

DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF ZONING HEARING EXAMINER

AMENDMENT OF CONDITIONS

CSP-03006/03

DSP-07011/02

DSP-07057/01

DECISION

Application:	Amendment of Conditions
Applicant:	Woodmore Towne Centre at Glenarden
Opposition:	Edward Estes
Hearing Dates:	May 3, 2016, May 25, 2016 and June 8, 2016
Examiner:	Joyce B. Nichols
Recommendation:	Approval with Conditions

NATURE OF PROCEEDINGS

(1) The Applicant seeks amendments to the following Conditions:

- Delete in its entirety Condition 1(a)(iii) of the District Council's January 23, 2006 approval of Conceptual Site Plan 03006 for construction of 900-1,100 dwelling units, 400,000-1 million sq. ft. commercial retail, 550,000-1 million sq. ft. commercial office and up to 500,000 sq. ft. of institutional use, for a project referred to as Woodmore Towne Centre at Glenarden, on approximately 244.63 acres of land in the M-X-T (Mixed Use Transit) Zone, located in the northwest quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive, Glenarden, Maryland (Exhibit 9);
- Delete in its entirety Condition (4)(c) of the District Council's April 21, 2009 approval of Detailed Site Plan 07011/01 (Exhibit 10);
- Delete in its entirety Condition 8(c) of the District Council's September 21, 2009 approval of Detailed Site Plan 07057 (Exhibit 11); and
- Modify Condition 18(i) of the District Council's November 9, 2015 approval of Conceptual Site Plan 03006/02¹ (Exhibit 12).

¹ In its "Final Decision-Approval of Conceptual Site Plan", the District Council inadvertently failed to recognize the existing Conditions of Approval for CSP-03006 and failed to properly modify them and carry these existing Conditions forward as the Conditions continue to have the full force and effect of law despite the Council's error. The Conditions of Approval for CSP-03006/03 include the original Conditions of Approval, as they should have been modified by the approvals in CSP-03006/01 and CSP-03006/02.

(2) The subject property is within the municipal boundaries of the City of Glenarden which appeared in support of the requested modification and deletions. (May 3, 2016 T.p. 51-59, Exhibits 19(a)-(c), 23 and 24)

(3) By letter dated March 25, 2016, the Applicant requested that the District Council modify and/or delete the above referenced Conditions (Exhibit 2) and by letter dated March 29, 2016 the Clerk of the Council requested that the Office of the Zoning Hearing Examiner conduct a de novo hearing in this matter. (Exhibit 1)

(4) Evidentiary hearings were held on May 3, May 25 and June 8, 2016 and included active participation and discussion by and between the various property owners, Park and Planning Staff, the Applicant, the City, and Mr. Estes (in opposition). At the conclusion of the evidentiary hearing on June 8, 2016 the record was closed.

APPLICABLE LAW

(1) The District Council may amend a condition of approval for a Conceptual Site Plan or a Detailed Site Plan upon a finding of good cause for the amendment. §27-135(c)

(2) Section 27-135(c) states as follows:

(c) The District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans) upon the request of the Applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

(3) The proposed amendment of Condition must be found to be a reasonable alternative which satisfies the site design guidelines of the Zoning Ordinance without requiring the Applicant to expend unreasonable costs and without distracting substantially from the utility of the proposed development for its intended use. §27-276(b)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

(1) Woodmore Towne Centre at Glenarden is a large mixed use development project subject to multiple approvals. At issue in the instant Application are Conditions contained in CSP-03006/02 (CSP-03006 was approved by the District Council in January 2006 and has since been subsumed into CSP-03006/02, approved by the District Council on November 9, 2015), DSP-07011/01 and DSP-07057.

(2) Primarily at issue are restrictive trigger Conditions which will prevent further sale of residential units without interruption or unnecessary delay. The Applicant argues that a modification of the trigger Conditions currently impeding the development of additional residential units will have the beneficial result of accelerating commencement of the construction of the recreational facilities.

(3) The various property owners and M-NCPPC have negotiated the modified Conditions which have been incorporated in this Recommendation of Approval. The City of Glenarden is in support of the modified Conditions.

(4) The proposed modification of Conditions will continue to meet all of the site design guidelines and will enhance the economic viability of Woodmore Towne Centre at Glenarden. §27-276(b).

RECOMMENDATION

The Conditions of Approval of CSP-03006/03, DSP-07011/02 and DSP-07057/01 be and hereby are amended as follows:

CSP-03006/03

1. Prior to Certificate Approval of the Conceptual Site Plans, the Plans shall be revised as follows, or the indicated information shall be provided on the Plans:

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

- 900 to 1,100 residential units
- 400,000 to 1,000,000 square feet of retail
- 550,000 to 1,000,000 square feet of office (subject to waiver provisions in Condition 1(a) below)
- A maximum of 500,000 square feet of institutional uses
- 400,000 square feet of retail and 550,000 square feet of office are required minimum amounts for the two uses. Applicant shall endeavor to achieve the permitted maximum amount of office use.
- No more than 2,000,000 square feet of retail, office, and industrial uses combined are permitted.
- Hotel uses consisting of 360 rooms and conference center between 6,000 and 45,000 square feet.

In addition to these basic development parameters, all future development shall be in substantial conformance with the Illustrative Plan dated September 21, 2005, as to site layout, development pattern, and the intended relative amounts of development of different types and their relationships and design.

a. Phasing lines and the phasing schedule shall be shown on the Plan. A stipulation shall be added to the phasing schedule as follows:

- i. Prior to release of the 151st residential permit in Pod F, permits for 100,000 sq. ft. of retail space in Pod D shall have been issued. Of these 100,000 sq. ft. of retail space, at least one third shall be for tenants occupying space consisting of 30,000 sq. ft. or less.

- ii. Prior to the release of the 301st residential permit in Pod F, permits for an additional 100,000 sq. ft. of retail space in Pod D shall have been issued.
- iii. Fee simple title of Lots 1 and 2 shall be transferred to the commercial developer of Woodmore Towne Centre (i.e. evidence that the town center retail density will proceed as contemplated by the currently approved CSP as amended CSP-03006/02)
- iv. Prior to the release of the 701st residential permit, permits for an additional 150,000 sq. ft. of retail space in Pod D shall have been issued, and a permit shall have been issued for one of the hotel sites.
- v. Permits for at least 150,000 square feet of office space shall have been issued, prior to release of the 500th residential permit.
- vi. Permits for at least 400,000 square feet of office space shall have been issued, prior to release of the 900th residential permit.
- vii. The Conditions requiring building permits for office use may be waived or modified if the Applicant demonstrates to the satisfaction of the Planning Board and the District Council that insufficient market demand exists for said office use. If the Applicant demonstrates that it has graded pad sites for 150,000 square feet of office space and stubbed utilities to those pad sites and the Applicant has continuously in good faith marketed those pad sites for a period of one hundred and eight days through an exclusive listing agent, and has been unable to obtain a user, said effort shall constitute a satisfactory demonstration to justify waiver or modification of said office permitting requirement. The Planning Board's and District Council's waiver of the office space permitting requirements will not be unreasonably withheld, conditioned, or delayed.

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

- b. In order to expedite the construction of office uses, within 60 days from the final approval of the Conceptual Site Plan by the District Council, the Applicant shall enter into an agreement with a nationally recognized brokerage firm having expertise in the marketing of commercial office space. The Applicant shall consult with and consider recommendations from local civic associations along the MD 202 corridor, as well as the City of Glenarden, in identifying and selecting this broker, although the final decision concerning which broker will be retained shall be exclusively a determination of the Applicant. Once retained, the selected broker shall focus on attracting quality office users to the project. The broker shall provide monthly progress reports to the Prince George's County Economic Development Corporation, the City of Glenarden, and the District Council. The Applicant shall also meet monthly with an advisory panel comprised of up to four designated representatives from the City of Glenarden, as well as up to four designated representatives from the civic associations along the MD 202 corridor in order to provide progress reports on marketing efforts and solicit input and suggestions concerning office marketing strategies. The brokerage agreement, reporting requirement and monthly meeting requirement shall remain in force and effect until no less than 250,000 square feet of office space is purchased and/ or leased by an office developer. In lieu of entering into a brokerage agreement, within sixty days from the final approval of the Conceptual Site Plan by the District Council, the Applicant may directly enter into an exclusive agreement with an office developer in order to provide for construction of office uses within the project.
- c. This development shall be required to provide retail uses, office uses and residential uses. This requirement shall supersede the provisions of Section 27-547 (d) of the Zoning Ordinance which requires that at least two of the three categories listed therein be included in the development.
- d. Amend the Illustrative Plan dated September 21, 2005 to include an inset drawing depicting certain infrastructure shown cross- hatched thereon. This infrastructure shall be constructed in its entirety as part of the first phase of the development in order to facilitate the construction of commercial office uses. It shall include certain internal roads and associated water and sewer lines and storm drainage facilities.
- e. The Applicant shall be prohibited from requesting a Text amendment to the Prince George's County Zoning Ordinance, which would authorize the conversion of any land area included within this Conceptual Site Plan from commercial office use to residential use.

- f. Within the first phase of the development, the Applicant will designate a sufficient land area to accommodate a 250,000 square foot office building and a sufficient land area to accommodate a hotel/conference center site. This land will be designated for a potential public/private venture between the Applicant and Prince George's County ("County") whereby the County, if it so desires, will have the opportunity to market the land area for office development to a governmental and/or private sector developer. It is the intent of this public/private venture to facilitate and expedite the improvement of the designated land for commercial office use. The designated land will be made available for sale and/or construction at fair market value determined at the time of said sale and/or construction, as appropriate. The designated land area will remain available to the County for its marketing efforts for a period of two years from the date of the final approval of this Conceptual Site Plan or until the Applicant has secured another buyer and/or user for the subject land area, whichever occurs first. The Applicant shall be entitled to all proceeds which may result from any sale or construction which occurs as a result of this public/private venture.
- g. All of the requirements and rights contained in Condition 1 shall be binding upon and inure to the Applicant, its successors and/or assigns.
- h. Standards shall be submitted for the architectural appearance (size, massing, character, material, details) of the office, retail and recreational buildings.
- i. Label all the facilities in the recreation area of Pod F and indicate on the Plan the main elements in the community building. The community building shall not be smaller than 3,500 square feet in gross floor area.
- j. Any substantive amendment to this Conceptual Site Plan or any of the Conditions attached to this Conceptual Site Plan (including without limitation a request for waiver or modification of the office permitting requirement under the 180-day waiver provision, as contained in Condition (1)(a)(vii) above) shall be reviewed and approved by the District Council.
- k. The total number of stacked townhomes (two over two units shall not exceed 98 units).
- l. Revise the FAR Chart on the coversheet of the Plan set as follows:
 - (1) Indicate the residential maximum residential square footage as 2,000,000 (not 2,000,000);
 - (2) Include a note stating that the "approval of Conceptual Site Plan CSP-03006/01 did not impact the maximum square footage permitted in the development."

(3) Add the institutional use proposed square footage to the table.

m. A Note shall be added to the general notes of the CSP stating the following:

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

n. Submit to DPR staff for review the existing maintenance agreement between the Applicant and the Prince George’s County Department of Permitting, Inspections and Enforcement to determine if the agreement sufficiently sets forth the rights, responsibilities, and liabilities of all the parties including the Applicant, the M-NCPPC and the OPIE.

o. Revise the Illustrative Exhibit to indicate ownership of parkland and show approved recreation facilities to be constructed in the park.

2. Prior to or concurrent with the submission of any Detailed Site Plan for any development parcel, the Applicant, his heirs, successors and/or assignees shall submit for approval by the Planning Board a Detailed Site Plan for signage to provide the Planning Board and the community with a concrete idea of the exact quantity, location and appearance of all the signs in the development. This signage plan shall not be required to be submitted prior to or concurrent with a Detailed Site Plan for infrastructure only. At the time of submitting said signage plan to staff of M-NCPPC, the Applicant shall also submit a copy of said signage plan to the City of Glenarden and community stakeholders.

2A. At the time of submission of the first Preliminary Plan of Subdivision for the project, the Applicant and successors or assignees shall submit for approval a full traffic study, as required in the Planning Board's *Adopted Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Staff and Planning Board shall thoroughly review the anticipated impacts of the project on major intersections within Glenarden. At the time of submission of the first Detailed Site Plan, the Applicant and successors or assignees shall submit for approval a study showing the effects of the proposed connection between the project and Glenarden Parkway, unless otherwise requested by the District Council.

3. Prior to Certificate Approval of the Conceptual Site Plan, the following revisions shall be made:

a. A tree-lined boulevard with median, or a double row of street trees on each side, or another equivalent treatment agreed to by and between the Applicant and staff, shall be provided between Campus Way North and the Residential Pod F community center.

b. Provide additional retail shops with second level office/residential along the north/south corridor of the main street in the proposed location of

the retail kiosk areas.

- c. Provide additional shops with second level office/ residential along the east/west corridor of the main street in place of the proposed location of the retail kiosk area.
- d. Show proposed locations for civic uses such as a library, museum, cultural center, etc., on the town center main street. The final determination concerning the feasibility of providing these uses as well as their location(s) shall be determined by the Applicant in consultation with the City of Glenarden prior to or by the time of the approval of the appropriate Detailed Site Plan.
- e. Show proposed locations for entertainment and cultural activities, public service and dining on the town center main street. The final determination concerning the feasibility of providing these uses as well as their location(s) shall be determined by the Applicant in consultation with the City of Glenarden prior to or by the time of the approval of the appropriate Detailed Site Plan.
- f. Extend the retail shops with second-level office/residential along the east/west corridor of main street.
- g. Provide additional retail shops along the north/south corridor of Main Street adjacent to the proposed parking structure.
- h. Identify future shops/retail/restaurant at vacant space adjacent to Office Tower A and adjacent parking structure.

4. The Detailed Site Plan(s) for private recreational facilities submitted for approval by the Planning Board shall comply with the standards outlined in the Parks and Recreation Facilities Guidelines.

5. The recreational community center of Residential Pod F shall be located on the homeowner's association land and shall be available to all residents of Pod F.

6. Three weeks prior to submission of a final plat, three original, executed recreational facilities agreements (RFA) shall be submitted to Development Review Division (DRD) for their approval. Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.

7. A performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD shall be submitted to DRD at least two week prior to applying for building permits for the section or phase in which the specified facilities are located.

8. The developer, his heirs, successors and/or assignees shall satisfy the Planning Board or its designee, through the review of the homeowners association documents that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

9. The following private recreational facilities shall be provided within the development and shall be deemed adequate:

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

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

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

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

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

The Planning Board may modify these requirements and approve alternate facilities at the time of approval of Detailed Site Plan.

10. The following schedule shall govern bonding and construction of recreational facilities and shall be included in the recreational facilities agreement(s):

- a. Prior to the issuance of the 100th single-family detached residential building permit in the development, the Applicant shall bond the central recreational facilities.
- b. Prior to the issuance of the 300th single-family detached residential building permit in the development, the Applicant shall complete the central recreational facilities.
- c. The bonding of the recreational facilities for the townhouses and the two over two units shall precede the issuance of the building permits for each of these types of units respectively. The completion of those recreational facilities allocable to the

townhouses shall occur prior to issuance of use and occupancy permits for 75 percent of all of the townhouses. The completion of the recreational facilities allocable to the two over two units shall occur prior to issuance of use and occupancy permits for 75 percent of the two over two units.

11. Prior to Certificate Approval of the Conceptual Site Plan:

- a. The TCP I shall be revised to eliminate approximately six acres of woodland conservation from the 13.5 acres parcel to be dedicated to DPR. The offsite-mitigation acreage shall be increased accordingly in the woodland conservation worksheet.
- b. The Applicant shall submit a copy of the approved/proposed Stormwater Management Concept Plan for Phase II.

12. At the time of Detailed Site Plan review, if residential uses are proposed within the 65 dBA Ldn noise contour, noise mitigation measures shall be provided for outdoor activity areas and interior living areas to meet the state noise standards.

13. The following development standards apply and shall be demonstrated throughout the review of future plans within Pod F. In addition to the residential models proposed by the Applicant at CSP, other unit models are to be submitted, for review and consideration.

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

Traditional SFD

Minimum net lot area – 6,000 square feet
Minimum finished living area – 2,200 square feet
Two car garage – yes
Maximum lot coverage – 45 percent
Minimum lot frontage at the street line – 60 feet
Front yard setback – 25 feet
Side yard setback – 6/12 combined feet
Rear yard setback – 20 feet
Accessory building rear yard setback – 2 feet
Maximum height of building – 40 feet
Deck standards – 7 feet from any property line

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

Minimum net lot area – 5,000 square feet (limited to 30% of total SFD lots)
Minimum finished living area square feet – 2,200 square feet
Two car garage – yes
Maximum lot coverage – 50 percent

Minimum lot frontage at the street line – 50 feet
Front yard setback – 20 feet
Side yard setback – 5/10 combined feet
Rear yard setback – 20 feet
Accessory building rear yard setback – 2 feet
Maximum height of building – 40 feet
Deck standards – 7 feet from any property line

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

TOWNHOUSES:

All townhouse in the M-X-T Zone are subject to Section 27-548(h) of the Zoning Ordinance. A minimum 75% of the front facades of the townhouses shall be masonry. No less than 10% of the masonry shall be stone. Synthetic stucco may be used for accent treatments.

TWO OVER TWO UNITS:

Not more than seven ground level units in a row.
Minimum width of the dwelling shall be no less than 20 feet wide.
Minimum finished living area shall be no less than 1,100 square feet.
Minimum of 75 % of the front façade shall be masonry
No less than 10 % of the masonry shall be stone.
Synthetic stucco may only be used for accent treatments such as lintels, door and window trim.

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

14. At the time of Detailed Site Plan, the following standards shall be observed:
 - a. 60% of three sides of the clubhouse shall be brick, and the building shall be placed in a visually prominent location.
 - b. Rooflines for all dwelling types shall be varied and provide for reverse gable where appropriate to add interest to the streetscape.
 - c. Lighting fixtures throughout the development shall be coordinated in design. Such fixtures shall be reviewed and approved by DPW&T and/or the City of Glenarden as appropriate prior to or by the time of approval of the appropriate Detailed Site Plan.

- d. Special paving materials shall be provided in appropriate access areas, such as, central recreation area, the entrance to the multifamily development, and the office/retail development.
- e. A double row of 2 ^{1/2}-to 3-inch caliper trees shall be provided along major boulevards on both sides of the sidewalks, if determined to be necessary. The inside row of trees are allowed to be located in the yard and may be used to fulfill Section 4.1 of the Landscape Manual. In addition, a double row of two and one half to three inch caliper trees shall be provided along the interior street which extends from the extension of Glenarden Parkway to the residential Pod F community center, which road segment shall not be required to be a boulevard with median.
- f. Increase the number of units fronting onto Campus Way North and ensure adequate but not excessive parking areas in close proximity to all units.
- g. The location of future pedestrian connections, crosswalks, and proposed locations for bus stops, shall be shown on the plans. The plans shall show the location of the connection between Campus Way North and Brightseat Road.

15. Prior to the approval of a Preliminary Plan of Subdivision and Detailed Site Plan, the Plans shall reflect that of the total number of single family detached residential units no more than 30% shall have lot frontages of 50 feet at the street line.

16. The following transportation-related Conditions shall be fulfilled:

- a. The Applicant, its successors and/or assignees, shall complete the following improvements:
 - i. Construct Campus Way North extended from its current planned terminus at the boundary of the subject property through the site to the proposed Evart Road bridge as a four land divided highway, approximately 3,000 linear feet.
 - ii. Add a 4th thru land along Maryland Route 202, from Lottsford Road to the northbound I-95 ramp, approximately 3,600 linear feet.
 - iii. Add a 4th thru land along Maryland Route 202, from I-95 to Lottsford Road, approximately 3,600 linear feet.
 - iv. Add a double left turn land along Maryland Route 202 to northbound St. Joseph's Drive, approximately 900 linear feet.
 - v. Rebuild and install the traffic signal at the intersection of Maryland Route 202 and St. Joseph's Drive.

- vi. Reconstruct St. Joseph's Drive from Maryland Route 202 to Ruby Lockhart Drive to six lands in width.
- vii. In addition to making the improvements set forth above, the Applicant, its successors or assignees shall pay a Road Club fee. The amount of this fee shall be determined at the time of the approval of the first preliminary subdivision plan filed for this property. This amount shall be paid at building permit on a prorate basis. In determining this amount, the Applicant shall receive a credit for any road improvement which it is making at its expense and which are part of the regional improvements identified in the MD 202 Corridor Study.
- viii. The timing for the construction of required transportation improvements shall be determined at the time of preliminary subdivision plan approval.

b. The cross-sections along any public streets to be maintained by the City of Glenarden must have approval of the City of Glenarden prior to Detailed Site Plan approval. Such approval shall not be unreasonably withheld, conditioned or delayed.

c. A public street connection between the subject site and Glenarden Parkway shall be reflected on the Preliminary Plan of Subdivision.

d. The following rights-of-way must be shown as dedication on the Preliminary Plan of Subdivision:

- (1) The public roadway between Saint Joseph's Drive (at Ruby Lockhart Boulevard) and the western property line at the Capital Beltway.
- (2) The public roadway connection between Campus Way and the roadway described in (1) above.
- (3) The public roadway connection between the subject site and Glenarden Parkway.

17. In conformance with the Adopted and Approved Largo-Lottsford Master Plan, the Applicant and the Applicant's heirs, successors and/or assignees shall provide the following:

- a. Provide the Master Plan trail along the public roadways extending from Campus Way North to office area "E" as indicated on the submitted CSP.
- b. Provide the urban pedestrian walkways as indicated on the submitted CSP. The width of the sidewalk within these walkways should be no less than eight feet in areas of street trees, planters, or pedestrian amenities.
- c. Provide sidewalks or wide sidewalks along both sides of all internal roads.

- d. Provide the trail connection through the park and/or school site from Campus Way North to the pedestrian walkway south of area "C".
- e. A more specific analysis of all trail and sidewalk connections will be made at the time of Detailed Site Plan. Additional segments of trail or sidewalk may be recommended at that time.

18. The Applicant shall undertake the following actions regarding public parks:

- a. Dedication to the Commission of 13.5± acres as shown on Department of Parks and Recreation Exhibit "A."
- b. Land to be dedicated shall be subject to Conditions 1 through 7 of attached Exhibit "B."
- c. The Applicant shall construct the following recreational facilities on the dedicated parkland: two combination football/ soccer fields, softball field, 100-space parking lot, pavilion, drinking fountain, restroom facility and architectural fence. Other facilities of equal value may be substituted with written approval from the Department of Parks and Recreation.
- d. A Concept Plan showing the location and design of the recreational facilities on dedicated parkland shall be submitted to DPR for review 60 days prior to submission of the preliminary plan for the residential portion of the development.
- e. The recreational facilities shall be designed and constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.
- f. Prior to submission of Final Plat of Subdivision for the residential lots, the Applicant shall enter into a public recreational facilities agreements (RFA) for the construction on dedicated parkland.
- g. The Applicant shall submit a performance bond, letter of credit, or other suitable financial guarantee to DPR to secure the grading and construction of the recreational facilities on park property, in an amount to be determined by the DPR, at least two weeks prior to applying for building permits.
- h. Detailed construction drawings for recreational facilities on park property including grading plan, layout and details shall be submitted to DPR for review 60 days in advance prior to submission of the Detailed Site Plan for the residential development.

- i. The Applicant shall commence park construction prior to the issuance of a building permit for the 425th residential dwelling unit. The Applicant shall complete park construction, prior to the issuance of a building permit for the 479th residential dwelling unit or 18 months after final approval of this condition, whichever event occurs first. Applicant's time for completion of park construction may be extended, as determined in the sole discretion of DPR, by the number of days that it is delayed in the progress of park construction by any cause beyond Applicant's reasonable control, including but not limited to, acts of nature, strikes or labor disputes, inaction by the required governmental authorities, or any other force majeure event. For the purpose of this condition, commencement of park construction shall mean commencement of physical construction of the park following a preconstruction meeting with DPR no less than ten calendar days prior to construction; completion shall mean certification by DPR that the park is satisfactorily completed, which certification shall be timely and not unreasonably withheld.
- j. Prior to certificate of approval of the Plan incorporating the revisions to the timing of the commencement and completion of the park, the existing recorded Recreational Facilities Agreement (RFA) shall be amended to reflect the language indicated in Condition 18(i) above and be recorded in the Land Records.

19. Prior to approval of Conceptual Site Plan CSP-03006 and Type I Tree Conservation Plan TCPI/13/05 subject to the following Conditions:

- a. Prior to Certificate Approval of the Conceptual Site Plan, a revised noise study shall be submitted that models the unmitigated 65, 70, 75 and 80 dBA Ldn noise contour lines related to the Capital Beltway based on a 10-year timeframe for projection (2004-2014), a year 2003 ADT of 214,675 vehicles shall be used to calibrate the on-site noise measurements made in 2003, and a posted speed limit of 55 miles per hour; and these noise contours shall be correctly delineated on the Conceptual Site Plan.
- b. Prior to Certificate Approval of the Conceptual Site Plan, the Conceptual Site Plan shall be revised to place no commercial buildings or hotels within the 80 dBA Ldn noise impact zone (120 feet).
- c. Prior to Certificate Approval of the Conceptual Site Plan, a revised noise study shall be submitted that models the unmitigated 65, 70, and 75 dBA Ldn noise contour lines related to Landover Road (MD 202) based on a 10-year timeframe for projection (2004-2014), a year 2003 ADT of 60,725 vehicles shall be used to calibrate the on-site noise measurements made in 2003, and posted speed limit of 50 miles per hour; and these noise contours shall be correctly delineated on the Conceptual Site Plan.
- d. Prior to Certificate Approval of the Conceptual Site Plan, a revised noise study shall be submitted that models the unmitigated noise contour lines related to Campus Way North based on a 10-year timeframe for projection (2004-2014), and a proposed

speed limit and traffic volume determined by the Transportation Planning Section. The Conceptual Site Plan shall be revised to correctly delineate the modeled 65 and/or higher unmitigated dBA Ldn noise contour for Campus Way North.

20. A minimum of 60% of all facades of street frontage elevations of multifamily units shall be brick.
21. Prior to approval of the applicable Detailed Site Plan, relocate office building parking structure at Ruby Lockhart Boulevard entrance from close proximity to the northeast property line adjacent to proposed single-family dwelling units. Alternatively, the Applicant may be relieved of this requirement upon demonstrating to the Planning Board that the parking structure has been attractively finished and sensitively designed so as to be compatible with the adjoining office building.
22. At time of Preliminary Plan Application, a Phase II noise study shall be submitted for review that addresses noise impacts for I-95, MD 202 and Campus Way North. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn for outdoor activity area and 45 dBA Ldn for interior areas, and the recommendations of the Phase II noise study shall be addressed on the Preliminary Plan and TCPI.
23. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of residential structures within the 65 dBA Ldn noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
24. At time of Preliminary Plan, the Applicant shall demonstrate that the proposed impacts to the Patuxent River primary Management Area or expanded stream buffer shall be minimized to the greatest extent possible, and any required variation requests or letters of justification shall be submitted.
25. No pole signs shall be erected in the development. Free standing pylon signs will be allowed.
26. Prior to submission of any future Applications, Applicant will continue to study and will not foreclose the option of providing additional sleeved perimeter block development of retail shops with second-level office/residential use around a 50,000 to 125,000 square foot retail tenant at the core or in close proximity of the town center main street.

DSP-07011/02

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 1,000,000 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 of Woodmore Town Centre (i.e. evidence that the town center 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 70 1st 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 certificate of 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 its designee.
- 7. Prior to certificate of 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 certificate of 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 buildings 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 certificate of 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. Construction of the park shall be completed prior to the issuance of building permits for 50% of residential dwelling units including single-family and multifamily dwelling units on the entire site.
- 14. Prior to certificate of approval, the elevations for the freestanding clock tower proposed to be located at the intersection of Ruby Lockhard Boulevard and Campus Way North shall be revised to delete the self-contained fountain.
- 15. Prior to certificate of 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.
- 16. 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.
- 17. Prior to certificate of 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.

18. 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.
19. Prior to certificate of 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 Woodmere 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.
20. The architectural plans are to be revised prior to certificate of 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 substation) 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.

21. 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.

22. Prior to certificate of 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.

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

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

25. 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 1/2 “caliper tree is an average of 35” on center.

26. Revise the Plans prior to certificate of approval to reflect architecture for cart corrals. Cart corrals to be approved by the City of Glenarden prior to certificate of approval of the DSP by

M-NCPPC.

27. 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 tree line. If signs less than 60 feet and 75 feet in height respectively will provide adequate notification, the height of the signs will be adjusted accordingly. If not, the sign will remain 60 feet or 75 feet in height, as appropriate.
28. Prior to the issuance of the 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.
29. 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.

DSP-07057/01

1. Prior to certificate of approval of the Detailed Site Plan, the TCP II shall be revised to provide a note below the TCP II certificate of approval block on all sheets of the plan to read as follows:

"DSP-07057 and TCP 11/053/07-01 are only for the residential portion of the site. Additional Detailed Site Plans and TCP II revisions are required for future phases of development."
2. Prior to certificate of approval of the Detailed Site Plan, the DSP and the TCP II shall be revised to change the label of the "85 dBA Ldn mitigated" noise contour to "65 dBA Ldn mitigated" noise contour and a Phase II noise study that has been signed and dated by the engineer who prepared it shall be submitted.
3. Prior to certificate of approval of the Detailed Site Plan, the TCP II shall be revised as follows:
 - a. Revise the TCP II approval block sheets 1 through 27 to show the previous approval signature and date typed in.
 - b. Revise the matchline references on Sheet 37 to correctly reference adjacent sheets.
 - c. Show all specimen trees and critical root zones on Sheets 28 and 37.

- d. Show tree protection devices (fences and signs) along the edge of all clearing areas.
- e. After all these decisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.

4. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the Applicant shall submit copies of all federal and State wetland permits, evidence that approval Conditions have been complied with, and associated mitigation plans.
5. The Applicant will propose enhanced landscaping and fencing (with safety consideration) around the stormwater management ponds to the DPW&T for their review and approval. Prior to submission to DPW&T, the Applicant shall review the enhanced landscaping and fencing proposal with the Urban Design Section.
6. The street tree and lighting plans shall be reviewed and approved by the City of Glenarden for appropriate street tree selection, size, and location prior to approval of permits for construction of the residential streets associated with this Detailed Site Plan, subject to DPW&T approval.
7. All buildings shall be fully equipped with automatic fire suppression systems in accordance with applicable National Fire Protection Association standards and all applicable County laws.
8. The following phasing schedule shall apply to the development of the subject site:
 - a. Prior to release of the 151st residential building permit for the subject site, permits for 100,000 square feet of retail space in Pod D (as shown on CSP-03006) 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 the subject site, permits for an additional 100,000 square feet of retail space in Pod D shall have been issued.
 - c. Fee simple title of Lots 1 and 2 shall be transferred to the commercial developer of Woodmore Towne Centre (i.e. evidence that the town center retail density will proceed as contemplated by the currently approved CSP as amended, CSP-03006/02)
 - d. Prior to the release of the 701st residential building permit for the overall site (the entire 244.67+- acre Woodmore Towne Centre site), permits for an additional 150,000 square feet of retail space in Pod D shall have been issued, and permit shall have been issued for one of the hotel sites.
 - e. Prior to the release of the 500th residential building permit for the overall site (the entire 224.67 +- acre Woodmore Town Centre site), permits for at least 150,000 square feet of office space shall have been issued.

- f. Prior to the release of the 900th residential building permit for the overall site (the entire 244.67+- acre Woodmore Towne Centre site), permits for at least 400,000 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 the District Council that insufficient market demand exists for said office use. If the Applicant demonstrates that it has graded pad sites for 150,000 square feet of office space and stubbed utilities to those pad sites and the Applicant has continuously, in good faith, marketed those pad sites for a period of one hundred and eighty days through an exclusive listing agent, and has been unable to obtain a user, said effort shall constitute a satisfactory demonstration to justify waiver or modification of said office permitting requirement. The Planning Board and District Council's waiver of the office space permitting requirements will not be unreasonable withheld, conditioned, or delayed.

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

9. Prior to certificate of approval of this Detailed Site Plan, the following revisions shall be made:
 - a. The Plans shall be revised to include the alternative site layout as shown on Applicant's Exhibit 1, labeled Alternative Site Layout, dated September 25, 2008 by Lessard Group, Inc., and shall be updated to include the layout of the public utility easements.
 - b. The architectural elevations for the clubhouse shall be revised so that no less than 60% of the three sides of the clubhouse shall be brick or stone. A dimensional shingle with a 30-year warranty shall be indicated. All detailing of exterior finish materials, including color palette, shall be provided for review and approval by the Planning Board or its designee.
 - c. The Dakota traditional elevation and the Fairbanks Elevation A shall be deleted from the single-family detached architectural package, or those models shall be modified to display variations in roofline slope similar to that on other units. All models shall be revised as necessary to provide at least a 7:12 slope on the main gable of the unit and on any other parallel gables.
 - d. Special paving materials shall be provided for the private sidewalks at the central recreational area and the entrance area into the community building, and at the

corners associated with the traffic circles at the intersections of Campus Way North and Ruby Lockhart Boulevard, and Campus Way North and Geaton Park Place (which are outside of the public right-of-way) on the Detailed Site Plan.

- e. The detailing and specifications shown on the architectural elevations of the community center shall be revised as follows:
 - (1) Meeting room large enough to accommodate seating for 100 persons.
 - (2) 750-square foot fitness area with equipment.
 - (3) Kitchen (with a minimum of a double sink, standard-size refrigerator, dishwasher and large microwave) with lockable door(s).
- f. The multiage play area shown on the community center property and in the townhouse section of the development shall be revised to provide two separate play structures, one for age groups 2-5 years and another for 6-12 years.
- g. The Landscape Plans shall be revised to indicate the proposed locations of street trees within the public rights-of-way with dashed
- h. The Plans shall be revised to comply with the standards outlined in the Park and Recreation Facilities Guidelines.
 - i. Where possible, the location of the shade trees along Campus Way North and Ruby Lockhard Boulevard shall be adjusted to place them between lead walks where there is sufficient area to allow for root growth and to reduce the possibility of the roots interfering with the alignment of lead walks in the future.
 - j. The Landscape Plan shall be revised to provide one tree in the front yard of all lots. Shade trees shall be used in the areas of the lots along a street line if there is sufficient area. Columnar varieties shall be used where necessary.
 - k. The Plans shall be revised to add sidewalks and crosswalks in general conformance to Staff Exhibit A. All crosswalks shall be shown with interlocking pavers.
 - l. Retaining wall details shall be revised to reflect the details and specifications shown on DSP-07011, and are to be reviewed and approved by the City of Glenarden.
 - m. Modify the Detailed Site Plan and all other relevant Plans including the Storm Drain and Paving Plans to include the five-foot-wide sidewalks along both sides of all the internal residential roads consistent with approved CSP-03006.
 - n. The lighting fixtures shown on the Plan shall be reviewed and approved by the City Glenarden and the Urban Design Section. The Lighting Plan shall indicate the use of

full cut-off light fixtures to minimize light pollution.

- o. The Plans shall show public utility easements along all roadways, public and private.
- 10. Prior to opening of Glenarden Parkway, all retaining walls are to be inspected and approved by the City of Glenarden.
- 11. Prior to the issuance of the first residential building permit for the subject site, the Applicant shall submit to the Department of Parks and Recreation (DPR) detailed construction drawings for the construction of recreational facilities on park property, including a grading plan, layout, landscaping plan and construction details, and if required, a lighting plan and PA system plan. DPR shall have 180 days from the date of submittal to review and approve these plans. The Applicant shall work with DPR to reduce any potential impacts that the lighting and public address systems, if required, will have on the two-over-two units along Campus Way North.
- 12. Three weeks prior to submission of a final plat, three original, executed recreational facilities agreements (RFA) shall be submitted to the Development Review Division (DRD) for their approval. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- 13. A performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD for the multiage playground located within the townhouse section shall be submitted to DRD at least two weeks prior to applying for any townhouse building permits.
- 14. The developer, the developer's heirs, successors, and/or assignees shall satisfy the Planning Board or its designee through the review of the homeowners association documents that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities, and to ensure that all future residents of the community as shown on DSP-07057 shall have access to the community center and its facilities.
- 15. The following schedule shall govern bonding and construction of recreational facilities within HOA land and shall be included in the recreational facilities agreement(s):
 - a. Prior to issuance of the 100th residential building permit in the subject site, the Applicant shall bond the community building and the associated recreational facilities.
 - b. Prior to the issuance of the 250th residential building permit in the subject site, the Applicant shall complete the community building and the associated recreational facilities.
 - c. Prior to the issuance of the 226th residential building permit for townhouses and the two-family dwellings, the Applicant shall complete the multiage playground located

outside of the central recreational area.

16. Prior to certificate of approval of the Plans, the Applicant and the Applicant's heirs, successors, and/or assignees shall submit for approval by the City of Glenarden and the Planning Board (or its designee) a Detailed Site Plan for signage to provide the exact quantity, location and appearance of all signs in the development, all signs shall prominently state "at Glenarden" when reference to Woodmore or Woodmore Towne Centre is contained in the sign. At the time of submitting said signage plan to staff of M-NCPPC, the Applicant shall also submit a copy of said Signage Plan to the City of Glenarden and community stakeholders.
17. To ensure a variety of lot sizes, at least 50% of the total single-family detached units shall be 6,000 square feet or larger, with no more than 30% at 5,000 square feet (per CSP-03006). Amendments to the Plans with respect to this paragraph are to be submitted to the City of Glenarden for review. Prior to Certificate Approval, the Applicant shall provide verification to demonstrate that all single-family detached lots with a net lot area between 5,000 square feet and 6,000 square feet shall have lot frontages of at least 50 feet at the street line.
18. The Applicant shall make a monetary contribution of \$250,000 in 2006 dollars toward the reconstruction of athletic fields at Glenarden Community Center Park. The Applicant shall make a first installment of \$60,000 for design, engineering and permit fees prior to February 1, 2008. The remaining balance of \$190,000 (or more if adjusted for inflation) shall be paid prior to October 1, 2008 or prior to issuance of 50% of residential building permits, whichever comes first. If payments are not made according to the schedule above, no additional permits shall be issued. Beginning from the date of the first payment (\$60,000), the remaining balance due shall be evaluated and adjusted for inflation on an annual basis using the Consumer Price Index (CPI). Prior to the issuance of the first building permit (other than a permit for infrastructure construction) for any residential lot or parcel, if received prior to February 1, 2008, the Applicant shall either post an irrevocable letter of credit or a surety bond in the amount of \$250,000 in order to guarantee the payment for the reconstruction of athletic fields at Glenarden Community Center Park.
19. Existing Glenarden Parkway shall not be connected to the development until such time as there are two other vehicular access points to the development, presumed to be Ruby Lockhard Boulevard and Campus Way. This Condition shall not be read or interpreted as a change in the DSP-07011 requirements that the connection to Glenarden Parkway be constructed.
20. No clearing, grubbing or grading, except as required for sediment control shall occur within 150 feet of the rear lot lines of Lots 15, 16, and 17, Block F and Lots, 25, 26, 27, 28, 29, and 49, Block E until Condition No. 18 of DSP-07011 is satisfied.
21. Any revision to the DSP shall demonstrate conveyance of stormwater from Block F, Lots 15, 16 and 17, and Block E, Lots 25, 26, 27, 28, 29 and 49 in such a manner as to ensure it does not drain onto adjoining properties, as per approval by Prince George's County DPW&T, and

to ensure compliance with Condition 37 of Preliminary Plan 4-06016.

22. Per Conditions of approved DSP-07011, before the connection between Glenarden Parkway and the project is made available for use, the developer shall construct a traffic calming circle (Condition 19) on Glenardern Parkway and traffic calming devices (Condition 23) on adjoining City of Glenarden streets.

23. Prior to certificate of approval of DSP-07057 (Residential), the following revisions shall be made to be in general conformance with Applicant's Exhibit 1, labeled Alternative Site Plan Layout and Detailed Site Plan, dated September 25, 2008 by Lessard Group, Inc., subject to the review and approval of the City of Glenarden:

- a. Parking shall be provided on a concrete parking pad tandem to the garage to a minimum depth of approximately 19 feet (but not less than 18 feet) for all but 26 of the rear-load garages.
- b. The center court for Lots 51-61 and 62-72 in Block "O" shall not be less than 60 feet from face of building to face of building.
- c. For rear load garage townhouse, add a minimum ten-foot-wide and four-foot-deep cantilevered deck at the rear of the unit.
- d. All sidewalks shall be constructed to DPW&T cross section, but with a five foot width.
- e. Place a multiage play area in open space in Block "O" which generally adjoins side lots and not in front of townhouse units unless placement in the front is the last resort. Remove parallel parking spaces in front of the play area, align walkways appropriately and provide a four-foot-high non-climbable fence between the play areas and streets/alleys.
- f. To promote the safety of the residents, the Applicant shall submit a photometric plan to demonstrate approximately 1.25-foot candles along private streets and sidewalks.

24. Prior to certificate of approval of the DSP, the central recreation area should be revised to reflect the following:

- a. The multiage play area shown shall be revised to eliminate the seat wall, provide two separate play structures, one for age groups 2-5 years and another for 6-12 years. One swing set for age group 2-5 and another set of swings for 6-12 years, if room allows. The playground should meet ASTM and CPSC standards, and the Department of Parks and Recreation facilities guidelines.
- b. Relocate the tennis court gate to a central location at mid court. Provide fencing for the tennis court per the Department of Parks and Recreation facilities guidelines.

- c. Move the pool deck to the right rear of the community center and add arbor that connects with arbor currently shown on the plan, unless the area is required for stormwater management facilities.
- d. The Applicant will study moving the trash area to a less visible and safer location, allowing the reduction of parking spaces if needed.
- e. Move the kiddie pool to the location currently showing “pool deck by others,” unless required for stormwater management facilities.
- f. Accent the vehicular entrances to the central recreation area with landscaping (perennials).
- g. Parking provided in the central recreation area cannot be used to satisfy overall parking needs for the proposed development.

25. Neither the Applicant, WTC Ventures, LLC, nor its heirs, successors and/or assignees will, by act or omission, impair or prejudice the conversion to condominium of the rental units, to be built as part of the two mid-rise buildings referenced in this DSP.

26. No townhouse lot shall be less than 1,266 square feet in size.

27. The lot areas for each of the lots that are included in the Planning Board Resolution for DSP 07057 Lot Size Chart for townhouses shall remain as stated in the Resolution with exception that for any lot listed at less than 1,266 square feet, that lot shall now be listed at a minimum of 1,266 square feet.

28. The lighting and signage plan shall incorporate the precast capping detail and lettering detail incorporating the words “Woodmore Towne Centre at Glenarden” similar to what was approved for the commercial component in DSP-07011/01. Lighting shall be modified to provide for full cutoff light fixtures.

29. The layout of the lots and parking shall be in substantial conformance with the most recent revision to Applicant’s Exhibit 1, which has been revised to provide no townhouse lot smaller than 1,266 square feet and which illustrates areas on driveway pads for parking. The two parking spaces proposed to be located between Lots 25 and 51, Block O shall be relocated.

30. Prior to the certification of DSP-07057, the Applicant will confer with the Staff of the M-NCPPC and conduct a survey to determine if trees abutting homes along Gary Lane in the vicinity of the stormwater management ponds, being 9215, 9217, 9219, 9221 and 9223 Gary Lane, are in need of removal to protect the property located at said addresses from damage. If it is determined that any trees should be removed, prior to issuance of building permits for Block F, the Applicant shall take those steps necessary to obtain approval to remove said

trees, and, if determined appropriate by M-NCPPC staff, shall provide and install additional substitute plantings as approved by M-NCPPC staff.

31. A sign stating “Woodmoore Town Centre at Glenarden”, shall be constructed, if approved by the Department of Public Works and Transportation and if a permit is issued by Prince George’s County, in the circle located at the intersection of Campus Way and Geaton Park Place by the Applicant, at the same time as other signage is installed for the project. If necessary to fulfill this Condition, the Applicant will request an amendment to the DSP for infrastructure for the project (DSP-07011) to provide for the sign.
32. For one-family attached (townhouse) end units which are visible from a public street, and all two-family dwelling units which are visible from a public street, the side (or end) walls from finished grade to cornice or gable shall be of brick or stone. On any unit which receives this treatment, the front façade of said unit shall receive the same treatment.

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