Case No. DSP-07011/01

Applicant: D. R. Horton, Inc.

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

FINAL DECISION — APPROVAL OF REQUEST TO AMEND CONDITION

On April 21, 2009, the District Council affirmed Planning Board's decision, embodied within PGCPB No. 09-03, to conditionally approve Detailed Site Plan 07011/01[1] and a Departure from Design Standards, for a 705,227-square-foot integrated shopping center with 108 multifamily dwellings, and 24,854 square feet of office space, for a project referred to as Woodmore Towne Centre at Glenarden, on property described as approximately 141.8 acres of land in the M-X-T Zone, northeast of the intersection of the Capital Beltway (I-495/95) and Landover Road (MD 202), Glenarden. *See* Order of District Council, 4/21/2009.

On or about March 25, 2016, the instant Applicant D. R. Horton, Inc., filed a written request, pursuant to Section 27-157(c)(1), to delete Condition 4(c) in DSP-07011/01. *See* Applicant's Request to Amend Conditions, 3/25/2016.

Condition 4(c) in DSP-07011/01 required as follows:

> 4. The following phasing schedule shall apply to the development of the subject site:
>
> c. Prior to the release of building permits for the 393nd residential building permits for Pod F as shown on the CSP-03006 or prior of the issuance of permits for the 500th residential unit for the overall site (the entire 244.67-acre Woodmore Towne Centre site), a minimum of 108 residential units located within the land area of the subject DSP shall have been issued. *See* Order of District Council, 4/21/2009.

[1] The Applicant in 2009 was Petrie/ELG Inglewood, LLC.

A hearing was held before the Hearing Examiner. Subsequently, the Examiner recommended approval of the Applicant's request to delete Condition 4(c). In accordance with Section 27-157 of the County Code, the District Council will grant the Applicant's request.

Condition 4(c) in DSP-07011/01, is amended as follows:

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

Further, since Condition 18(i) of CSP-03006/02 has been deleted, the District Council finds and determines that Condition 13 herein is unnecessary and therefore Condition 13 is deleted.

Accordingly, DSP-07011/01 is subject to the following conditions:

1. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

2. The applicant shall propose enhanced landscaping and fencing (with safety considerations) around the stormwater management pond to DPW&T for their review and approval. Prior to submission to DPW&T, the applicant shall review the enhanced landscaping and fencing proposal with the Urban Design Section.

3. All buildings shall be fully equipped with automatic fire suppression systems in accordance with applicable National Fire Protection Association standards and all applicable County laws.

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

    a. Prior to the release of the 151st residential building permit for Pod F as shown on the CSP-03006 , permits for 100,000 square feet of retail space within the land area of the subject DSP shall have been issued. Of this 100,000 square feet of retail space, at least one-third shall be for tenants occupying space consisting of 30,000 square feet or less.

    b. Prior to the release of the 301st residential building permit for Pod F as shown on the CSP-03006, permits for an additional 100,000 square feet of retail space within the land area of the subject DSP shall have been issued.

c. Fee simple title of Lots 1 and 2 shall be transferred to the commercial developer Woodmore Towne Centre (i.e., evidence that the towne centre retail density will proceed as contemplated by the currently approved CSP as amended, CSP-03006/02).

d. Prior to the release of building permits for the 701st residential unit for the overall site (the entire 244.67-acre Woodmore Towne Centre site), permits for an additional 150,000 square feet of retail space within the land area of the subject DSP shall have been issued, and a permit shall have been issued for one of the hotel sites.

e. Prior to the release of building permits for the 500th residential unit for the overall site (the entire 244.67-acre Woodmore Towne Centre site), permits for at least 150,000 square feet of office space shall have been issued.

f. Prior to the release of building permits for the 900th residential unit for the overall site (the entire 244.67-acre Woodmore Towne Centre site), permits for at least 400,000 square feet of office space shall have been issued.

Conditions (e) and (f) above, requiring building permits for office use at certain thresholds, may be waived or modified if the applicant demonstrates to the satisfaction of the Planning Board and District Council that insufficient market demand exists for said office use. If the applicant demonstrates that it has graded pad sites for 150,000 square feet of office space, stubbed utilities to those pad sites, has continuously, in good faith, marketed those pad sites for a period of one hundred and eighty days through an exclusive listing agent, and has been unable to obtain a user, said effort shall constitute a satisfactory demonstration to justify waiver or modification of said office permitting requirements. The Planning Board and District Council's waiver of the office space permitting requirements will not be unreasonably withheld, conditioned, or delayed.

This waiver provision is intended solely to provide an opportunity for the applicant to proceed with the construction of residential units based upon satisfying the above criteria. It does not authorize the applicant to convert commercial office space to residential use. At no time may the minimum and/or maximum office space ranges or the hotel space allocations of 360 rooms be converted to residential uses.

5. Prior to signature approval of this detailed site plan, the following revisions shall be made:

a. Special paving materials shall be provided for the sidewalks at the corners associated with the traffic circles within the development.

b. Shade trees shall be provided along the sidewalks adjacent to the retail areas of Towne Centre Boulevard and Market Street and shall be placed, 35 feet on center, on average in a minimum four-feet-wide by five-feet-long planting box. Columnar varieties shall be used where necessary.

c. Shade trees shall be added within parking compounds along all pedestrian routes in a continuous four-feet-wide linear planting bed or individual tree planting areas of a minimum size of four-feet-wide by five-feet-long parallel to the sidewalks along Towne Centre Boulevard, Market Street, and any other major drive on the site, where parking and/or a drive aisle is located directly on both sides of the sidewalk. This requirement shall not apply in areas where installation of the shade trees would conflict with stormwater management facilities.

d. Sidewalks and crosswalks, as shown on Staff Exhibit A and as modified below, as follows:

(1) Provide continuous sidewalks along both sides of the entire length of Market Street, including an extension of the sidewalk system to the east.

(2) Provide a sidewalk/pedestrian walkway through the parking lot immediately to the southeast of Costco connecting to the Wegmans store.

(3) Provide a sidewalk through the parking lot immediately to the east of the main commercial core.

(4) Mark and label the locations for bicycle parking throughout the retail component of the Woodmore Towne Centre.

(5) All crosswalks, as shown on Staff Exhibit A, shall be colored concrete pavers.

e. All retaining wall details shall be revised to reflect the details and specifications shown on Detailed Site Plan DSP-07011.

f. Provide alternative lighting fixtures acceptable as upgrade, by the City of Glenarden and the Urban Design Section. The lighting plan shall indicate the use of full cut-off light fixtures to minimize light pollution.

g. The applicant shall provide a clear exhibit of the required and existing easements on the property, including the 50-foot-wide

water main right-of-way which appears to be outside of the ten-foot PUE along the Capital Beltway (I-495/95). Public utility easement locations and extent shall be verified by the appropriate utility company prior to certification of the DSP.

h. Revise the detailed site plan to demonstrate general conformance with the lotting approved with the preliminary plan, ensure an appropriate lotting pattern to accommodate the development proposed, and demonstrate conformance to Section 24-128(b)(15) for the use of access easements. The number of lots approved shall not exceed the number of lots approved with the preliminary plan for commercial development.

i. Label all public and private rights-of-way, the center line, and the ultimate right-of-way.

j. Label each proposed parcel and/or lot with ownership and acreage indicated on each sheet that the land extends onto.

k. The sight-tight fencing along the top of the retaining wall shall be revised to a visually permeable railing so that the plant materials at the top of the wall will be visible from Evarts Street.

l. A portion of the 369 cherry laurels proposed at the top of the retaining wall shall be revised to a low maintenance weeping shrub that will cascade over the edge of the retaining wall, where appropriate.

m. The plans shall be revised to incorporate a vegetative screen along the rear of the Wegmans pad site and an opaque, natural color, non-wood fence around the loading area associated with the Costco pad site in order to screen the loading areas from the views from the Capital Beltway, if determined to be necessary by additional line-of-sight studies.

6. If, after the pad sites labeled as Costco and Wegman's on the subject DSP are built, the rear loading areas associated with said buildings are visible from the Capital Beltway, then additional screening shall be added to the site, such as those stated in Condition 5(m) above, or other screening techniques acceptable to the Planning Board or it's designee.

7. Prior to signature approval of the DSP, a Phase II noise study for the overall site of the Conceptual Site Plan, CSP-03006, which has been signed and dated by the engineer who prepared it shall be submitted. This study shall address the specific site features of the current DSP application.

8. Prior to signature approval of the DSP, the TCP II and a separate sheet within the DSP shall show the mitigated and unmitigated 65 dBA Ldn noise contour and the mitigation techniques used to meet the state noise standards. The layout of the features on the subject DSP and the noise study shall be consistent.

9. Prior to the release of building permits for residential buildings located within the 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that building shells of structures within the prescribed noise corridor have been designed to reduce interior noise levels to 45 dBA Ldn or less.

10. Prior to certification of the DSP and TCP II, the plans and all relevant information shall be evaluated to ensure that the design of the stream crossings have resulted in the minimization of impacts to the fullest extent possible. The use of bottomless culverts shall be considered by the Environmental Planning Section and the department of Public Works and Transportation.

11. Prior to issuance of the first building permit associated with this detailed site plan, the applicant shall provide evidence that wetland mitigation credits, above that required by all state and federal permits, have been secured. The wetland credits shall cover a minimum of 21,779 square feet and priority given to wetlands within Prince George's County, if available.

12. Prior to certificate approval of DSP-07011/01, the TCP II shall be revised as follows:

    a. Show all existing and proposed utilities and associated easements, including, but not limited to, stormwater management, stormdrain, and water and sewer structures.

    b. Revise the LOD to account for utility installation and all newly proposed impacts.

    c. Revise all woodland conservation areas to account for additional clearing due to proposed utility installation and all newly proposed impacts.

    d. Revise the worksheet as necessary to reflect revisions to woodland conservation areas due to the proposed location of utilities and all newly proposed impacts.

    e. Show critical root zones for all specimen trees and tree protection fence/signs for the trees slated to remain (Trees 1, 16, and 18).

    f. Clearly identify and label all woodland conservation areas on each sheet.

g. Provide labels on each sheet for all existing and proposed roads.

h. Show all proposed grading and infrastructure necessary for culvert installation consistently on both the TCP II and the DSP.

i. On the coversheet, list the TCP II sheet numbers associated with the various DSP plan approvals for the site by providing the following additional information under the sheet index heading:

(1) TCP II plan sheet numbers for DSP-07011/01
(2) TCP II plan sheet numbers for DSP-07011 (the park property)
(3) TCP II detail sheet numbers
(4) TCP II plan sheet numbers for DSP-07057

j. On the key map sheet provide shading or hatching to indicate the area covered by current and previous detailed site plans (similar to DSP Sheet 2).

k. The plans shall be revised to show the waterline to be placed within the right-of-way of Ruby Lockhart Boulevard

l. On the detail sheet(s), provide the following:

(1) Specimen tree preservation sign detail
(2) Edge management notes

m. When the -01 revision to TCP II/053/07 receives signature approval, the approval information shall be typed-in on the TCP II approval block.

n. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.

13 Prior to signature approval, the elevations for the freestanding clock tower proposed to be located at the intersection of Ruby Lockhart Boulevard and campus Way North shall be revised to delete the self-contained fountain.

14. Prior to signature approval, the plans shall be revised to provide the details and specifications of a fountain to be located at the intersection of Market Street and Towne Centre Boulevard for approval by the Urban Design Section and the Town of Glenarden.

15. The architectural elevations as approved shall constitute the established design and review parameters that will serve as the basis for review of subsequent revisions to

the DSP for future retail buildings (including banks), but not including hotel or offices may be approved by the Planning Director as designee of the Planning Board. Revisions which result in a LEEDS certified building may also be approved by the Planning Director as designee of the Planning Board.

16. Prior to signature approval, the architectural plans shall be revised as follows:

    a. **Building C** shall be revised to provide brick at the upper portion of the building to enhance that corner of the retail center. The south and north elevations shall be revised to substitute the stucco inset located at the pedestrian level with brick or spandrel windows.

    b. **Building F**, the parking garage, shall be revised to incorporate an attractive finish material of stucco and brick or an aesthetically similar product to produce a brick-like appearance on the spandrels and columns of the parking garages in the areas of the structure that will be visible and not concealed by other buildings.

    c. **Best Buy -** The elevation adjacent to Ruby Lockhart Boulevard shall be revised to indicate the addition of stone veneer on the most eastern panel of the building above the proposed brick area. Fire doors on these elevations shall be removed or the color should be adjusted to blend with the color of the surrounding brick. The plans shall be revised as above and as shown on Applicant's Exhibits.

    d. **Building K** shall be revised to indicate that the façade adjacent to Market Street shall include additional masonry up to the tenant signage demarcation. The south elevation shall substitute masonry where stucco is shown on the plan up to the tenant signage demarcation and above the tenant signage panel on the store front located centrally.

17. Prior to the issuance of the use and occupancy permit for Building K, either the architectural elevations for the adjacent building to the west shall have been approved by the Planning Board or it's designee, or the applicant shall have submitted elevations for the west façade for Building K that provides a comparable amount of attention to detail as the other facades.

18. Prior to signature approval of the plans, additional information shall be shown as follows:

    a. Revise plans to include on-site residential signage.

    b. Revise guidelines to: reflect standards for future pad sites, hotel, office, and residential to include the same right of way and directional signage as currently shown on plans and encourage

future user signs to be compatible with current user signage. It is understood that major future users may require their trade signage.

c. Revise guidelines to include seasonal signage.

d. The words "At Glenarden" should be Halo Lit or face lit on signs receiving that treatment on Woodmore Towne Center.

e. Precast Concrete base and culture stone for two monument signs should be same color(s), and texture(s) as used in the center of the retail strip, and in the major roadways traffic circles.

19. The architectural plans are to be revised prior to signature approval to provide for a community/public service/police substation space of at least 2,500 square feet of floor space on the second floor of Building B with the following requirements:

a. ADA access to space must be provided.

b. The space is to be finished, painted and carpeted, and is to have a kitchenette with a minimum of standard refrigerator, garbage disposal if allowed by law, microwave oven, counter top space with cabinets, and bathrooms.

c. Interior allocation of space for each use (community center and police sub-station) must be approved by the City of Glenarden at time of building permit review and approval of permit for Building B.

d. Space is to be complete at the use and occupancy of Building A and B.

e. Signage to be provided on Market Street at entryway to Building A with approval by City of Glenarden.

f. All plans are subject to City of Glenarden approval and permits for the space are to be applied for at or prior to issuance of a Building Permit for Buildings A and B.

g. Use and Occupancy (U & O) for the 2,500 square feet (community center and police station) shall be applied for simultaneously with use and Occupancy permits for Buildings A and B.

h. Designated spaces for police cars shall be provided at the front of Building A and at the 2nd story ramp.

20. The hardscape plans are to be revised and submitted to City of Glenarden for approval prior to signature by M-NCPPC.

a. Provide covered Bus Shelters with transparent side panels.

b. Architecture for the shelters to be approved by the City of Glenarden.

c. Bus Shelter to be permitted in conjunction with adjoining roadway and completed prior to the release of bonds for construction of internal roadways.

d. All items are subject to approval by WMATA (Washington Metropolitan Area Transit Authority); City of Glenarden to receive copies of all submissions to WMATA regarding this matter.

21. Prior to signature approval, the plans shall be revised to provide for a "Turning vehicles ahead" or like signage where there is parking along the ring-road subject to approval of DPW&T as to type of sign and placement.

22. Applicant to provide samples of colored concrete, bricks and paints for approval of the City of Glenarden prior to signature approval of the Detailed Site Plan by M-NCPPC.

23. Traffic circles on this DSP are to be coordinated with traffic Circles on Ruby Lockhart to use same type of paving materials for cross walks, and pavement in circle.

24. Landscape Plans to be revised to eliminate Bradford Pears. Plans are to be revised to reflect the tree lined drives as shown on the street cross sections with emphasis being placed on Market Street and Towne Centre Boulevard. Shade tree maximum spacing for a 2 ½ "caliper tree is an average of 35' on center.

25. Revise the plans prior to signature approval to reflect architecture for cart corrals. Cart corrals to be approved by the City of Glenarden prior to signature approval of the DSP by M-NCPPC.

26. Prior to certification, the applicant shall prepare a line-of- sight study to determine the extent to which the 60-foot high and 75-foot high freestanding signs are visible above the tree line. If signs less than 60 feet and 75 feet in height, respectively will provide adequate identification, the height of the signs will be adjusted accordingly. If not, the sign will remain 60 feet or 75 feet in height, as appropriate.

27. Prior to the issuance of a use and occupancy permit for the buildings identified below:

a. The applicant shall demonstrate that the retail building proposed on the Costco pad site will qualify for silver LEED certification. The applicant shall not be required to obtain such certification.

b. The applicant (successors, owners, and assigns) shall obtain LEED certification for the one multifamily building on the site.

28. For that portion of the 1 multifamily building above the retail (108 units), the applicant (and all successors, owners, and assigns) shall use 70% brick, stone, or masonry on the front façade (exclusive of doors and windows). Not less than 50% of the masonry shall be brick.

Ordered this 18th day of October 2016, by the following vote:

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

Opposed:

Abstained:

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

Vote: 5-0

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

By: _____
Derrick L. Davis, Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council