safety for both vehicles and pedestrians will be preserved. The visual impact of cars has been minimized, particularly in areas serving for development of townhomes and two-over-two units as parking has been located to the rear or sides of structures and, in some cases, inside the actual structure.
- c. Large expanses of pavement have been avoided by the provision of extensive landscaping, green areas, and the installation of street trees. While loading areas are generally not required within the residential component, the loading area associated with the community center has been sensitively located so as to avoid, to the greatest extent possible, visual intrusion.
- d. Lighting will be adequate to provide for safe illumination for motorists and pedestrians. The use of full cutoff fixtures will ensure that any light intrusion will be kept to a minimum. A condition has been added to address lighting requirements within the townhouse and two-over-two residential areas.
- e. Protection of viewsheds has been accomplished through the orientation of interior streets, house sightings, and of viewsheds into green areas. Particular attention has been paid to increasing areas of green space and enhancing viewsheds into the townhome and two-over-two area of the site.
- f. On-site trails add to the overall pedestrian friendliness and establish a cohesive connectivity throughout the site. Streetscape design has been maximized through the sensitive use of light fixtures, street trees and sidewalks.

- g. The recreational areas which are proposed throughout the residential component of the site will also enhance the livability of the neighborhoods for residents.
- h. Groups of townhouses have been designed so as not to be arranged on curving streets in long linear strips but instead have been designed to be at right angles to one another. They are organized around and integrated into the green spaces and recreational areas which have been allocated for the townhouse and two-over-two area.
- i. The architecture for both single-family detached units, townhomes, and two-over-two units which has been proposed and approved incorporates interesting design elements without repetition. Attention has been given to details relating to window treatments, gables, cornice treatments, dormers, balconies, and garage treatments so as to ensure a community which is attractive and interesting. The architecture also proposes the use of high-quality building materials, including brick, stone, and dimensional shingles. In total, the architecture will provide a neighborhood which will foster both visual interest and sustaining livability.
- j. In total, the site plan has been designed so as to foster the purposes and goals of the M-X-T Zone. In view of the above, the site plan represents a reasonable alternative for satisfying site design guidelines without requiring unreasonable costs and without detracting 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 Type II Tree Conservation Plan (TCPII/053/07-01) and APPROVED Variance Application No. VD-07057, to allow a minimum townhouse lot size of 1,180 square feet and specific minimum lot sizes as contained in Finding No. 8, and further APPROVED Detailed Site Plan DSP-07057 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the TCPII shall be revised to provide a note below the TCPII signature approval block on all sheets of the plan to read as follows:

“DSP-07057 and TCPII/053/07-01 are only for the residential portion of the site. Additional Detailed Site Plans and TCPII revisions are required for future phases of development.”
2. Prior to certificate of approval of the detailed site plan, the DSP and the TCPII 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 TCPII shall be revised as follows:



- a. Revise the TCPII 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. Prior to the release of the 393rd 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.

- 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. 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:
  - i. Meeting room large enough to accommodate seating for 100 persons
  - ii. 750-square-foot fitness area with equipment
  - iii. 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 can not 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 ability of the rental units, now proposed to be built as part of the two mid-rise buildings referenced in this DSP, to be converted to condominium units.

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 Clark, with Commissioners Squire, Clark, Cavitt, Vaughns, and Parker voting in favor of the motion at its regular meeting held on Thursday, September 25, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of March 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator