

Case No. CSP-06003

Applicant: Jemal's Fairfield Farms, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 08-119, to approve, with conditions, a conceptual site plan for a mixed-use residential/commercial development, consisting of 940-2,000 multifamily units; 121,900 square feet of retail space; 14,300-650,000 square feet of office space; a 178,000-square-foot hotel; and a 25,000-square-foot recreational center, on property referred to as Addison Row at Cheverly Metro, described as approximately 34.4 acres of land in the M-X-T Zone, in the northeast quadrant of Addison Road and Minnesota Avenue, southwest of the Cheverly Metro Station, Cheverly, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to approval of a detailed site plan for the subject application, a new preliminary plan of subdivision shall be approved. Upon issuance of building permits for residential units, the applicant shall pay the applicable public safety surcharge and schools facilities surcharge.
2. At the time of review of each detailed site plan that includes residential development, the applicant shall specify the total number of proposed dwelling units in the residential portion of the subject DSP. Development Review Division and Department of Parks and Recreation staff shall employ the formula below to determine the minimum value of the private recreational facilities package to be provided on-site for the benefit of the residents:

Step 1: $(N \times P) / 500 = M$
Step 2: $M \times S = \text{Value of facilities}$

Where:

N = Number of units in project

M = Multiplier

S = Standard value of facilities for population of 500. (A list of the quantity and respective value of the recreation facilities to be provided for a typical population of 500 is updated regularly.)

P = Population per dwelling unit, based on estimates of average household type and size, by Planning Area. (Estimates made each year by the Research Section of the Department of Planning.)

3. At the time of review of each detailed site plan that includes residential development, the formula in condition 2 shall be employed to determine the amount of the applicant's fee due to M-NCPPC, in fulfillment of Basic Plan A-9981-C, Condition 10. The fee shall be the difference between the minimum value of private facilities established by Condition 2 above, and the dollar value of private facilities actually provided by the developer on the subject site. The recreational center owned by the condominium association or the developer and operated by the condominium association, the developer, or their agent or lessee, located on the frontage of Addison Road, may be considered a supplement to the recreational facilities package, to satisfy mandatory dedication requirements in Section 24-135 of the Subdivision Ordinance, if the applicant provides covenants satisfactory to the Planning Board that guarantee non-profit recreation/community/cultural use of the building in perpetuity.

Reduced fees for residents of the Addison Row development may be included in the covenants depending on the type of facilities proposed in the building. This agreement shall be documented in a Declaration of Covenants recorded with the Final Plats of Subdivision.

4. Prior to approval of the final plat of subdivision, the applicant shall provide evidence of the payment of a fee to the Department of Parks and Recreation for the construction and reconstruction of the public recreational facilities in the surrounding neighborhood.
5. The applicant, the applicant's heirs, successors, and/or assignees, shall provide private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
6. The applicant shall allocate appropriate and developable areas for the private recreational facilities on the subject property. The private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and property siting, prior to the Planning Board's approval of the detailed site plan.

7. The applicant shall submit three original, executed, private recreational facilities agreements (RFA) to DRD, for their approval, three weeks prior to the submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County.
8. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, at least two weeks before applying for building permits. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
9. At the time of detailed site plan review, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained for the benefit of future residents, through covenants, a recreational facilities agreement, or other appropriate means, and that such instrument will legally bind the applicant and the applicant's heirs, successors, and/or assignees.
10. The conceptual site plan and all subsequent plans of development shall include the following modifications:
 - a. The right-of-way for Addison Road shall be reflected as 80 feet, consistent with the master plan and information shown on prior approved record plats.
 - b. The portion of Minnesota Avenue Extended to the north and east of the area of this application should be displayed in a dashed or crosshatched fashion and labeled "Possible Future Roadway Connection."
11. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the DPW&T for the placement of bicycle signage. A note shall be placed on the final record plat that payment is to be received before issuance of the first building permit.
12. Prior to approval of the applicable DSP, a 50-foot-wide tree preservation/landscape buffer shall be provided along the entire eastern property line. Where quality woodland exists along the eastern property line, it shall be preserved in its entirety to a maximum of 50 feet in width. The Urban Design Section shall serve as Planning Board designee, for the evaluation and approval of the applicant's preservation and landscape buffer.
13. Prior to signature approval of the plans, the CSP shall be revised to conceptually demonstrate conformance to the *Landscape Manual*, Section 4.7, Buffering Incompatible Uses.
14. Prior to approval of any detailed site plan within the area covered by CSP-06003, the plans shall demonstrate conformance to the CSP. An enhanced streetscape shall be provided along Addison Road, as contemplated by the CSP.

15. Prior to certification of the CSP, and at least 35 days prior to any hearing on the preliminary plan, the CSP and TCP I shall be revised to provide a wooded buffer along the eastern boundary. The buffer shall be used to fulfill the woodland conservation requirements with woodland preservation and woodland afforestation/reforestation.
16. Development of the site shall follow the recommendations of "Report of Preliminary Geotechnical Exploration, Addison Road at Cheverly Metro," dated August 4, 2006, or any subsequent report approved by the Prince George's County Department of Public Works and Transportation.
17. Prior to submittal of any DSP application, a vibration analysis of the adjacent Metrorail and railway tracks shall be submitted. If mitigation is required, then it is to be approved with the Detailed Site Plan.
18. Prior to certification of the CSP, the TCP I shall be revised to show conceptually the location of all proposed outdoor activity areas and the unmitigated 65 dBA Ldn noise contour based on the "Phase I Railway Noise Analysis, Cheverly Row," dated April 20, 2006.
19. Each preliminary plan application shall include a Phase II noise study that indicates how noise will be mitigated to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interior levels. The preliminary plan and TCP I shall be revised to conceptually show the proposed mitigation and the mitigated 65 dBA Ldn noise contour.
20. Prior to certification of the CSP and acceptance of the preliminary plan, the NRI and all associated documents shall be revised as necessary to show the correct acreages for the site. The acreages shall be correctly reflected on the CSP and TCP I.
21. Prior to the certification of the conceptual site plan, the TCP I shall be revised, so that the worksheet shows correct acreages associated with this site. This shall include, but not be limited to the gross tract area, 100-year floodplain area, existing woodland on the net tract, and existing woodland in the 100-year floodplain.
22. The residential development shall have no more than 2,000 dwelling units, and total development on the property shall be limited to uses that generate no more than 1,683 AM and 2,323 PM peak hour vehicle trips. This requirement may cause a reduction in the amount of office, retail, and/or residential development.
23. Prior to the issuance of any building permits for exclusively residential buildings within Phase II or III, building permits shall be issued and construction shall be substantially complete for at least two of the following Buildings: A, B and C.
24. Prior to the issuance of the 501st use and occupancy permit for residential uses, the recreation building shall be constructed and open for use.

- 25. Prior to certification of the CSP and its plans, the applicant shall submit and have approved by Urban Design and DPW&T a conceptual stormwater management plan.
- 26. With each DSP application for land covered by this CSP, the applicant shall submit a traffic access and circulation system study prepared by a qualified traffic engineer. The study shall demonstrate that all interior traffic circulation and all off-site circulation to and from the subject tract will be free of congestion or unsafe conditions, for vehicles and pedestrians.

Ordered this 22nd day of March, 2010, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Exum

Vote: 8-0

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council