

Case No.: CSP-11002 Kiplinger Property
Proposed Lots 1 and 2

Applicant: Kiplinger Washington Editors, Inc.

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

ORDER OF APPROVAL WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the application to revise conceptual site plan CSP-11002,¹ approved in the final decision of the District Council dated June 17, 2013, and requesting to change the proposed development concept as follows: (1) to eliminate the previously approved retail use; (2) to propose a reduced number of multifamily dwelling units with addition of townhouses and two-family dwelling units in lieu thereof; and (3) to revise the proposed layout for the subject development project, known as Lots 1 and 2 of the Kiplinger Property, described as 11.68 acres of land in the M-X-T (Mixed Use - Transportation Oriented) and T-D-O (Transit District Overlay) Zones, with a street address of 3401 East-West Highway, located on the south side of East-West Highway (MD 410) at the southwest corner of the intersection of East-West Highway and Toledo Terrace Extended within the City of Hyattsville, in Planning Area 68, Council District 2, be and the same is hereby APPROVED, subject to conditions.

As the basis for this final decision, and as expressly authorized by the Regional District Act, namely Title 22 and Title 25 of the Land Use Article of the Annotated Code of Maryland, as well as the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, we hereby adopt the findings and conclusions within the

¹ The revised conceptual site plan approved herein is styled "CSP-11002," notwithstanding assignment of the suffix "(A)" reflected in the disposition by the Prince George's County Planning Board in this case.

administrative record, and specifically those set forth within PGCPB No. 13-20(A), as the District Council's findings of fact and conclusions of law in this case.

Approval of CSP-11002, as revised, is subject to the following conditions:

1. Prior to signature approval of the conceptual site plan ("CSP"), the plans shall be revised to:
 - a. Include the following notes on the plans:
 - (1) The maximum building height shall be 16 stories for all uses.
 - (2) The minimum building height shall be four stories for *multifamily apartment residential development.
 - (3) The first floor frontage of the residential buildings along East-West Highway and Editors Park Drive shall not include the rear of residential units *to the extent practicable or garage uses. Commercial uses, residential units with separate front street-side entrances, *landscaping, screening, grade changes, and/or tenant services and amenities shall be located on the first floor of the residential buildings on-site. *Where first floor residential uses are present, design elements focusing on privacy and screening shall be employed.
 - (4) The proposed architecture shall be enduring, of high quality, and distinctive.
 - (5) Rental residential units shall provide an increase in luxury through architectural features, building construction, and added amenities to the site and units.
 - (6) All surface parking lots shall be screened from view of roadways by the use of a low, opaque wall and/or landscaping unless they are providing short-term parking for ten cars or fewer.
 - b. Demonstrate conformance to Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
 - c. Eliminate direct access to East-West Highway (MD 410) from the CSP. Notwithstanding the foregoing statement, if at the time of DSP the Applicant desires to propose direct access to East-West Highway the proposed access location and design will be subject to review and approval by State Highway Administration, M-NCPPC Transportation Division and Urban Design.
 - d. Reflect the presence of any crosswalks around the perimeter of the site on the CSP.

- e. Revise General Note 5 to indicate the number of parcels (2) and reference Parcels D-1 and E-1 as reflected on the record plat NLP 140-86. No increase is permitted to the number of parcels without a preliminary plan of subdivision.
 - f. Revise the bearings and distances as shown on the CSP to be consistent with the record plat (NLP 140-86). All easements shall be accurately reflected on the conceptual site plan.
2. Prior to acceptance of the detailed site plan (“DSP”), the applicant shall meet with the Department of Parks and Recreation (“DPR”) to develop a mutually agreeable Parks and Recreation Facilities Program for the community.
3. Prior to approval of a DSP, the plans shall include the following:
- a. Architectural features that contribute to the identification of the Transit District, such as flagpoles or other vertical features, signage or architectural treatment that contributes to a sense of place and recognition that one is entering the Prince George’s Plaza Transit District Overlay Zone.
 - b. Provide an architectural design that makes a visual statement at the east and west corners of the East-West Highway elevation by means of prominent corners such as towers or other distinct forms.
 - c. The requirement for mandatory dedication (P34) and/or fee-in-lieu will be determined at the time of DSP review.
 - d. Provide for an upgrade of the existing crosswalk as may be necessary to increase safety for school children and other users as required by S13 on page 31 requiring contrasting paving materials for major pedestrian crossings spanning more than three lanes of traffic or as otherwise approved by SHA/DPW&T.
 - e. Provide for the design and any pertinent special features of the proposed focal points proposed along East-West Highway (MD 410) as shown on the CSP.
 - f. The location of the Environmental Site Design (“ESD”) facilities shall not be the basis for the granting of an alternative compliance application to reduce the required tree canopy or required landscaping. *This condition shall not preclude the applicant from applying for alternative compliance generally at the time of detailed site plan.
 - g. All outdoor activity areas shall be designated on the plans. A Phase II noise study shall be submitted that addresses noise mitigation for the outdoor activity areas and necessary building materials to mitigate indoor areas.

4. Prior to approval of the detailed site plan, the landscape plan and/or hardscape plan shall show the location of all trash receptacles.
5. Prior to acceptance of the detailed site plan, the plans shall include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump – Chesapeake Bay Drainage.”
6. Prior to the issuance of the first permit, a copy of the sediment and erosion control plan containing notes and details regarding the stenciling of the storm drain inlets shall be submitted.
7. At the time of the detailed site plan, the plans shall demonstrate how the ten percent afforestation requirement for S33 of the TDDP will be met.
8. Prior to certification of the conceptual site plan, the CSP shall be revised to correctly show the location of the unmitigated 65dBA Ldn noise contour at 168 feet from the centerline of East-West-Highway (MD 410), or provide a Phase I Noise Study that determines the location of the unmitigated 65dBA Ldn noise contour.
9. Prior to the acceptance of the DSP, the plans shall reflect the unmitigated 65dBA Ldn noise contour in accordance with the CSP.
10. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.
11. Prior to certification of the conceptual site plan, the CSP shall be revised to show the limits of the 60-foot stream buffer and primary management area (“PMA”).
12. Prior to acceptance of the DSP, the stormwater management concept plan and letter shall be revised to reflect a site layout consistent with the proposed DSP and stormwater management techniques.
13. Prior to signature approval of the CSP-11002, the submitted CSP be revised to incorporate the following:
 - a. A direct high quality pedestrian walkway with active streetscape that would extend from MD 410 (East- West Highway) to the proposed internal east-west roadway (depicted on submitted DSP as Public Road “ A”), along the proposed boundary of the multifamily and proposed condominium. The exact configuration and alignment of this walkway must be included for review in the DSP for the proposed condominiums, and

- b. Provision and designation on the submitted CSP of pedestrian walkways (at minimum on the side with minimum driveway conflicts), along all alley ways/private streets with townhouse frontages. The exact configuration and location of these walkways must be included for review in the DSP for the proposed townhouse units.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

Ordered this 12th day of May, 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