

Case No.: CSP-03006-02
Woodmore Towne Centre at
Glenarden

Applicant: Woodmore Towne
Centre, LLC

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

FINAL DECISION — APPROVAL OF CONCEPTUAL SITE PLAN

Pursuant to Title 22 of the Land Use Article (“LU”), Md. Ann. Code (2012 Ed. & Supp. 2014) and Section 27-280 of the Prince George’s County Code (2011 Ed. & Supp. 2014, or as amended) (“PGCC”), we have jurisdiction to issue the final decision in this Conceptual Site Plan Application Number 03006-02, (“CSP-03006-02”). For the reasons that follow, Planning Board’s approval of Applicant’s revision of its Conceptual Site Plan—to relocate the hotel and conference center from Pod B to Pod E, relocate the multifamily from Pod D to Pod B, and add an institutional use to Pod E—is AFFIRMED.

FACTUAL AND PROCEDURAL BACKGROUND

The Woodmore Towne Centre at Glenarden is a development project located in the northwestern quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph’s Drive, in Prince George’s County. The property is bounded on the north by the single-family detached subdivisions of Glenarden and La Dova Heights; to the east by Balk Hill, a single-family detached subdivision which is accessed from the subject property via Campus Way North; to the south by the St. Joseph Roman Catholic Parish Center and St. Joseph’s Drive; and to the west by Landover Road (MD 202) and the Capital Beltway (I-95/495). *See* PGCPB No. 15-68, pp. 1–2.

In March 1998, the District Council conditionally rezoned the subject property from the R-R Zone (Rural Residential) to the M-X-T Zone (Mixed Use - Transportation Oriented).¹ After the property was rezoned, the District Council approved Conceptual Site Plan 03006 (“CSP-03006”) in 2006. *See* District Council Order of Approval, 1/23/2006. In 2007, the District Council, by request, amended conditions of the original rezoning from 1998. *See* Zoning Ordinance No. 7, A-9613-C, 7/23/2007.^{2,3} In July 2012, Planning Board approved Preliminary Plan of Subdivision 4-06016. *See* PGCPB Resolution No. 06-212(A). Subsequently, Detailed Site Plan 07011, as revised, and Detailed Site Plan 07057, as revised, was also approved for the residential portion of the property.⁴ More recently, on April 16, 2015, the Planning Board approved Detailed Site Plan 14027, to construct a 106-room hotel. *See* PGCPB No. 15-22.

¹ When property is zoned M-X-T, a Conceptual Site Plan and a Detailed Site Plan shall be approved for all uses and improvements. *See* PGCC § 27-546. Unless otherwise provided for in our Code, when a Conceptual Site Plan or Detailed Site Plan is required, the following order of approvals shall be observed: Zoning, Conceptual Site Plan, Preliminary Plat of Subdivision, Detailed Site Plan, Final Plat of Subdivision, and Grading, building, use and occupancy permits. *See* PGCC § 27-270.

² The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision. *See* PGCC § 27-141. The District Council may also take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. The District Council may also exclude incompetent, irrelevant, immaterial or unduly repetitious evidence. *See* Rule 6 (f) of Procedure for the Prince George’s County District Council.

³ In 2013, the Planning Director approved a revision to CSP-03006 (CSP-03006-01), which amended Pod A of the development to include retail and service commercial uses and relocating the previously approved office uses to Pod E.

⁴ The development of the property was also subject to Stormwater Management Concept Plan No. 20908-2003-02, which was approved on March 26, 2008, and expired in 2011. However, most of the existing Stormwater Management facilities on the property were built under Plan No. 20908-2003-02. The Applicant is in the process of applying for a new Stormwater Management Concept Plan to reflect the proposed revision.

A specific purpose of a Conceptual Site Plan (CSP) is to explain the relationships among proposed uses on the subject site, and between the uses on the site and adjacent uses. *See* PGCC § 27-272. The CSP for the Woodmore Towne Centre shows location of the town center, commercial retail and service, office and hotel/conference center and the various residential uses. The Plan organizes these uses into development pods. The Applicant's proposed revision to the CSP indicates the relocation of several of these uses as was previously shown on the CSP and the addition of an institutional use to the property. More particularly, the application requests a revision to the composition of Pods B, D, and E. Pod B is located on the approved Plan in the southwest corner of Woodmore Towne Centre and was to accommodate a hotel and conference center. *See* PGCPB No. 15-68, pp. 2–3.

The proposed revision seeks to relocate the hotel and conference center from Pod B to Pod E, and relocate multifamily development to that location, previously shown with Pod D. Pod D, on the southwest side of Ruby Lockhart Boulevard at its intersection with Campus Way North includes two existing platted lots known as Lot 1 and Lot 2 which are part of the Town Center Area. These two lots were shown on the illustrative CSP to have ground-floor retail and multifamily above. The multifamily units which were proposed to be constructed above retail on these platted lots are proposed in this revision to be moved into Pod B, while the commercial component is to remain on the Lots 1 and 2. Lot 1 and Lot 2 would be developed exclusively with commercial retail uses. A single pad site at the front of the site would be the only commercial land use in the Pod B. Pod E is presently approved for office development. The proposed revision also seeks to add an institutional use to Pod E. This revision proposes that Pod E be amended to accommodate the hotel and conference center from Pod B as well as an institutional use, in addition to the presently approved office uses. *Id.*

The original CSP was approved with an Illustrative Plan for the project. Although illustrative plans are not a submittal requirement for a CSP, they are often approved with the Plan to provide an illustration of how a development might ultimately be constructed. In this case, the Illustrative Plan contained substantial detail beyond that required for a CSP. It showed road layouts, building footprints, the identification of uses within buildings, parking compounds and landscaping. Within the area of Pod D, the Illustrative Plan shows four parcels to have ground floor retail with multifamily units to be constructed above. Two of the parcels each show a maximum of 54 multifamily units above ground floor retail. The remaining two parcels (Lots 1 and 2) each show a maximum of 180 multifamily units constructed above ground floor retail. In contrast, the approved CSP does not specify the location for multifamily units beyond the fact that they would be located within Pod D. The approved Illustrative Plan contains a note which provides in pertinent part as follows:

NOTE:

THE ILLUSTRATIVE PLAN is intended to designate general locations of improvements, parking and internal circulation. Future development is to be in substantial conformance with this ILLUSTRATIVE PLAN; however, it is not intended to function as a final design drawing and is subject to change. Final design and location of improvements will occur at detailed site plan.

The Planning Board found that while development was required ultimately to be in substantial conformance with the Illustrative Plan, it was clearly understood that substantial conformance did not mean literal conformance. *See* CSP-03006, Condition 1, Note on Illustrative Plan, PGCPB No. 15-68, pp. 3–4.

On or about May 22, 2015, the Development Review Division of the Planning Department (“Technical Staff”) accepted the application to revise the Conceptual Site Plan (CSP-03006-02) for the Woodmore Towne Centre—to relocate the hotel and conference center from Pod B to Pod

E, relocate the multifamily from Pod D to Pod B, and add an institutional use to Pod E. Subsequently, Technical Staff transmitted its conditional recommendation of approval of CSP-03006-02 to Planning Board for its consideration. *See* Technical Staff Report, 6/17/2015. Planning Board held a hearing on July 2, 2015. At the conclusion of the hearing, Planning Board voted to approve CSP-03006-02, subject to conditions. *See* 7/2/2015, Tr. Subsequently, on July 30, 2015, Planning Board adopted a resolution that embodied its vote and approval of CSP-03006-02 from July 2, 2015. The resolution was sent to all persons of record and to the Clerk of the County Council. *See* PGCPB No. 15-68, Notification of Planning Board Action.

On August 17, 2015, the Clerk of the County Council received an appeal of Planning Board's decision, PGCPB No. 15-68, from Edward Estes ("Estes"). *See* Notice of Appeal, 8/13/2015. Subsequently, the Clerk of the County Council received Applicant's response to Estes' appeal. *See* Applicant's Response to Appeal, 10/13/2015.

On October 19, 2015, we reviewed this matter. *See* Zoning Agenda, 10/19/2015.

FINDINGS AND CONCLUSIONS

A. Appeal by Estes

When a person of record notes an appeal to the District Council, the petition shall specify the error which is claimed to have been committed by Planning Board and shall also specify those portions of the record relied upon to support the error alleged. *See* PGCC § 27-280(a). In his petition, Estes alleges that Planning Board failed to consider information presented at the public hearing when it evaluated the revision CSP-03006-02. We disagree because we find and conclude that Estes fails to specify any portion of the record to support these alleged errors and his entire petition is based on a series of conclusory statements. *See* Notice of Appeal, 8/13/2015.

Estes alleges that several purposes and additional standards for development in the M-X-T Zone were not satisfied when Planning Board approved CSP-03006-02.⁵ For ease of reference, we restate the purposes or the requirements of the M-X-T Zone Estes alleges were not satisfied, his comments, and our response.

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

Estes Comment:

As a transit-oriented development, the original Woodmore Towne Centre's Conceptual Site Plan provides affordable access to jobs for people without automobiles to live in the development within the multifamily buildings located in the core of the Main Streets, attracts employers to locate around the Towne Centre, and broadens the overall tax base. The revision to the CSP for the Woodmore Towne Centre modification does not soundly support the economic status of the County nor provide an expanding source of desirable employment and living opportunities for its citizens by creating a commercial single-use created by the modification rather than a commercial multi-use mix of national chain retail tenants, shops, restaurants, civic uses, and multifamily housing jobs and revenue for the City and County. The Staff's comment ignores this important enhancement of the economic status of the County and the City of Glenarden. *See* Notice of Appeal, 8/13/2015, pp. 1–2.

Response:

⁵ The purposes of the M-X-T Zone are stated in PGCC § 27-542. PGCC § 27-546 provides for additional required findings when approving an application for a Conceptual Site Plan. Estes does not challenge all findings and conclusions made by Planning Board, therefore we limit our analysis specifically to those findings and conclusions within the appeal file by Estes.

We agree with Planning Board that CSP-03006-02 has no effect on the previous finding that the project creates a destination and focal point for the northeastern quadrant of the interchange of I-95/495 and MD 202 by the integration of retail, commercial, institutional and residential components within close proximity of each use. *See* PGCPB No. 15-68, pp. 6–7. To the extent that Estes views Woodmore Towne Centre only as a transit oriented development, he is mistaken. The M-X-T Zone is a mixed use transportation oriented zone. It was zoned M-X-T in 1988 precisely because it is strategically located at the major interchange of the Capital Beltway (I-495) and Landover Road (MD 202). The Beltway is a major interstate thoroughfare carrying thousands of vehicles daily. Landover Road is one of the major corridors providing vehicular access through Prince George’s County. The development of Woodmore Towne Centre has fulfilled this purpose. It is developing as a mix of commercial and residential uses. The construction of the high-end grocery store, Wegmans, has been a substantial economic stimulus to both Woodmore Towne Centre and to Prince George’s County. It draws patrons not just from within all of Prince George’s County but from neighboring jurisdictions as well. There are numerous commercial uses within Woodmore Towne Centre. In addition, the residential component is presently being constructed and at this time includes single-family detached dwellings and townhomes. The location of Woodmore Towne Centre at this major highway interchange and the development of Woodmore Towne Centre which has occurred is certainly enhancing the economic status of the County and is providing both employment and living opportunities for the citizens of the County.

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

Estes Comment:

The original concept of the Mixed-Use Transit Oriented Development for the CSP is intended to create a vibrant urban environment that brings compatible land uses, public amenities and utilities together at various scales. The original development concept with the single-use tenant as a component of the mixed-use building(s) seeks to create pedestrian-friendly environments, higher-density development, and a variety of uses that enable people to live, work, play, and shop in one place in the City of Glenarden and the County. The original Main Street Residential/Commercial type of mixed-use development planned in the Conceptual Site Plan consisted of a group of vertical mixed-use buildings. The intended development combines different uses in the same building. The lower floors are intended to have the public uses that the city of Glenarden encourages for the Woodmore Towne Centre's new residential community. The revision to the CSP does in fact, reflect how the land uses are scatter in a way that is an unwarranted detriment to the "Main Street" importance to the Town Center and also ignores how to conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone. *See* Notice of Appeal, 8/13/2015, pp. 2–3.

Response:

We find that Estes comment does not address the purpose of the Zone. Woodmore Towne Centre does in fact maximize private development potential in the M-X-T Zone. Woodmore Towne Centre includes a mix of commercial and residential uses being developed within a comprehensive plan. Simply relocating some of the multifamily uses which were originally envisioned to be constructed above retail does nothing to impair compatibility of the various land uses. CSP-03006-02 does not delete uses previously approved. Rather, the Plan simply seeks to

relocate some of the multifamily uses to Pod B. The new location for some of the multifamily uses is proximate to the Towne Centre Main Street. Residents of the relocated multifamily units will be able to walk to the Main Street portion of the Towne Centre via a system of pedestrian connections. In addition, there will remain 108 multifamily units within Main Street to be constructed above existing retail commercial buildings. As approved, we find that CSP-03006-02 will not scatter uses to the detriment of the Towne Centre. *See* 7/2/2015, Tr., PGCPB No. 15-68.

- To promote the effective and optimum use of transit and other major transportation systems.

Estes Comment:

To the contrary, the staff's comment ignores the fact that typically, a "Main Street" Town Centre is served by transit systems. Comfortable accommodations for transit riders, including seating, transit shelters, and signage for transit stops, will encourage residents and visitors to the Main Street Town Center to linger and shop. This will also increase the ridership of the transit system and will provide added revenue to the County's Bus Transit connector system with WMATA's Metro Transit Station at Largo Center.

The Town Centre's core proximity of diverse uses makes it possible for the City of Glenarden to reduce vehicular trips and encourage Prince Georges' Bus transit and Metro transit ridership. The Woodmore Towne Centre at Glenarden CSP can support higher transit use and will be a catalyst for the Large Metro Station nearby. The revision to the CSP for relocation of the uses will discourage any transit use to the development and increase the number of vehicular trips to the increasingly car dependent development and discourage usage of the local and regional transit system to the Transit-oriented Development. *See* Notice of Appeal, 8/13/2015, p. 3.

Response:

This purpose is not limited solely to the use of transit systems because it also includes other major transportation systems. We find that the Woodmore Towne Centre is located at the major interchange of I-495 and MD 202 and promotes effective and optimum use of these major transportation systems. Once again, simply relocating some of the multifamily units into Pod B will not impair the use of transit or other major transportation systems. We note that the County's bus connector circulates through Woodmore Towne Centre. When the multifamily units are constructed in Pod D, the bus system will connect to those uses as well and provide residents within the multifamily component constructed on Pod B access to the commercial uses within. In addition, the County bus connector system will also transport these residents to the nearby Largo Metro Station in the same manner it would have accomplished had these multifamily units been constructed above retail uses within the Main Street of Woodmore Towne Centre. *See 7/2/2015, Tr., PGCPB No. 15-68.*

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

Estes Comment:

Quality of Life – The original CSP can result in many quality-of-life benefits, including reducing automobile dependency; increasing the range of housing options, both the type of housing and range of affordability available to the County and the City of Glenarden; and enhances the vitality of the intended neighborhood Main Streets and core of the Towne Centre. Removing the primary multifamily residential core elements of the Towne Centre as prescribed in the

modifications will completely erase these community benefits and will create an artificial sense of a 24-hour environment, simply because it is within the boundaries of the CSP, regardless of how remote is in from the intended Towne Centre Main Streets.

Longer Hours of Active Street Life – the original CSP range of uses can be active at different times of the day or on different days of the week, which activates the place for longer hours than is possible for any one single commercial use proposed in the modification of the core of the development.

Safety – The original CSP mix-use of residential, commercial and professional activities within a compact area ensures 24-hour activity throughout the day and evening, creating a sense of safety. For example, the presence of people living in apartments above shops and stores helps reduce the potential for vandalism during off-hours, because, for all intents and purposes, there are no off-hours. The CSP modification takes away this advantage and encourages the type of unsafe activity that this new development does not desire. *See* Notice of Appeal, 8/13/2015, pp. 3–4.

Response:

Estes ignores the fact that not all of the multifamily units were moved from Pod D to Pod B. 108 multifamily units continue to be designated for development and construction above ground floor retail along the Main Street corridor of the Towne Centre. In addition, simply relocating 360 of the multifamily units from Pod D to Pod B will not prevent the establishment of a 24-hour environment. We agree with Planning Board that relocating these units to Pod B will not impair or reduce the walkability of the community. The distance from the entrance to where the multifamily development will occur in Pod B to the entrance to the core of the Towne Centre is approximately 1,500 linear feet. It is reasonable to conclude that residents will walk this distance, especially when a clearly defined pedestrian path is available along public thoroughfares. In fact,

when we originally approved the Plan, a hotel and conference center was proposed to be located in Pod B. At that time, there were findings made that the hotel and conference center would be proximate to the Main Street and would help to encourage a lively 24-hour environment. We see no reason to reach a different conclusion for the multifamily units. A mere relocation of some of those units from Pod D to Pod B will not impair the 24-hour environment. We find that residents of those multifamily units will still be able to walk to the core of the Town Centre and enjoy retail opportunities including shopping and restaurants. Further, Estes points to no evidence in the record, nor did we find any which would suggest that having residential units located above retail units will improve safety. *See* 7/2/2015, Tr., PGCPB No. 15-68.

- To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously.

Estes Comment:

The original CSP development contributes to the creation of places that will enliven the City of Glenarden while meeting the everyday needs of the community. It will offer many advantages over the suggested commercial single-use created by the modification. The original anticipated Towne Centre concept with the single-use tenant as a component of the mixed-use building(s) would foster better urban environments than what is suggested in the modification. Doing so would create a better land use that will blend together harmoniously. *See* Notice of Appeal, 8/13/2015, p. 4.

Response:

Once again, we find that Estes ignores the fact that CSP-03006-02 does not propose eliminating any uses from the Plan. It simply provides for a relocation of some of the multifamily units from Pod D to Pod B. All uses as originally proposed will continue to be offered as part of

the development of Woodmore Towne Centre. We find having some of the multifamily units in Pod D does not impair walkability. In fact, there is substantial evidence in the record that locating multifamily uses within Pod D is actually a preferable location for residential uses as there is more green area. The Plan proposes a mix of uses which blends together harmoniously because some multifamily uses will be constructed within Pod B while single family detached homes, townhomes and two-over-two units will be constructed within Pod F. We find that the residents of Woodmore Towne Centre will have easy access into the commercial core either as pedestrians through ridership of the County bus transit system or through the use of automobiles. *See 7/2/2015, Tr., PGCPB No. 15-68.*

- To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects.

Estes Comment:

In the original CSP, the concept of mixing uses and allowing for higher development intensities creates more efficient and less consumptive buildings and spaces that the modification is recommending to be displaced from the core of the Towne Centre. The original concept along with the addition of a single-use tenant as a component of the mixed-use building(s) will be less of a burden on the environment and will encourage a greener streetscape that would include Street Trees, Bioswale and more permeable surfaces. Adding additional surface parking areas and reducing street trees and ground vegetation at the core of the Towne Centre Main Streets will have a destructive impact on the sustainability of the Towne Centre. *See Notice of Appeal, 8/13/2015, p. 5.*

Response:

We disagree with Estes that allowing some of the multifamily units to be relocated to Pod B does nothing to reduce development densities and intensities. Construction of the multifamily units within Pod B will also have no adverse impact on the environment. The area within Pod B designated for multifamily development was originally envisioned to be the site of a hotel and conference center with additional retail uses. The hotel and conference center will be relocated to Pod E. However, it was always understood that this area of Pod B would be utilized for development. As the record reveals, any development will be subject to all environmental regulations including the Woodland Conservation Ordinance and stormwater management requirements. The Environmental Planning Section specifically found that the relocation will result in no changes to approved limits of disturbance and that the proposed revision will conform to the approved Type I Tree Conservation Plan. We find that the record does not contain substantial evidence to suggest that relocating some of the multifamily units to Pod B will result in greater impervious areas or will have any destructive impact upon the environment. *See 7/2/2015, Tr., PGCPB No. 15-68.*

- To permit a flexible response to the market and promote economic vitality and investment.

Estes Comment:

The market conditions that were exacerbated by the recession over the last several years, caused a major retreat in the development of large-scale residential and commercial projects in Prince George's County. However, the consultant group, CJR and Lessard Design concluded, by reducing the multifamily density down by nearly 60% of the FAR proposed for the two lots (i.e., from up to 10 stories down to 4 stories over retail), the market would support that program. The Consultants then created a plan shown in my Presentation to the Planning Board, that the

Consultants market tested to a few parties who readily welcomed the concept and expressed a willingness to develop this product type with an anchor credit A tenant intact. Moreover, the Consultants note that this concept has been successfully developed at two locations in Washington, D.C: 1800 L Street, NW and at 5333 Wisconsin Ave., NW, both involving a Nordstrom Rack retail anchor on the ground floor with residential or office use above. *See* Notice of Appeal, 8/13/2015, pp. 5–6.

Response:

Estes makes reference to a consultant report apparently prepared for the Mayor of the City of Glenarden. We find that the results of this report were never accepted into evidence before the Planning Board and therefore inappropriate for the report to be referenced in the appeal. Nonetheless, we find the testimony of Mr. Terry Richardson, the President of Petrie Richardson Ventures, to be most persuasive. Mr. Richardson testified that the Applicant has been diligently working for over ten years in an effort to attract a developer who would construct vertically integrated mixed-use on Lots 1 and 2. Mr. Richardson testified that he had been unsuccessful in attracting such a developer due to the suburban nature of Woodmore Towne Centre. Mr. Richardson noted that in his substantial experience, vertically integrated mixed use with multifamily units above commercial retail uses is most often successful in urban environments such as downtown Washington D.C. Rather than allow Lots 1 and 2 to sit vacant, the Applicant's proposal is to relocate some of the multifamily units to Pod D. Further, Mr. Richardson testified that an opportunity has presented itself for Nordstrom Rack to locate on Lot 2. This will represent yet another substantial retail offering to Woodmore Towne Centre and will further promote economic development opportunities for the County and for its residents. We find that there is substantial evidence in the record that CSP-03006-02 represents the very flexible response to the

market envisioned by the purposes of the M-X-T Zone. *See* 7/2/2015, Tr., PGCPB No. 15-68.

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

Estes Comment:

The proximity of the Towne Center's core residential and retail Main Streets to the proposed site of the Hotel and Conference Center is a very viable and significant component of the Conceptual Site Plan. The Hotel with Conference facilities can be highly beneficial to the City of Glenarden and Prince George's County. The location of the Hotel and Conference Center at the main entrance of the Town Center delivers high visibility from Landover Road (MD 202) and I-95 and provides plenty of nearby options for entertainment, dining and more. The Woodmore Towne Centre is centrally located in Prince George's County area gateway of Lanham, Largo and Bowie with easy access to movie theatres, shopping malls, restaurants, theme parks and other hotel spots to keep the Hotel and Conference Center guests entertained. The Conceptual Site Plan's original site for the Hotel and Conference Center is suited much better for a Hotel and Conference Center rather than a sprawling garden apartment complex that is not compatible with the overall character of the Town Center. The proposed relocation of the Hotel and Conference Center to the very far northwest end of the Town Center is an undesirable location with poor visibility and is too close in proximity to the residential development components main entrances, causing additional car and service vehicular congestion with the residents. This proposed location will only serve as a deterrent to major national Hotel and Conference Center Developers and will stymie economic development of this component of the CSP. *See* Notice of Appeal, 8/13/2015, p. 6.

Response:

Woodmore Towne Centre has developed with both a consistent and high quality

architectural and landscaping theme. Compatible architectural themes and construction materials have been carried throughout the commercial uses which have been constructed. These construction techniques have emphasized the use of masonry and stone elements. Similarly, and thus far, the single-family detached and attached units which have been constructed have included extensive use of brick and innovative architectural designs. Together, the commercial and residential uses blend together harmoniously. Estes fails to acknowledge that 108 multifamily units will remain within the Main Street core of the Towne Centre to be constructed above retail uses when the market allows. Relocating some of the multifamily uses from the Town Centre to Pod B allows the developer to respond to market demands and provides an opportunity and incentive to achieve further excellence in physical, social and economic planning. The Urban Design staff has found that Pod B represents an excellent location for residential multifamily living opportunities. We find substantial evidence in the record which supports the conclusion that the construction of multifamily units within Pod B will do nothing to detract from the 24-hour environment. We find that CSP-03006-02 is desired for Woodmore Towne Centre because walkability of the overall community will continue to be promoted through a series of pedestrian connections that have already been constructed. We further find that there is no evidence to support Estes' argument that the relocated multifamily units will be a "sprawling garden apartment complex." The Applicant has indicated that these units will likely be in a four-story building. Regardless, the building will be the subject of a detailed site plan which will review and approve building size, mass, orientation and architecture. Simply put, we find there is no evidence to support a conclusion that relocating the hotel and conference center from Pod B to Pod E will reduce its viability. Pod B is located behind St. Joseph's Church and adjacent to MD 202 and the on-ramp to the Capital Beltway. To the contrary, we find relocating the hotel and conference center to Pod E will promote greater

visibility of those uses from the Capital Beltway. *See* 7/2/2015, Tr., PGCPB No. 15-68.

- The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation.

Estes Comment:

The Planning Boards concern, which is not documented in the District Council Resolution, is a general opinion and should not weigh heavily in determining the appropriate compatibility of zoning uses. Contrary to the comment, the existing neighborhood religious institution is well buffered by existing trees and foliage. However, a Conference Center in close proximity to the site of St. Joseph's can provide an exceptional first class facility for planned events and conferences. *See* Notice of Appeal, 8/13/2015, p. 7.

Response:

We find that relocating some multifamily uses into Pod B will do nothing to impair earlier findings made with regard to this criterion. Woodmore Towne Centre will continue to be a major mixed-use development with an outward orientation to the Capital Beltway and MD-202. Woodmore Towne Centre will continue to promote effective and optimum use of these major transportation connectors and it will continue to draw patrons from the County and our neighboring jurisdictions. *See* 7/2/2015, Tr., PGCPB No. 15-68.

- The proposed development is compatible with existing and proposed development in the vicinity.

Estes Comment:

The original location of the multifamily component above the retail Main Streets is the

most compatible mixed-use building type with projects that are either under construction or in the planning process for the adjacent Inglewood Business Community Office Park and the transit stop at the Largo Town Center area, rather than the relocation of the multifamily components from above the retail Main Streets into a heavily wooded location remotely located from the Town Center and the single-family detached, attached, and condominium residences. *See* Notice of Appeal, 8/13/2015, p. 7.

Response:

We find that there is no evidence of record that vertically integrated mixed use is compatible with development occurring within the Inglewood Business Park. Inglewood Business Park presently consists of offices and hotels. The retail commercial offerings within Woodmore Towne Centre will continue to provide an excellent opportunity for workers within the nearby Inglewood Business Park and guests at the hotels within the Inglewood Business Park to meet daily needs for dining and shopping. The same is true with regard to residents of the nearby City of Glenarden and Balk Hill community. In fact, there is substantial evidence in the record from Balk Hill residents. Specifically, Ms. Vinet Bryant testified that there is a need for continuing retail businesses to locate within Woodmore Towne Centre. Ms. Bryant was supportive of the Applicant's request to relocate the multifamily uses and to ultimately provide for the construction of the Nordstrom Rack. Woodmore Towne Centre has developed thus far in a manner which is entirely compatible with existing and proposed development in the area. We find that the change proposed in CSP-03006-02, including the addition of an institutional use within Pod E, will be consistent with the vision for Woodmore Towne Centre and the purposes of the M-X-T Zone. *See* 7/2/2015, Tr., PGCPB No. 15-68.

- The mix of uses, arrangement and design of buildings and other improvements,

and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.

Estes Comment:

In addition to the public health benefits, as a transit-oriented development, the Conceptual Site Plan of the Towne Centre provides the design alternative to sprawl, and is an opportunity to pursue environmentally sensitive site planning and “green” architecture. The modification on the other hand, reflects a lack of commitment to environmental responsibility by adding additional impervious asphalt surfaces to an already expansive parking area of impervious asphalt surfaces along the street corridors and the focal point of the Town Center. Stormwater runoff, particularly from urban land uses similar to what is proposed in the modification, is widely viewed as one of the most significant contributors to water quality impairment. *See* Notice of Appeal, 8/13/2015, p. 8.

Response:

Estes, once again, appears to classify Woodmore Towne Centre as only a transit oriented development as opposed to a transportation oriented development. We find that CSP-03006-02—which includes relocation of some of the multifamily uses from Pod D to Pod B, relocation of the hotel and conference center to Pod E and the addition of an institutional use within Pod E—will continue to foster a cohesive and compatible design for the project as a whole. The retail Town Centre which has been substantially constructed is strategically located in the center of the project. Allowing multifamily uses to be constructed in Pod B along with single-family residential uses constructed in Pod F represents a design which allows all residents of Woodmore Towne Centre to have easy access to retail offerings. Similarly, allowing a hotel, offices and an institutional use to be located within Pod E promotes a Beltway orientation for those business-type uses. We find

that all of the uses are connected through a convenient transportation network of publicly dedicated streets. All of these streets include sidewalks allowing for pedestrian connectivity which promotes walkability of the entire development. We further find that CSP-03006-02 does not impair the overall compatibility of the mix of uses and the arrangement and compatibility of buildings and other improvements. In sum, we find that Woodmore Towne Centre will continue to promote an independent environment of continuing quality and stability which will be a sought-after location for both visitors and residents to avail themselves of retail and living opportunities. *See* 7/2/2015, Tr., PGCPB No. 15-68.

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

Estes Comment:

I concur with the Applicant's assessment that "...the market has not supported the previous proposal to construct multifamily development over retail as was originally proposed." This assessment by the Applicant was based on the high-density format (10 Stories) residential over retail given the current real estate market conditions. However, a recent report prepared by the Consulting team of CJR and Lessard Design, was submitted by the Mayor of Glenarden that states, "...focused on the challenge of how to maintain the originally planned fabric of the Main Street" of the town center with mixed-use residential multifamily density while effectively redesigning the Pod to meet the current market realities, while keeping the planned high-end retailer intact, a team created a plan that was market tested to a few parties who readily welcomed the concept and expressed a willingness to develop this product type with an anchor credit A tenant intact. The plan was also submitted as exhibit in my visual presentation to the Planning Board. *See* Notice of Appeal, 8/13/2015, p. 8.

Response:

Estes, again, refers to a consultant report which was not admitted into the record. As such, his reliance on same is inappropriate. Nonetheless, we find that there is no evidence in the record which would indicate that relocating multifamily units from Pod D to Pod B adversely impacts any phasing within Woodmore Towne Centre. The original approval of Woodmore Towne Centre did not require individual phases to be constructed in any particular sequence. The development of the center has proceeded based upon market demands. As Mr. Richardson testified, the changes being proposed do nothing more than to allow the Applicant to flexibly respond to market demands. At the same time, moving some of the multifamily units will provide a location for a desirable retail user within the Center. Simply put, we find that CSP-03006-02 will improve the viability and marketability of Woodmore Towne Centre, which will provide shopping and living opportunities for County residents, and in turn promote economic stability for the County as a whole. *See* 7/2/2015, Tr., PGCPB No. 15-68.

- Approval of CSP-03006-02

Finding no factual or legal error committed by Planning Board, we hereby adopt the findings and conclusions set forth within PGCPB No. 15-68, and approve CSP-03006-02 as follows:

1. Prior to certificate approval of the Conceptual Site Plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. 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 2,000,00);
 - (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.
- b. 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.”
- c. Plans shall be revised as follows, or the indicated information shall be provided on the plans:
- (1) Approved development for CSP-03006-01 is subject to the original minimum-maximum ranges of uses 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) of the approval of CSP-03006)
 - 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 of 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 institutional use combined are permitted.
 - Hotel use consisting of 360 rooms and conference center between 6,000 and 45,000 square feet.
- d. 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 DPIE.
- e. Revise the illustrative exhibit to indicate ownership of parkland and show approved recreational facilities to be constructed in the park.

- Finding Regarding Changed Condition

The original Conceptual Site Plan was approved subject to a number of conditions. Condition 1 included a number of phasing requirements. In particular, Condition 1(a)(iii) required that of the first 500 residential permits, at least 108 were to be located in Pod D. At the time of the original approval of the Conceptual Site Plan, all of the multifamily units were to be located within Pod D. We find that the purpose of this condition was to ensure that of the first 500 residential permits, the construction of multifamily units were to be included. Approval of CSP-03006-02, which permits a relocation of up to 360 multifamily units from Pod D to Pod B, requires a revision of Condition 1(a)(iii) to allow the condition to be met by having at least 108 multifamily permits issued in either Pod D or Pod B. Accordingly, we modify Condition 1(a)(iii) of the original Conceptual Site Plan as follows:

2. “Of the first 500 residential permits, at least 108 shall be in either Pod D or Pod B.”

ORDERED this 9th day of November, 2015, by the following vote:

In Favor: Council Members Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0

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: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council