

RESOLUTION

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 February 12, 2009 regarding Detailed Site Plan DSP-08011 for Konterra, the Planning Board finds:

1. **Request:** The subject application is for approval of a special purpose detailed site plan (DSP) for the development character for the downtown core area of Konterra Town Center East and for the supporting infrastructure such as stormwater management (SWM) ponds in the surrounding area. The downtown core area of the mixed-use town center includes 2,161 multifamily dwelling units and approximately 2.2 million square feet of commercial, entertainment, and office uses, and 300 hotel rooms.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential, Commercial, Retail Office, Entertainment, and Hotel
Acreage	402.5	402.5
Total Residential Dwelling Units	-	2,161
Total Hotel Rooms	-	300
Total Gross Floor Area (sq. ft.)	-	2,200,950
Of which Office	-	809,750
Commercial/retail/entertainment	-	1,391,200

3. **Location:** The larger Konterra Town Center site is located on the east side of I-95, south of Van Dusen Road, north of Muirkirk Road, and west of Virginia Manor Road, in Planning Area 60, Council District 1. The entire site is included in this DSP; however, the building development only encompasses the downtown core area of Konterra Town Center East surrounded by Perimeter Drive East, Perimeter Drive West, South End Road, and North End Road.
4. **Surrounding Uses:** The site is bounded to the north by the right-of-way (ROW) of Van Dusen Road; to the west by the ROW of I-95; to the east by the ROW of Virginia Manor Road and to the south by the proposed extension of the Intercounty Connector (ICC). The downtown core area of Konterra Town Center East is bounded on the east and west sides by Perimeter Drive East and Perimeter Drive West; on the north and south sides by North End Road and South End Road. Across Perimeter Drive East and West, and North End and South End Roads are fringe areas of

Konterra Town Center East. Further to the east of the site is the right-of-way of I-95; and to the west of the site is the right-of-way of Kenilworth Avenue (MD 201) extension. Further to the south of the site are green open space allocated for a future public building and right-of-way of the Intercounty Connector; and to the north of the site are Potomac Electric Power Company (PEPCO) and Baltimore Gas and Electric (BGE) utility easements and other multifamily/office development in the environs areas in the M-X-T Zone.

5. **Previous Approvals:** The subject site is located in the middle of a larger site where a sand and gravel mining operation was carried out in the past several decades. In 1984, a Zoning Map Amendment, A-9482, which rezoned the site from the Rural Residential (R-R) Zone to the M-X-T Zone was approved (Zoning Ordinance No. 56-1984). Zoning Map Amendment A-9482 contained a larger property of approximately 1,457.7 acres. However, only approximately 488 acres of the larger property, where the proposed Konterra Town Center East is located, was rezoned to the M-X-T Zone. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61, and 62* retained the property in the M-X-T Zone and envisioned the Konterra development, which includes the 488-acre larger site and a 253-acre parcel, as a regional mall with office, retail, and residential uses west of I-95, with the town center on the east side of I-95. The 2002 *Prince George's County Approved General Plan* identified the Konterra development as a possible future regional center and designated Konterra in the Developing Tier. Since 1990, the reclamation process to restore the site's natural environmental features has been progressing. Konterra is one of eleven Central Business Area designations in the county in accordance with CR-71-2007, which is a resolution designating certain areas within Prince George's County as Central Business Areas in compliance with Executive Order 12072. On June 12, 2008, the Planning Board approved the Conceptual Site Plan, CSP-07003, for the entire 488-acre Konterra Town Center East. The resolution (PGCPB No. 08-95) was adopted on July 3, 2008. On July 24, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07108/VP-07108 for the entire Konterra Town Center East. The resolution (PGCPB No. 08-116) was adopted on September 18, 2008. Currently the site is rough graded and ready for development. The site also has an approved Stormwater Management Concept Plan, 19046-2007-00, which will be valid through September 5, 2010.
6. **Design Features:** The larger Konterra Town Center East will be developed as a distinct and identifiable place in the greater Washington-Baltimore Metropolitan region. The town center is envisioned as a mixed-use center containing a variety of office, residential, hotel, civic, retail, entertainment, and commercial components with various supporting and accessory uses that will be important regional destinations for living, working, shopping, and entertainment. The 488-acre site has been designed in accordance with prevailing urban design best practices. The entire site has been divided into a 132-acre downtown core area and a 356-acre environs area in the approved Conceptual Site Plan, CSP-07003. The subject DSP includes the downtown core area, which is the dense core of Konterra Town Center East and is made up of a mixture of various uses as well as the supporting infrastructure in the environs. Due to the roadway dedications, the total acreage included in this DSP is smaller than the acreage included in CSP-07003, but it is consistent with the acreage contained in Preliminary Plan of Subdivision 4-07108 for Konterra Town Center East.

The building development area included in this DSP is defined on the east and west sides by Perimeter Drive East and Perimeter Drive West, and on the south and north sides by South End and North End Roads. A grid street pattern identical to the approved Conceptual Site Plan, CSP-07003, is shown on this DSP. The street pattern features three east-west oriented streets including South Main Street, Fashion Place, and North Main Street, and three north-south oriented streets including West Street, East Street, and Center Street that extends the central green/plaza to North End Road. The downtown core area is composed of sixteen developable blocks and one green open space block. The block size, which is based on the best urban design practices, generally varies from 300–500 feet. Building envelopes along with parking information has been shown on the DSP sheets. The site plan also identifies primary uses and the number of stories of the proposed buildings within each block.

The stormwater management ponds included in this DSP have been proposed to be used as sediment traps during construction. After the completion of construction, the SWM ponds will be regraded for stormwater management purposes. The aesthetic aspects of the SWM ponds including landscaping and grading will be reviewed with the site- and project-specific DSPs covering the SWM ponds.

A comprehensive set of design standards (a complete design standards book can be found at www.Konterra.com) illustrated with photos and graphics has been provided with this DSP. The standards are prepared based on the physical layout of the downtown core area as envisioned in the previously approved conceptual site plan, and are related specifically to each developable block of the DSP. The illustrations provided with the design standards show the character and quality of the proposed development in the downtown core area. The standards have been divided into seven chapters and cover almost every aspect of a built town center environment, from the building design, streetscape, materials, lighting pattern and fixtures, signage, and landscaping to pavement patterns. The standards are in essence the codification of the physical development envisioned by the Conceptual Site Plan, CSP-07003, which will be further defined by this DSP. The standards have been proposed with the intent that they will be utilized as criteria for future permit plan review. The approved design standards will be used by Planning Department staff to review each specific project as the designee of the Planning Board. This arrangement, whereby each proposed permit plan must conform to the design parameters approved in this DSP, will provide the developer with enough flexibility to accommodate the changing market. The design standards are intended to provide a minimum quality assurance for the proposed downtown core development of Konterra Town Center East. The final construction of the downtown core area must be equal to or better than the quality as presented by the proposed standards in this DSP. Konterra Town Center East will have an additional private covenant/leasing agreement, imposed by the owners, to achieve a high-quality development and efficient operation of the downtown core.

The design standards are in an illustrated book format with seven chapters. The first chapter of the design standards provides an overview of the streetscape, open space, active street fronts, vehicular access to parking, street level views, and spatial definition of the overall Konterra Town Center East. The second chapter focuses on streetscape, open spaces, and the related bicycle and

pedestrian networks. Chapters three and four cover the design of the buildings within the downtown core area. The building standards provide design principles, bulk and volume standards, building setbacks, elevation and storefront design criteria by building typologies, and building locations within the downtown core. Each section of the building standards start with intent, required design elements, and recommended treatments and articulation. The standards also cover issues such as the design of the rear of the buildings, building and parking relationships, and screening of the loading and storage utilities of the building. Chapter five focuses on landscape concepts. This chapter starts with an overall review of the landscape concept of the entire Konterra Town Center East and focuses on the landscaping of each specific street in the downtown core. The chapter closes with pavement design guidelines for streets, courts, and plazas. Chapter six provides comprehensive signage standards including locations, design intent, materials, colors, and illumination of each specific sign type within the downtown core area. The last chapter of the design standards is devoted to the lighting design of the downtown core area. The design concept for lighting consists of ten categories with specific location, lighting intensity, and lighting fixture requirements. Additional fixture options are also provided.

A comprehensive parking study has been provided with this DSP. The study divides the downtown core area into sixteen parking analysis areas that correspond to the number of downtown blocks. The study provides three parking scenarios with different parking demands. The peak monthly parking demand scenario requires a total of 8,350 parking spaces. The peak hourly demand during the weekday scenario requires a total of 8,064 parking spaces. The peak hourly demand during the weekend scenario requires a total of 6,230 parking spaces. A block-by-block parking analysis shows that a total of 12,497 parking spaces are provided in ten development phases. Of the 12,497 parking spaces, there are 2,339 surface parking spaces, 9,538 spaces in the parking garages, and 620 on-street parking spaces. A total of 135 parking spaces are required for the physically handicapped. The actual number of required parking spaces for each block may vary with the development of each block.

The DSP also includes a summary of the approaches and strategies that will be applied to achieve sustainability in the development of the larger Konterra Town Center East. The summary reiterates the applicant's commitment to sustainable urban development. The approaches and strategies to be employed are as follows: to use an integrated design process; to establish compact, complete, and connected neighborhoods; to protect local watersheds and respect wildlife habitat; to minimize carbon dioxide emissions; and to ensure public health and safety in the design and development of Konterra Town Center East.

DSP-08011 allows development solely within the 132-acre downtown core area and allows supportive infrastructure, such as roads and erosion and sediment control ponds, which will be converted to stormwater management ponds after construction, on the remainder of the property shown on the DSP. Any development outside the 132-acre downtown core area shall require either an approval of a revision to DSP-08011 or approval of a separate DSP for that area.

7. **Recreational Facilities:** This DSP includes 2,161 multifamily dwelling units. According to the

current formula for calculating on-site private recreational facilities in Planning Area 60, this application should provide approximately \$2,163,000 worth of recreational facilities to serve this development. The applicant has submitted a downtown core area recreational plan that identifies a series of amenities such as a town square, central street promenade, pocket parks, small plazas, and seating and picnic areas with facilities such as, but not limited to, fountains, tables with umbrellas, benches and seating walls, bicycle racks, and public art displays. No specific facility cost information has been identified; however, a review of the proposed recreational plan by the Planning Board indicates that the applicant should have no difficulty meeting the recreational facility obligation, given the scale of the development and the variety of the proposed recreational facilities. Some of the recreational facilities will be provided for future multifamily buildings, although it is possible in some instances that some larger recreational amenities may be shared by residents of proximate buildings. The proposed design standards have information regarding the range and quality of the facilities to be provided for the downtown core area. Detailed recreational facilities will be provided with permit plans for residential buildings or areas where recreational amenities are intended to be included. In addition, the recreational plan notes two public buildings, with the type and construction to be determined. The two public buildings are located just outside of the downtown core area in the southeast quadrant of the intersection of South End Road and West Perimeter Road.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The proposed downtown core area of Konterra Town Center East contains a diversity of land uses including residential, commercial, office, hotel, entertainment, and public open spaces that are essential to a successful town center. The mixture of various uses will allow future residents to live, work, shop, and find entertainment venues in the town center within reasonable walking distance. The uses and their mixtures are permitted in the M-X-T Zone. The subject application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires the following findings in addition to the findings required for the Planning Board to approve a detailed site plan:
 - (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

 - (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The larger Konterra Town Center East site was formerly a sand and gravel mining site that is located at the intersection of the Intercounty Connector and I-95. The development included in this DSP is within the proposed downtown core area of Konterra Town Center East, which will provide a vibrant lifestyle for future residents because the DSP contains various uses including residential. The supporting infrastructure such as stormwater management ponds is located within the environs. Specifically, this DSP includes 2,161 multifamily dwelling units, a 300-room hotel, approximately 2.2 million square feet of various uses, and is in a town center layout that implements many New Urbanism principles and best urban design practices to promote the orderly development of the subject site. This DSP is a further refinement of the land use vision of the downtown core area as approved in the Conceptual Site Plan, CSP-07003. Given its scale, quality of the development, and wide range of uses, Konterra Town Center East will enhance the economic status of the County and provide desirable employment and living opportunities for citizens of the county.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The downtown core area includes a mix of residential, commercial, retail, recreational, open space, entertainment, hotel, and other civic uses. The subject DSP covers the core and surrounding area, known as Environs of the Konterra Town Center East and will implement the land recommendations of the previous approved plans and policies.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The larger Konterra Town Center East site, including the development site area contained in this DSP, was previously zoned for industrial use and has been mined extensively for sand and gravel in the past several decades. The 1990 Subregion I master plan and sectional map amendment rezoned the larger site to the M-X-T Zone. Since 1990, the reclamation process to restore and enhance its natural environment has progressed. By planning an urban town center on the larger site and the downtown core area on the subject DSP site, this proposal will conserve and enhance the value of the land. The development of this downtown core area will make Konterra Town Center East a reality and therefore, will maximize the public and private development potential inherent in the location of this zone.

- (4) To promote the effective and optimum use of transit and other major**

transportation systems;

The proposed downtown core area is located within the geographical center of Konterra Town Center East, which is located between the metropolitan areas of Baltimore and Washington, D.C. and is accessible to major regional highways and the Maryland Area Regional Commuter (MARC) commuter train system. The proposed downtown core area is located close to the intersection of the Intercounty Connector and I-95. Because of the nature of the development, various forms of transportation including pedestrian, bicycle, automobiles, and mass transit are necessary to support the planned downtown core. This area is designed in an urban grid street pattern to maximize accessibility. Sidewalks, bike lanes, and trails have been proposed with the approved CSP for the entire Konterra Town Center East and within this DSP for the downtown core area, which are consistent with the approved CSP. Additional transportation improvements are envisioned in the later stages of the development. These improvements may include bus connections, transit stops from the MARC station at Muirkirk Road and US 1, and a potential Metro station within the office complex in the environs of Konterra Town Center East between the downtown core area and I-95. The success of the proposed development hinges on the effective use of various major transportation systems.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The DSP shows development in the entire downtown core area of approximately 132 acres of land, which has a mixture of uses. The residential units will generate the greatest amount of activity on the site from 6:00–9:00 a.m. and 3:00–10:00 p.m. The office tenants are anticipated to operate during regular 9:00 a.m.–5:00 p.m. business hours. The retail component is expected to generate activity all day, including anticipated service retail uses open from 7:00 a.m.–10:00 p.m. In addition, entertainment uses such a movie theater or hospitality establishment (commercial hotel) will contribute to a vibrant urban living environment that will facilitate and encourage a 24-hour environment. A hotel use is envisioned in the downtown core area in addition to the 600-room hotel proposed in the environs area. The proposed mixed-use downtown core area will facilitate and encourage a 24-hour environment in the ultimate development of the project.

- (6) To encourage diverse land uses which blend together harmoniously;**

The proposed DSP contains a variety of uses that are critical for a town center. Much of the proposed uses such as retail, commercial, and office will be combined in single buildings in a vertical mixed-use format. Detailed building

and streetscape design, landscaping, pavement patterns, and signage and lighting design guidelines have been proposed for the downtown core area that will create a visually harmonious development.

(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

To create a unique identity and distinctive visual character has been a central goal of this DSP. The entire downtown core area has been divided into 16 developable blocks and one green open space block with a compact street network. The downtown core is focused on the central green area and radiates from the central plaza, with the highest density, in a vertical mixed-use format. The density gradient gradually decreases further from the center. Civic and other public uses are laid out around the town square. Additional commercial/retail uses are also arranged around the entire central green area. Visually, the town square will also be the focus of the downtown core area and has a distinctive visual character and identity. Functionally, the downtown core area will be the center of Konterra Town Center East.

(8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;

Development of a project of this size would promote optimum land planning, which would permit the use of economies of scale and a flexible response to the market. The proposal for the downtown core area locates different uses in close proximity in order to form symbiotic relationships and dependencies among the uses. This creates a whole that is greater than the sum of its parts. The design strategy encompasses a scope beyond individual areas or buildings in order to achieve a compact urban environment. Uses within the downtown center fit within the fabric of the whole. Achieving a sustainable quality of urbanity with diversity of population and activities requires an initial critical mass. This is done by establishing the “urban core/downtown” early and letting it grow over time by the addition of its adjacent “environs” areas. This DSP is a critical step toward bringing the downtown core development closer to reality. Civic and cultural facilities are included to create a balance with the other retail, employment, and residential uses. The mixed-use approach creates a harmonious mix within the M-X-T Zone, substantially more than could be achieved through the construction of this variety of uses as single purpose projects.

(9) To permit a flexible response to the market; and

The scope of the project and its multiple uses will allow Konterra the flexibility to be responsive to market forces in a variety of sectors. In addition, through

approval of detailed design standards as proposed in this DSP, parameters for the overall character of the downtown core area are assured. The Planning Board believes, pursuant to the approved design standards, that permit plans can be reviewed administratively according to the approved design standards if those permit plans meet certain criteria as defined by this DSP. Konterra represents a well-integrated set of complementary uses, which together create a unified sense of place. Phasing development in a realistic and orderly way that establishes the design quality and character of the town center at its beginning will provide a framework that will build market demand and credibility necessary to fulfill the town center's ultimate vision. Approval of this development character in the DSP with its detailed design standards will provide appropriate flexibility to respond to the changing needs of public and private market sectors, while establishing an attractive, harmonious physical framework for development. The mixed-use and multiphase development with diverse products, as shown in the previously approved conceptual site plan for Konterra, and the detailed design standards in this DSP will permit a flexible response to the market. This DSP is in conformance with this purpose of the M-X-T Zone.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

Detailed design standards in this DSP have the intent to provide a framework for future administrative review of each permit plan and are focusing primarily on the urban character and the form of the public realms. The design standards specify detailed architectural design elements such as building height, solar orientation, fenestration, finishing materials, canopies, awnings, and building projections, but the standards do not lock in specific architectural styles. This design-oriented approach will provide an opportunity and incentive to allow freedom of architectural design that will create a unique character for Konterra Town Center East and greatly contribute toward the excellence envisioned in the 2002 approved General Plan for centers.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The larger site was rezoned to the M-X-T Zone in 1984 through Zoning Map Amendment A-9482. The 1990 Subregion I master plan and sectional map amendment retained the property in the M-X-T Zone. This requirement is not applicable to this DSP.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The downtown core area of Konterra Town Center East has been designed both to be oriented outward toward surrounding “environs” land uses and major regional transportation arteries and infrastructure, and to have an inward orientation toward its central plaza and green commons. A viable town center not only depends on an efficient regional transportation system, but also hinges on internal synergies that are usually arranged around its center. The proposed downtown core is physically tied to the regional transportation system. The internal focus point is achieved through the grid pattern of streets centering on the green commons, town square, and the corresponding architectural treatment of building elevations. The downtown core area requires that flexibility be inherent in the approach to its development. The outward orientation of the environs area is clearly coordinated with access, exposure, and frontage on I-95, the Intercounty Connector, and other major transportation facilities in the area. The density generally decreases as one moves away from the town square to the environs areas. The environs areas on the north, east, and south sides serve as transition areas that insure physical and visual integration with the existing adjacent development.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

Land uses immediately adjacent to the larger Konterra Town Center site include light industrial and office uses to the east and southeast and residential, research and development, and light industrial uses to the south, southwest, and northeast. The downtown area included in this DSP is being planned and designed for complete compatibility with the environs area, including vehicular access, pedestrian circulation, and complementary high-quality architectural design. The downtown core has been designed to serve as the focal point for Konterra Town Center East and proximate properties.

(5) The mix of uses and the arrangement and design of buildings and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

Konterra Town Center East is envisioned as a new town and is expected to evolve into the center of the northern part of the county. The development is designed as a complete new town, with a mix of various uses that will allow future residents to live, work, and entertain without traveling elsewhere. The design of the downtown core area incorporates a mix of uses including hotel, retail, dining, anchor department stores, theater, residential, parking, and office uses in an urban pedestrian-friendly grid pattern in order to provide complete urban living. The information provided on design principles and standards, proposed architectural elements, quality and mix of materials demonstrated in the DSP

design standards, and the illustrative plan and renderings all ensure sustainable quality and reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The entire downtown core area has been further divided into sixteen developable blocks and one green common block. The design standards cover almost every aspect of a built urban environment. Through an integrated design process, mix of uses, and a balanced street network, each block is planned with a cohesive pattern which will create, initially and over time, an interesting 24-hour environment in which residents and visitors can live, work, shop, and entertain in a harmonious community.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

A detailed parking analysis has been submitted with this DSP. The parking analysis divides the downtown core area into sixteen developable blocks and provides an analysis of various types of parking (surface, structured, and on-street) for each block to be developed in ten phases. Each construction phase is designed as a self-sufficient entity to be served with enough parking spaces. The mixed-use nature of the downtown core area development will make each phase of the proposed development a self-sufficient entity to allow effective integration of subsequent phases.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

A complete pedestrian circulation plan was approved with the conceptual site plan for the entire Konterra Town Center East. It included sidewalks along all of the internal streets within the downtown core area and a trail system which provides connections to and from the urban downtown areas to the environs, transportation facilities, regional parks, amenities, open spaces, etc. The pedestrian system is convenient and is comprehensively designed to connect major destinations within the development and create a pedestrian-friendly environment. The pedestrian system shown in this DSP is consistent with the previously approved CSP. The trails planner has provided comments on several pedestrian paths that are routed through the surface parking lots. An "Allee" style path that will provide pedestrians with shade and protection from traffic has been approved. A condition to require pedestrian connections through larger permanent surface parking lots to be designed in this "Allee" style has been attached to this approval by the Planning Board

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The design standards submitted with this DSP provide detailed information to define the development character of the proposed downtown core area. The development standards focus on design character and demonstrate an impressive amount of attention to human scale, human comfort, quality of building design, materials, streetscape and elevation articulation, landscaping, lighting, signage, street furniture, awnings, canopies, and pavements of pedestrian paths, town squares, and sidewalks.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

This requirement is not applicable to this application, which is a detailed site plan.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

Conceptual Site Plan CSP-07003 and Preliminary Plan of Subdivision 4-07108 were approved by the Planning Board in 2008. Adequate public facility issues were evaluated in the course of reviewing both applications and were determined to be adequate by the Planning Board. The development contained in this DSP will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

At the time of the conceptual site plan approval for the larger Konterra site, even though the application meets all applicable requirements of Section 27-544(d), the applicant did not elect to be approved in accordance with the provisions set forth for a mixed-use planned community. This DSP is not subject to this requirement.

- b. Section 27-548, M-X-T Zone regulations establish additional standards for the development in this zone. The DSP's 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; and**
- (2) With the use of the optional method of development—8.0 FAR.**

The applicant chose to use the optional method of development in Konterra Town Center East at the time of CSP. Under the optional method of development, greater densities can be granted, in increments up to a maximum floor area ratio of eight, for each of the specified uses, improvements, and amenities. The uses, improvements, and amenities proposed in the CSP include:

- Open arcades—Open air arcades along the perimeter of a building designed for pedestrian use may be utilized when architecturally appropriate.
- Theater—The theater provided will contain a minimum of 150 seats and is integral to the design of the downtown area. This will allow an increase of four gross square feet for every square foot of the theater provided.
- Outdoor Plaza—Outdoor plazas of different sizes and types have been proposed in the downtown and environs areas. They will potentially add eight square feet for every one square foot of plaza area provided.
- Enclosed Pedestrian Space—This element will be utilized as and when appropriate. In general, these spaces will be more appropriate in the downtown area. Additional amenities will be made available including lights and outdoor furniture.
- Residential—This will potentially increase the floor area ratio (FAR) by one if more than 20 dwelling units are provided with the application. The

CSP includes a total of 4,500 dwelling units and is eligible for this bonus.

The DSP includes all of Konterra Town Center East with a focus on the development within the downtown core area. The DSP proposes to use the optional method of development in order to be consistent with the approved CSP. The DSP has a FAR above 0.40. The proposed FAR is as follows:

Uses	Square footage
Office	809,750
Retail/Commercial	1,391,200
Multifamily	2,593,450 2,161 DUs
Hotel Rooms	249,900 300 rooms
Grand Total	5,044,300
Site: 132 Acres	5,749,920
FAR	0.87

The FAR value of the proposed development is more than double the minimum allowed value for development without using the optional development method; it is, however, much lower than the maximum allowed FAR of eight for this development.

(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 has divided the downtown core area into 16 developable blocks containing approximately 55 buildings. The total number of buildings may be increased with future DSPs.

(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.

The subject detailed site plan contains specific site conditions for each of the 16 developable blocks. The DSP also contains detailed design standards that define the development character of the proposed downtown core area. With the

approval of this DSP, design standards that cover every aspect of a town center environment, including but not limited to location, bulk and volume regulations, coverage, heights, landscaping, and signage and lighting of the proposed development, will constitute the regulations for review of permit plans.

- (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.**

The development is subject to the requirements of the Landscape Manual, the design standards, and landscaping information provided on the DSP drawings. The site's compliance with the requirements of the Landscape Manual will be reviewed at the time of each permit plan review. In addition to the Landscape Manual, the requirements as prescribed in Chapter 5 of the design standards will be used in review of permit plans.

- (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 requirement has been met with the approval of the CSP.

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

This requirement will be reviewed for compliance at the time of each permit plan.

- (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 DSP includes the downtown core area development of Konterra Town Center East that has been divided into 16 developable blocks and one green open space block. The street pattern shown in this DSP has been approved in both the Conceptual Site Plan, CSP-07003, in accordance with Subtitle 27, Zoning Ordinance, and Preliminary Plan of Subdivision 4-07108, in accordance with Subtitle 24, Subdivision Regulations. The DSP complies with this requirement. Except for the East and West Perimeter Drives, all internal streets will be private streets approved pursuant to Subtitle 24.

- (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, 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.

This DSP for Konterra Town Center East includes 2,161 multifamily dwelling units. No townhouses are included in this DSP.

- (i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, or a Mixed-Use Planned Community.**

The bulk regulations contained in the DSP do not show any building that is higher than 110 feet. Future permit review will also make sure that this requirement will be met.

- (j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to**

implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).

The subject site was rezoned to the M-X-T Zone in 1984 through Zoning Map Amendment A-9482. The 1990 Subregion I master plan and sectional map amendment retained the property in the M-X-T Zone. The town center envisioned in the master plan would include a prominent urban park, promenades, mall, and plazas. However, there were no specific regulations such as those regulating bulk and volume listed in the prior staff recommendation based on the design guidelines or standards intended to implement the town center concept with the rezoning case. This requirement is not applicable to this DSP.

9. **Conceptual Site Plan CSP-07003:** The Planning Board approved Conceptual Site Plan CSP-07003 with 14 conditions. The conditions that are applicable to the review of this detailed site plan warrant discussion as follows:

3. **Prior to acceptance of the first detailed site plan, the applicant shall:**

- a. **Submit a detailed stream corridor assessment that documents the current conditions of the streams located on-site and downstream to the point where the main channel crosses Ammendale Road. The stream corridor assessment shall be conducted using the Maryland Department of Natural Resources' protocol. In addition, the Anacostia River Basin Stormwater Retrofit Inventory and the Anacostia Watershed Restoration Action Strategy shall be evaluated by the applicant for potential mitigation sites for both stream restoration and woodland conservation and this analysis shall be included in the submittal. The assessment shall then be submitted to M-NCPPC staff, so that it can be deemed complete, prior to the development of recommendations for mitigation.**

According to a review by the Environmental Planning Section (Reiser to Zhang, January 8, 2009), this condition has been addressed. The stream corridor assessment was received on June 13, 2008.

- b. Submit a recommendation for stream restoration methods and their locations based on the complete assessment. The methods shall include, but not be limited to natural re-establishment of stream buffers and stabilization of the channel using natural methods wherever possible. Prior to the final preparation and submission of the stream restoration plan, the applicant shall coordinate a meeting with the Department of Public Works and Transportation and M-NCPPC to discuss the integration of the stream restoration efforts with the stormwater management facilities proposed. The areas of stream restoration shall be evaluated separately for consideration as woodland conservation areas, both on-site and off-site. Reflect the recommendations that result from the above analysis on subsequent detailed site plan design submittals. The recommendations and/or options implemented shall not exceed the extent of any required mitigation.**

A stream restoration plan was submitted as part of this DSP and will be reviewed with the permit plans or site- or project-specific DSPs including the stream, whichever comes first.

- c. The initial submittal package for the first DSP shall contain an illustrative plan that shows how the stormwater management ponds will be designed as amenities. The ponds shall be established outside of the existing regulated buffers, except for the outfall structures and associated grading, and the regulated buffers shall be re-established. The illustrative plans shall be reflected on the Detailed Site Plan and the associated landscape plan.**

The subject DSP does include stormwater management ponds outside the core area, and satisfaction for this condition must be met on permit plans or site- or project-specific DSPs, whichever comes first, covering the stormwater management ponds.

- 4. At the time of detailed site plan approval, the review shall address the following major areas of concern:**
 - a. The design of the downtown core area of approximately 132 acres shall be characterized by a cohesive network of buildings and urban spaces creating a pedestrian-oriented walkable community convenient to public transportation, automobile and other transit modes. This area shall encompass a grid of streets and blocks, with a predominantly vertically integrated mix of uses. Retail, residential, office, dining and hospitality shall be included in the detailed site**

plan for the first phase. The required design submittal elements of Section 27-282, inclusive of architecture, buildings, structures, heights, signage, lighting, setbacks, streets, footprints, recreational areas and/or facilities, open space, landscaping, entrance and/or gateway features, exterior amenities, sightlines, parking, paths, walkways, intersections, etc. shall be provided by illustrative depictions and written standards in a manner sufficiently definitive and flexible to ensure the desired design character required by the approved CSP will be implemented.

The first DSP shall include detailed design standards that will regulate the urban design character and the urban form of the public realms throughout the entire downtown area. The design standards shall be location-specific based on the approved street network in order to achieve high quality development as envisioned by the CSP. The design standards shall cover all physical aspects of the future built downtown core area such as, but not limited to, streetscape, open space/plazas, architecture (height, elevations, setback, materials, fenestration and articulation), retail storefronts, street corner conditions, building and parking/loading relationships, green building technology, signage, lighting, structured parking, and accent paving. The approved design standards shall establish design and review parameters that will serve as the basis for review of all subsequent plans.

The subject DSP has been filed to fulfill this requirement. The DSP consists of site plans and design standards. The detailed site plan divides the downtown core area into 16 developable blocks and one open space block and shows the building envelope of each block with the possible uses. The design standards have been prepared in accordance with the above requirements to codify the development as envisioned in the CSP. The standards are closely related to the specific physical layout of the downtown core and cover all aspects of a built town center environment as stated in this requirement. The design standards are also illustrated with graphics and photographs that provide information to define the development character and quality of the proposed downtown core area.

The subject DSP is similar in many ways to the Planning Board's previous approvals of detailed site plans for community character, special purpose detailed site plans for signage, and "umbrella" architectural approvals. However, this DSP differs greatly from previous approvals in its scale and complexity. The approval of this DSP will establish parameters, design standards, and site plans for reviewing permit plans. Functionally, this will work by having applicants provide staff with interim permit plans during its permit design process, thus allowing

staff to provide input on conformity to the design standards. Variation outside of the percentage guide must be shown to conform to the intent of the design standards or would be subject to review by the Planning Board. The Planning Board has also defined some additional instances which would require Planning Board review and are included in this resolution. The design- and character-driven standards and approval process will not only provide assurance that the desired development quality will be achieved, but also allows the applicant flexibility to respond to the market in a timely fashion.

- b. The facility type, quantity, location and materials of the on-site recreational facilities. The recreational facilities shall be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

Specific on-site recreational facilities are not identified with this DSP. However, the design standards and the site plans provide information regarding the quality and general information concerning types of facilities that will be provided with future site improvements. Conditions have been approved below in this resolution to require each permit plan that has a multifamily residential component to provide a tracking table and on-site recreational facilities to fulfill this requirement.

- c. Parking in the downtown core area includes both structured and surface facilities. A comprehensive parking study shall be provided to demonstrate that the proposed parking for various mixed-uses will be sufficient for the intended uses.**

A comprehensive parking study has been provided in accordance with this requirement. The study divides the downtown area into 16 blocks and provides parking demand for each block. Total required parking is 11,773 spaces and the parking study shows that a total of 12,497 spaces are provided. The provided parking will be sufficient for the intended uses. The final number of parking spaces in each block may vary somewhat in future permit plans.

- d. The elevation design of the row house product. The row house elevations shall be of high quality and of various visual treatments. The side and rear elevations of those high visible units shall also be treated in terms of design materials comparable with the front elevations.**

This DSP includes only multifamily dwelling units. This requirement is not applicable.

- e. The design and the layout of the central park and the streetscape**

around it. Detailed layout and design information of the central park and the surrounding streetscape shall be provided with the first DSP that covers the downtown core area. A specific chapter shall be included in the design guidelines that establish design parameters for review and approval of the architecture surrounding the central park, including, but not limited to, design, materials, color, street furniture, signage, lighting, shadow and wind analysis, detailed planting schedule and hardscape.

The detailed site plan and design standards provide certain information regarding the design and improvements around the central park, which is known as The Promenade in the design standards book. The standards cover issues such as design of buildings, elevation articulations, color, materials, street furniture, etc. However, there is no complete exhibit of the central park. A condition has been imposed to either expand the section on the central park to include shadow and wind analysis, detailed planting schedules, water features, if any, and hardscape to be included in the final certification package, or to submit a separate DSP for the central park.

- 5. The initial submittal package for the first DSP shall contain information regarding any reclamation work performed prior to May 2007, in a format similar the CNA, Inc. letter, to fully document the presence of fill materials on-site. A full soils report shall also be submitted that addresses the soil structure, characteristics and foundation stability. The study shall, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. The existing borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

According to the applicant, the required information has been provided at time of conceptual site plan approval. However, no evidence has been presented to confirm this statement. A condition has been adopted in this resolution to require the applicant to provide approval evidence from the Health Department prior to certification of this DSP.

- 10. Total development within the subject property shall be limited to uses which generate no more than 5,542 AM and 8,306 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

The Transportation Planning Section, in a memorandum dated January 7, 2009, provided

a trip generation table as follows:

Trip Generation for Phase I, DSP-08011	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	216	908	1,124	843	454	1,297
Office Trips	812	111	923	163	796	959
Retail Trips	462	295	757	1,701	1,844	3,545
Less Aggregate Internal Trip Capture	-66	-66	-132	-325	-325	-650
Less External Pass-By	-22	-13	-35	-184	-190	-374
Total, DSP-08011	1,402	1,235	2,637	2,198	2,579	4,777

The Planning Board adopted this finding and concluded that the site trip generation is within the overall cap under this initial computation. It is also within the Phase I cap, as it is less than the trip generation level shown in Condition 9 which triggers Phase II improvements.

- 14. A traffic phasing analysis will be submitted and reviewed during the processing of the Detailed Site Plan for each phase. This traffic phasing analysis will define the improvements required for phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed 5,541 AM Peak trip cap and the 8,306 PM Peak trip cap, unless a future revision to the Conceptual Site Plan and Preliminary Plan of Subdivision are processed.**

The applicant has submitted a traffic phasing analysis as required by this condition. The traffic phasing analysis was also referred to both the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). It is determined that the submitted phasing analysis is an acceptable means for maintaining traffic operations with the introduction of the initial phase of the Konterra Town Center East development. The following comments have been provided:

- DPW&T indicated that the proposed staging for Phase I would be acceptable. DPW&T has indicated, however, that the intersections of existing Virginia Manor Road with Access 1 (Perimeter Drive West) and Access 4 (Fashion Place) must be signalized. This requirement will be imposed by the operating agency as a part of bonding the new access points and the needed improvements to Virginia Manor Road.
- SHA commented that the rates of internal trip capture were too high in some instances. However, the internal trip capture methodology has been included in

all past traffic studies for this project and the methodology has not been altered. This has been documented for past Planning Board findings for the conceptual plan and the subdivision. All told, approximately 11 percent of trips under buildout would be internal, and this is deemed to be a reasonable estimate of the amount of internal trip satisfaction within this site.

- SHA commented that the study uses an incorrect configuration for the future I-95/Contee Road interchange. These numbers have been reworked with the currently-planned configuration with no change in the overall finding that was made by the Planning Board. Nonetheless, future phasing analyses must utilize SHA approved design for the interchange.
- SHA notes that site access points are proposed “in close vicinity” to both I-95 and MD 200. The access points have not moved from the locations shown on prior plans. Nonetheless, during the process of bonding and permitting, needed improvements with SHA, the applicant should be prepared to analyze operational queues and delays.
- The transportation phasing analysis does not clearly differentiate the level of improvements needed for Phase 1A versus Phase 1B. Therefore, it is presumed that the required Phase 1 improvements listed in prior Planning Board conditions would be implemented as a single Phase 1. The list of improvements in Condition 21 of the resolution approving Preliminary Plan of Subdivision 4-07108 would, for the most part, form the Phase 1A and Phase 1B list of improvements. It is noted that Condition 21(a) is not included within the phasing analysis.

10. **Preliminary Plan of Subdivision 4-07108/VP-07108:** The Planning Board approved the preliminary plan of subdivision, the accompanying variation application (for direct access onto A-56), and a variance on lot sizes on July 24, 2008, with 30 conditions. The following conditions are pertinent to the review of this DSP.

2. **Prior to the issuance of permits, a Type II tree conservation plan shall be approved.**

A Type II Tree Conservation Plan, TCPII/065/08, has been submitted with this DSP. The Environmental Planning Section recommends approval of the TCPII along with the approval of this DSP. The Planning Board adopted the recommendation.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan No. 19046-2007-00 and any subsequent revisions.**

Approved Stormwater Management Concept Plan 19046-2007-00 for the entire Konterra

Town Center including the proposed development within the downtown core area covered in this DSP is valid through 2010. The DSP is consistent with the approved stormwater management concept plan.

- 5. The applicant, the applicant's heirs, successors and/or assignees shall provide on-site private recreational facilities as determined appropriate at the time of review of the detailed site plans (for the portion of the property including residential component). The recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**

This DSP proposes development for the downtown core area. A total of 2,161 multifamily dwelling units is included. The applicant also submitted a downtown core area recreational plan that lists general recreational facility categories and location information. As discussed in Finding 7 above, staff believes that this applicant will have no difficulty meeting the recreational facility obligation. Specific on-site private recreational facilities will be reviewed at the time of each permit plan. Two recreational facility-related conditions have been proposed to require the applicant to provide on-site private facilities and provide a tracking mechanism to make certain that the minimum obligation has been fulfilled during future permit plan reviews and approvals.

- 7. Development of the site shall conform to CSP-07003, or as subsequently revised.**

The subject DSP is in conformance with approved CSP-07003. See Finding 9 above for a detailed discussion on each applicable condition attached to the CSP.

- 11. Prior to the approval of a detailed site plan or final plat, which includes land currently encumbered by "WSSC waterline easement by condemnation to be abandoned and reconstructed" or for areas located in the new alignment, the applicant shall provide evidence of the reconstruction agreement, or WSSC consent.**

This DSP shows development only in the downtown core area of Konterra Town Center East. The above mentioned Washington Suburban Sanitary Commission (WSSC) easement is located outside of this core area and is within the environs of the Konterra development.

- 12. Prior to the approval of the first detailed site plan, the applicant should demonstrate the satisfaction of the Health Department regarding issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site.**

This issue has not been resolved to the satisfaction of the Health Department at time this resolution was prepared. This condition will be carried forward as a condition in this resolution to require the applicant to provide evidence prior to certification.

- 14. At least 35 days prior to a Planning Board hearing of the DSP, the NRI and the TCPI associated with the CSP and the TCPI associated with the preliminary plan shall be revised and signed. They shall show the entirety of the subject property and a clear delineation of the SHA right-of-way based on submitted documentation of the acreage. This land will be shown as “previously dedicated land” and the plans shall be signed at least 35 days prior to a Planning Board hearing of the DSP.**

- 15. Prior to acceptance of the DSP, the Type I tree conservation plan shall be revised as follows and receive signature approval:**
 - a. Revise the TCPI as necessary so that both the NRI and the TCPI reflect the legal boundaries of the site.**
 - b. Revise the plans to show conceptual grading of the site for the features shown, not for the mass grading of the site. Include the proposed grading for all variation requests.**
 - c. Revise the worksheet to be a split-zoned worksheet with columns to reflect the phases (the M-X-T portion is Phase I and the R-R portion is Phase II).**
 - d. Revise the worksheet to show the SHA land dedication as “previously dedicated land.”**
 - e. Correct all calculation errors on the plans and the worksheet.**
 - f. Revise the noise contour on the plan and in the legend to reflect the “65 dBA Ldn unmitigated noise contour.”**
 - g. Revise the symbols and line weights on the plans so that they are reproducible in black and white.**
 - h. Revise the plans as needed to address other issues contained in the technical staff report and the resulting resolution.**
 - i. Revise the plans as needed to address all technical issues for conformance with the Woodland Conservation and Tree Preservation Ordinance.**

- j. Have the revised plan signed and dated by the qualified professional who prepared the plan.**

Due to the limited nature of this DSP, the environmental issues such as those included in the above two conditions will be addressed at review and approval of the applicable permit plans or site- or project-specific DSPs, whichever comes first. To date, the NRI has received signature approval. However, the CSP and TCPI have not been certified. A condition has been imposed by the Planning Board to require the applicant to obtain certification approval of CSP-07003 and signature approval of Preliminary Plan of Subdivision 4-07108 prior to certification of this DSP.

- 18. At least 35 days prior to any hearing on the DSP, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers. In order to achieve this requirement, lots may be lost.**

This condition governs the provision of stream valley trails within the environs of Konterra Town Center East. The Transportation Planning Section, in a memorandum dated October 16, 2008, stated that the larger Konterra Town Center East proposed an extensive network of facilities for bicyclists and pedestrians, including bicycle and pedestrian-compatible roadways. All roads include standard or wide sidewalks along both sides and major roads include designated bike lanes. However, the trail alignment is beyond the scope of this application. This condition has been carried forward in a modified form in this resolution to require the conformance of the future detailed site plan and/or permit plans, whichever comes first, for the portion of the site including the stream valley trail.

- 23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. 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.**
- 24. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 5,965 AM peak hour trip cap and the 8,963 PM peak hour trip cap, unless a future revision to the preliminary plan of subdivision is processed.**

See Finding 9 above for a detailed discussion on the DSP's conformance with these two conditions.

30. Pursuant to the approval of VP-07108 the following minimum lot sizes are required for townhouse lots:

- **A maximum of 36 percent of the lot sizes shall be between 1,000 and 1,799 square feet.**
- **A maximum of 46 percent of the lot sizes shall be between 850 and 999 square feet.**
- **A maximum of 10 percent of the lot sizes shall be between 630 and 849 square feet.**

The Applicant may submit, with any DSP that proposes townhouses, any new variance applicable to design standards, including a new variance for lot size.

There are no townhouses proposed in this DSP. The only residential use proposed in this DSP is a total of 2,161 multifamily dwelling units.

11. **Landscape Manual:** This DSP includes supporting infrastructure such as stormwater ponds for that development in the surrounding environs, which is not subject to the requirements of the Landscape Manual. However, the portion of the DSP covering the downtown core area is subject to the requirements of the Landscape Manual. This DSP also defines the downtown core area development character and quality through illustrated design standards, which cover the landscaping concept and details such as paving and species of street trees in Chapter 5 of the design standards book. Specifically, Sections 4.1, Residential Requirements, 4.2, Commercial and Industrial Landscape Strip, 4.3, Parking Lot Requirements, and 4.4, Screening Requirements of the Landscape Manual are applicable to the downtown core area covered in this DSP. Compliance with the Landscape Manual and the applicable landscaping standards will be reviewed at the time of each permit plan.
12. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet, and there is a Type I Tree Conservation Plan, TCPI/05/08, associated with the conceptual site plan for this site.
 - a. This site has a signed Natural Resources Inventory (NRI/050/08-01) which was approved with CSP-07003. The NRI includes a total of 12.36 acres of woodland on the gross tract and 8.42 acres of woodland within the 100-year floodplain. All of the forest stands have a

value of “good” or “priority” because the woodland that remains is primarily within the remaining regulated areas. The site has a total of 11 specimen trees. The existing site features appear to be shown correctly on the TCPII and detailed site plan. No additional information on NRI/050/08-01 is required with this DSP.

- b. A Type II Tree Conservation Plan (TCPII/065/08) was submitted and reviewed with this DSP by the Environmental Planning Section and was found to conform to the requirements of the Woodland Conservation Ordinance subject to certain conditions.

13. **Planning Board Analysis:** The subject application was referred to the concerned agencies and divisions. The Planning Board summarizes the referral comments as follows:

- a. The application is consistent with the 2002 *Prince George’s County Approved General Plan Development Pattern* policies for the Developing Tier and conforms to the town center land use recommendations in the 1990 approved master plan for Subregion I.
- b. The property is the subject of a recently approved Preliminary Plan of Subdivision, 4-07108. The resolution of approval was adopted by the Planning Board on September 18, 2008. The Subdivision Section staff provides discussion on applicable conditions attached to the approval of the preliminary plan of subdivision (See Finding 10 above for a detailed discussion on the applicable conditions). Staff cannot determine if the subject DSP is consistent with the preliminary plan of subdivision until the applicant obtains signature approval of Preliminary Plan of Subdivision 4-07108 and TCPI/05/08-01.

The subject DSP provides general development envelope information on the downtown core layout as approved in the Conceptual Site Plan, CSP-07003, and Preliminary Plan of Subdivision 4-07108. Given the special status of the downtown core area within Konterra Town Center East, it was subdivided into large parcels instead of small fee simple lots. The detailed design standards submitted with this DSP are supplemental to the site plans and provide substantial detail, as described previously, on development character and quality. However, prior to certificate approval of this DSP, the applicant should obtain final signature approval of Preliminary Plan of Subdivision 4-07108 and Type I Tree Conservation Plan TCPI/05/08-01 from the Subdivision Section. All applicable conditions as stated in PGCPB Resolution No. 08-116 should be satisfied. A condition has been imposed by the Planning Board in this resolution.

- c. A complete review of the applicant’s conformance with the conditions attached to approved CSP-07003, Preliminary Plan of Subdivision 4-07108, the parking analysis and the traffic phasing analysis has been carried out. The Transportation Planning Section concluded that since the preliminary plan of subdivision for this case is still valid and the preliminary plan findings were made less than six years prior. The subject application complies with the necessary findings for a detailed site plan subject to four conditions that have been included in the recommendation section of this report. The Planning Board

adopted this finding.

The trails planner provided a comprehensive background review for master plan trail compliance. Specifically, staff has provided a detailed discussion on issues of stream valley trails, public versus private roadways, and pedestrian safety. The trails planner recommends eight conditions related to pedestrian connections and safety that have been adopted by the Planning Board in this resolution.

- d. The Environmental Planning Section, in a memorandum dated January 8, 2008, indicated that the plans as submitted have been found to address the environmental constraints for the site and the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The Environmental Planning Section provided a comprehensive review of the approval history and the application's conformance with the *Approved Countywide Green Infrastructure Plan* and applicable conditions of previous approval. Staff recommends approval of this application subject to two conditions that have been adopted by the Planning Board in this resolution.
- e. The Department of Parks and Recreation (DPR), in a memorandum dated September 24, 2008, provided no comment on this DSP because park-related conditions have been met and there is no public park on this portion of Konterra Town Center East.
- f. The Permit Review Section, in a memorandum dated December 9, 2008, provided two comments on development requirements and detailed information regarding various retaining walls.

The development requirements for this DSP have been provided in the format of an illustrated design standards book. Given the volume of the design standards, it is difficult to provide the development requirements on the coversheet of the DSP. The design standards book will be provided on the project website (www.Konterra.com) and will be approved with the DSP. Regarding the details of various retaining walls, since this is a special purpose DSP for development character and supporting infrastructure, the information on retaining walls will be required and be reviewed at the time of permit plans or site- or project-specific DSPs, whichever comes first.

- g. The Department of Public Works and Transportation (DPW&T) did not comment directly on this DSP. Their concerns have been included in the Transportation Planning Section's comments (Masog to Zhang, January 7, 2009). The issues identified by DPW&T will be reviewed and enforced at the time of the issuance of access permits by DPW&T.
- h. The Maryland State Highway Administration (SHA) has not responded directly to the detailed site plan referral request. They have provided comments through the Transportation Planning Section.

- i. The City of Laurel, Department of Community Planning and Business Services, in a memorandum dated October 7, 2008, stated that the City has reviewed the information and finds the design standards of this project to be of high quality. Specifically, the City asked several questions as follows:

“The City of Laurel has historically been supportive of the Konterra project since its inception. Our only concern is regarding transportation improvement funding and adequate public facilities. Given the recent cutbacks in State funding, our questions would be whether the proposed development phasing is realistic, given the absence of funding, as well as the unknown status of Kenilworth Avenue Extended. Does this submittal meet County APFO standards, given the delay in funds? If it does, how would the delay of relied upon transportation infrastructure be incorporated into the development approval processes and schedule?”

Adequacy of public facilities for the larger Konterra development including the downtown core area covered in this DSP was evaluated at the time of Conceptual Site Plan, CSP-07003, and Preliminary Plan of Subdivision 4-07108 approvals. Conditions attached to the previous approvals require certain improvements to be implemented in order for this development to move forward. Those conditions of approval are still valid and will govern each phase of this development.

- j. The subject DSP application has also been referred to the Department of Planning and Zoning of Howard County, which provided no comments on this DSP.
 - k. Washington Suburban Sanitary Commission (WSSC), in a memorandum dated October 16, 2008, noted that water and sewer extension will be required for this development. There is an approved project, DA4623Z07, within the limits of this site.
14. **Additional Planning Board Analysis:** Consistent with Condition 4 of CSP-07003, the subject DSP provides enough information to define the general urban design character and quality of the proposed downtown core area development. This DSP also includes information for the supporting infrastructure. In the past, for a large multiphase development such as a planned community or an integrated shopping center, the Planning Board has occasionally approved a signage or community character DSP covering the entire site in order to define the development character and parameters of the proposed development. The current detailed site plan review and approval procedure prescribed by the Zoning Ordinance is most compatible with standard suburban, single-use sites. Under the current procedure, at the time of detailed site plan review, details of the development should have already been finalized. According to Section 27-282(e), the site plan should provide detailed information regarding the proposed development such as the exact location and size of all buildings, structures, and sidewalks, and the exact location, size, type, and layout of all recreational facilities, etc. In the case of a large scale, multiple-stage development such as the development proposed in the subject DSP, much of the above information cannot be easily determined and provided for review within the timeframe required for a normal DSP. This type of development will be subject to continual refinement from the

initial schematic design, continuing through permitting and construction, depending on many leasing, marketing, and design factors as well as end user needs and requirements. To achieve the highest level of quality, numerous adjustments may be necessary even at the time of issuance of permits because the development is entirely market-driven and has to respond to the market in a timely fashion in order to be successful.

The subject DSP has been filed in accordance with Condition 4 of the approved Conceptual Site Plan, CSP-07003 (PGCPB Resolution No. 08-95), to further define the development character and quality of the downtown core area of Konterra Town Center East. The approved design standards will be utilized to serve future permit review purposes and ensure that each development contributes to a complete series of quality public spaces and a dynamic urban environment. The standards in this application meet the general intent of this type of DSP for development character and quality except for certain procedural and design standard issues which are discussed below. The issues identified in this section of the report will be addressed through conditions attached to the approval of this DSP as stated in this resolution. The discussion which follows has been approved by the Planning Board to have Planning Department staff review permit plans for conformity to the design standards within the downtown core area.

In order for the Planning Board to continually monitor this development and remain abreast of the applicant's permitting, construction, and leasing progress, the applicant has expressed a willingness to provide a briefing for the Planning Board no later than 18 months subsequent to final action on the DSP, and annual briefings thereafter, at least through the initial stage. This will provide a mechanism for the Planning Board to comment on the review process described herein.

Review procedure (Supplemental to the existing procedure)

- a. Permit plans to be reviewed administratively for compliance with the approved design standards should be limited to those sites and projects located within the development envelopes of the 16 blocks of the downtown core area. Permit plans that involve any of the following conditions will be reviewed by the Planning Board:
 - (1) Deviation from the approved design standards such as height, setbacks, size of the sign face, etc. quantitatively by more than ten percent, and such deviation does not conform to the intent of the design element;
 - (2) An increase of the development density by more than ten percent from the overall development quantity in terms of the number of residential dwelling units and square footage for commercial and other uses above the maximums approved included in this DSP;
 - (3) Significant modification of the area, quantity, or location of designated open spaces or plazas as shown on the DSP in an adverse manner;
 - (4) Exemption from the approved design standards such as partial or complete

waiver of parking and loading requirements of the developable blocks, reduction in green open space, or tree canopy coverage; and

- (5) Any other situation, in the opinion of Planning Department staff, which requires the approval of the Planning Board, such as when agreement cannot be reached between the review staff and the applicant, or any unforeseen conditions not included in this report which will have a significant impact on the physical layout of the downtown core area that adversely impacts the design intent.
- b. A statement of justification should be provided with each permit plan to be reviewed administratively to provide a detailed description of all applicable design standards and how the proposed permit plan(s) satisfies them.
- c. Each permit plan to be reviewed administratively should include an approval sheet listing all previous decisions in the form of certificates of approval, a development accumulation table including each type of use and total approved square footage, and a parking tracking table indicating the total cumulative required parking for the downtown core developed to date and the number and location of parking spaces provided to date. If the parking cannot be fully accommodated within the respective developable block, off-block parking should be located within 500 feet of the development site, to the extent practicable.
- d. For any design elements that are not illustrated in the approved design standards, the applicant should meet with review staff to discuss the design, color, and materials of the project immediately after completion of the schematic design. A decision should be made regarding the level of review at the conclusion of the meeting. It is recommended that a pre-application meeting should also be utilized to discuss any possible departures from the approved design standards as defined in Finding 14(a) above.

Design elements

- e. A parking analysis based on each downtown block has been provided with this DSP. The required parking in the analysis for each block, including the number of surface, structured, and on-street parking spaces, will be used as guidance for reviewing the sufficiency of the parking for permit plans in the future. A tracking table should be provided with each permit plan to ensure that the required parking has been provided. However, the parking analysis does not identify the number of parking spaces for the physically handicapped. This information should be added to the analysis. In addition, every fourth handicapped space provided should be van-accessible.

As far as loading is concerned, no specific information has been provided. Loading is usually shared among uses in a mixed-use development such as this one, and loading requirements will be reviewed at the time of permit plans. It is recommended that all loading spaces be included with the design of parking structures, if and when it is practical.

- f. Open spaces including green spaces such as the central green, pocket parks, the urban plaza, and squares are critical meeting places for the public within the downtown core area of Konterra Town Center East. The recreational plan identifies area-wide open spaces throughout the downtown area. However, additional outdoor open spaces should be provided in association with any multifamily residential projects when practicable.
- g. The recreational plan provides the general location and type of the envisioned recreational facilities and amenities serving the downtown core area. Detailed facility information including cost will not be available until the time of permit plans. In addition to the recreational facilities and amenities identified within the downtown core recreational plan, additional facilities should also be provided in association with the multifamily residential development within each specific project. In general, each multifamily residential building should provide a minimum of one fitness room and a club room to be used by all residents in the building, in proportion to the number of residents they will serve. A swimming pool should be included, if it is practical. If more than two buildings are developed, the residents of the buildings may share one swimming pool. A recreational facility tracking table should be provided with each site- or project-specific DSP.
- h. Major pedestrian connections through some larger permanent surface parking areas should be designed in an “Allee” pattern to provide sufficient shade and protection from vehicular traffic. Certain landscaping elements such as sitting facilities, trash receptacles, and protective devices such as bollards should be incorporated into the design of such connections. The design of the pedestrian connections should be included in the permit plans for the adjoining projects.
- i. Complementary street trees, street furniture, and lighting fixtures along each major downtown street should be established at the time of the first permit plan for sites located within the adjoining blocks that front on the main streets. Subsequent permit plans should provide sufficient reference to the approved species of street trees, street furniture, and lighting fixtures for that street on which the project site is fronting.
- j. The fundamental feature of the design standards is to achieve desired public spaces featuring a street-level sense of place formulated by the buildings fronting each street. The form of the public spaces relies on the location of a well-defined build-to-line on each street. The design standards provide illustrations of build-to-lines on portions of several streets.
- k. In the summary of approaches to sustainability submitted with this DSP, the applicant lists car sharing and carpooling as one of the strategies to minimize carbon dioxide emissions for the proposed Konterra Town Center East. In fact, car sharing is an emerging trend for occasional car use in many large U.S. cities. Successful car sharing development has tended to be associated mainly with densely populated areas such as

city centers and more recently university and other campuses. Car sharing results in energy savings and can also help reduce congestion and pollution. Employer and/or developer sponsored strategies that similarly help reduce congestion and pollution should also be included. The subject site is the downtown core area of a larger town center project and is an ideal location to provide parking spaces for a car sharing program. The Planning Board believes that it is highly desirable to promote these strategies and recommends these various programs be noted in the parking section of the design standards and be satisfied with applicable permit plans.

- l. Bicycle use is also identified as a strategy to minimize carbon dioxide emissions and save energy. The Planning Board adopted the agreement between staff and the applicant to include aspects of The Leadership in Energy and Environmental Design of the U.S Green Building Council (LEED) standards for Sustainable Site, Credit 4.2. Alternative Transportation: Bicycle Storage and Changing Rooms for the downtown core area into the design standards.
 - m. A complete set of lighting standards has been provided for the downtown core area. The standards include requirements for exterior lighting for public spaces consisting of streetscape lighting, pedestrian lighting, landscape lighting, and architectural lighting. The graphic and illustrations show the materials and quality of the proposed lighting fixtures. There are no explicit requirements for full cut-off lighting fixtures. The Planning Board adopted the staff's recommendation to include a note in the lighting design standards to require all lighting fixtures, where appropriate and practicable, to be full cut-off type, except for those submerged in water such as the lighting fixtures for fountains or other water features that are deemed necessary and compatible by review staff with the water features they illuminate.
15. As required by Section 27-285(b), the subject detailed site plan satisfies all criteria for M-X-T Zone approval in Part 3, Division 2; the detailed site plan and proposed development meet the purposes and applicable requirements of the M-X-T Zone; the detailed site plan is also in conformance with the approved Conceptual Site Plan, CSP-07003; and it represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/065/08) and further APPROVED Detailed Site Plan DSP-08011 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Obtain certification of Conceptual Site Plan CSP-07003. Any additional conditions attached to the final approval of CSP-07003 that impact the physical layout of the

downtown core area as shown on the subject DSP shall be reflected on the site plans.

- b. Obtain signature approval of Preliminary Plan of Subdivision 4-07108.
- c. Revise the design standards in accordance with the recommended revisions in this report and include the design standards book in the certification package for final certification approval.
- d. Expand the existing section on The Promenade in the design standards book to include additional design standards that establish design parameters for the architecture surrounding the central park, including, but not limited to, design, materials, color, street furniture, signage, lighting, shadow and wind analysis, detailed planting schedule, water features, if any, and hardscape; or obtain a separate DSP approval for the central park.
- e. Provide evidence demonstrating the satisfaction of the Health Department regarding issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site.
- f. Provide evidence from the utility companies which have jurisdiction over the subject site that all utilities, within the core area, will be provided within the right-of-way of streets.
- g. Revise the design standards book as follows:
 - (1) Pedestrian pathways or connections through permanent surface parking lots, for which the farthest point exceeds four hundred (400) feet, shall be designed in "Allee" style. A typical design detail shall also be provided in Chapter 5, Landscape Standards.
 - (2) Provide a note in Chapter 7, Lighting Standards, indicating that pole mounted perimeter street and interior parking area fixtures, excepting light fixtures provided by and subject to BG&E requirements, are to be light fixtures with full cut-off optics. All light fixtures located within service court areas are also to be fixtures with full cut-off optics to the extent practicable. Decorative internal street and plaza poles, decorative building-mounted fixtures, and other fixtures used for aesthetic effect or security, including those that may be submerged in water features, will be light fixtures with full cut-off optics, to the extent practicable.
 - (3) Provide an infrastructure chapter to demonstrate how utilities serving the downtown core area will be provided and where the utility easements will be located. All utilities shall be underground. A utility exhibit to scale shall be provided.
 - (4) Provide a section on transit access and transportation-friendly initiatives, which

shall include:

- (a) Provision of two or more proposed bus stops within one-quarter mile of the project;
 - (b) Implementation of infrastructure within appropriate areas of the site for multiple support programs promoting shared vehicle usage such as car pool drop off areas, designated parking for vanpools or car share services, ride boards, and shuttle service to mass transit;
 - (c) Options for preferred parking for car share programs;
 - (d) Shared parking; and
 - (e) Provision for secure bicycle racks in accordance with Leadership in Energy and Environmental Design (LEED) standards, to the extent possible or provide sufficient information on a more appropriate requirement for mixed-use developments. Usage of the bicycle racks shall be monitored throughout the course of development and the number or percentage may be increased or decreased as utility dictates. Modifications of the numbers and/or locations of bicycle racks should be documented with each permit application.
- (5) Provide a new chapter on sustainability of the development and include the narrative submitted with this DSP in the new chapter. The new chapter shall also specify the minimum solar reflectance index (SRI) value for sidewalks and building roofs.
- (6) Provide a note in each chapter indicating that the first permit plans for sites located within the adjoining blocks that front on the main streets shall establish standards for a complementary array of street trees, furniture, and lighting fixtures along each applicable main street. Subsequent permit plans for those main streets shall provide sufficient reference to the approved species of street trees, street furniture, and lighting fixtures for that street on which the project site is fronting.
- h. Modify the plan to make provision for the “Boulevard” standard for the access westward from Perimeter Drive West along the roadway connecting Konterra East and Konterra West.
 - i. Revise the entrances to the lots north and south of Fashion Place shown on page 16 of the site plan to align these driveways at the proposed median break.
 - j. Revise the Type II tree conservation plan as follows:

- (1) Remove the proposed reforestation from the rare, threatened, and endangered species (RTE) buffer as it is no longer part of the site, and revise the worksheet accordingly.
- (2) Revise the worksheet as needed to address other comments.
- (3) Revise the legend to include any additional lines or symbols as necessary.
- (4) Revise the symbols and line weights on the plans so that they are reproducible in black and white.
- (5) Remove all duplicate information from the plan including, but not limited to, existing contours.
- (6) Revise the line type used to depict the 65 dBA Ldn noise contour to be distinct from other features shown on the plan and provide additional labels as necessary.
- (7) Show all existing woodland located within proposed or existing easements that are to remain as cleared, and revise the worksheet accordingly.
- (8) Provide a TCPII signature approval block on all sheets of the plan set.
- (9) Revise the limit of disturbance (LOD) to account for only the disturbance necessary for the proposed grading and structures shown on the plan.
- (10) Remove proposed reforestation from property that is not part of the subject site and revise the worksheet accordingly.
- (11) Revise the forest conservation detail to include the following note: "The signs are to remain in place."
- (12) Revise the Type II tree conservation notes to include optional Note 3 and to replace all references to the "DER inspector" with "county inspector."
- (13) Provide a specimen tree table on the plan containing the tree number, size, species, condition, proposed disposition, comments and/or special reservation treatments recommended, as well as a note below the table indicating how the specimen trees were located.
- (14) Have the revised plan signed and dated by the qualified professional who prepared the plan.

2. At the time of permit plans, or site- or project-specific DSPs, whichever come first, the applicant

shall provide the following with each application:

- a. A statement of justification to provide a detailed description of all applicable design standards and how the proposed permit plan satisfies them.
 - b. A parking tracking table showing the total cumulative required parking spaces to date and the cumulative number of approved parking spaces.
 - c. A development accumulation table showing the approved development including each type of use, the number of the dwelling units, and square footage.
 - d. Additional outdoor open spaces associated with multifamily residential buildings, except for residential over retail, to the extent practicable. Multifamily residential buildings shall provide a minimum of one fitness room and club room per 300 dwelling units to be used by all residents. The size of the rooms shall be in proportion to the number of residents, to be determined at time of review of each project.
 - e. An on-site recreational facility tracking table for the multifamily residential component.
3. Any detailed site plan or permit plan exhibiting one or more of the following conditions shall be reviewed by the Planning Board:
- a. Deviates from the approved design standards such as height, setbacks, size of the sign face, etc. quantitatively by more than ten percent, and such deviation does not conform to the intent of the design element;
 - b. Increases the development density by more than ten percent from the overall development quantity in terms of the number of residential dwelling units and square footage for commercial and other uses above the maximums approved in this DSP;
 - c. Significantly modifies the area, quantity, or location of the open spaces or the plazas as shown on DSP-08011 in a manner that adversely impacts the aesthetic quality, design intent, or usefulness of the open spaces or plaza;
 - d. Seeks exemption from the approved design standards such as partial or complete waiver of parking and loading requirements of the developable blocks, reduction in green open spaces or tree canopy coverage; and
 - e. Any other situation, in the opinion of Planning Department staff, which requires the approval of the Planning Board, such as when agreement cannot be reached between the review staff and the applicant, or any unforeseen conditions not included in this report which will have a significant impact on the physical layout of the downtown core area that adversely impacts the design intent.

4. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Include the streetscape for roadways that are to remain publicly accessible, per Exhibit 3 in the public use easement(s);
 - b. Provide sidewalk connections and/or pedestrian walkways as applicable from all garages and surface lots to adjacent buildings;
 - c. The following walkways or the functional equivalent, if feasible in the event of subsequent layout modification, shall be provided:
 - (1) Provide sidewalk connections from the parking garages to Center Street on Sheet 24.
 - (2) Provide sidewalks along both sides of the entrance road to the parking garage from North End Road on Sheet 31.
 - (3) Provide sidewalks along both sides of the main drive aisle from North End Road to the parking garage on Sheet 34.
 - (4) Provide two pedestrian walkways or sidewalks through the parking area from North End Road to the planned buildings on Sheet 32.
 - (5) Provide two pedestrian walkways or sidewalks through the large parking area from North End Road to the planned building on Sheet 33.
 - (6) Provide one pedestrian walkway or sidewalk through the parking lot between the office buildings on Sheet 28.
 - (7) Provide one pedestrian walkway or sidewalk through the parking lot between the condominium buildings on Sheet 23.
5. At the time of detailed site plan for the portion of the site including the stream valley trail, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers.
6. At the time of permit plans including the three roundabouts and all nonstandard roadway sections shown on the site plan, the applicant shall obtain approval from the Department of Public Works and Transportation. The relevant evidence shall be submitted with the permit plan.
7. Noise, stormwater management, and rare, threatened, and endangered species issues shall be addressed during the review of permit plans or site- or project-specific DSPs, whichever come first, in which that issue appears.

8. No less than 18 months after final action on the subject DSP, the applicant and the applicant's heirs, successors and/or assignees shall provide a briefing to the Planning Board on the status of the development in regard to permitting, construction, and leasing. Subsequent to the initial briefings, annual briefings shall be presented at least through the initial stage. Additional or more frequent briefings may be required by the Planning Board, if deemed necessary.

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.

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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 Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Vaughns absent at its regular meeting held on Thursday, February 12, 2009, 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