

Case No. SP-05001-C

Applicant: AIMCO

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

ORDER AFFIRMING PLANNING BOARD DECISION
AND APPROVING DEVELOPMENT DISTRICT REZONING

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in PGCPB No. 05-180, a resolution approving with conditions a Development District rezoning and a conceptual site plan, the plan showing a redeveloped apartment complex with 5,800 multifamily dwelling units, on property known as Springhill Lake, described as about 174.81 acres of land in the R-18/D-D-O, C-A/D-D-O, and O-S Zones, property with an existing apartment complex, located southeast of Cherrywood Lane, southwest of the Capital Beltway, northwest of Edmonston Road, and north of Breezewood Drive, in Greenbelt, is hereby:

AFFIRMED, the CSP, subject to the conditions below, is APPROVED, and the rezoning to the M-U-I/D-D-O Zone and the M-U-I Zone for Parcel 20, for the subject property, is APPROVED, for the reasons stated in the Planning Board's resolution, and the following reasons, which together are adopted as the findings of fact and conclusions of law of the District Council:

A. The District Council agrees, as the Planning Board concluded, that this CSP represents a "most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use," as provided in § 27-290 of the Zoning Ordinance. The Council also agrees that the CSP "conforms with the purposes and recommendations for the Development District," as provided in § 27-548.26, the purposes and recommendations as stated in the development district standards in the approved

Greenbelt Metro Area Sector Plan and Sectional Map Amendment (hereinafter the “Sector Plan” or “SMA”).

B. The applicant seeks amendment of the Sector Plan development district standards, as these regulations restrict height and residential density. The Plan recommends retaining the existing residential density (about 2,900 units on 125 acres, or 16.6 units per acre), but the applicant proposes a density of 32 units per acre, about twice what is there now. The applicant seeks approval of amended development district standards on the basis that the proposed apartment complex, with increased unit density and variable height restrictions, will conform to goals and objectives in the Sector Plan and the purposes – primarily development flexibility – of the Development District Overlay (D-D-0) Zone.

C. The District Council concurs with staff and Planning Board that the Sector Plan’s density recommendations (about 16 units per acre) may be modified, as the applicant proposes, to 32 units per acre. This increase in residential density is justified by the substantial upgrading the applicant and its builders will cause for the housing stock in the existing apartment complex, by the very sizable investment the applicant is committing to a mixed, medium- to high-density neighborhood inside the Capital Beltway, and by the presence nearby of the Greenbelt Metro Station, the Beltway Plaza commercial retail center and facilities, commercial office buildings in nearby Greenbelt, Riverdale, and College Park, and by the pending development project, adjacent to the Greenbelt Metro Station, proposed as “Greenbelt Station,” which will make new highway, commercial office, and commercial retail facilities available to properties, including the subject, in Greenbelt and its vicinity.

D. The Council also agrees with staff and Planning Board that waiver of height restrictions should be approved – if at all – only much later in the processing of the project, when the shape of the new community and the relationships of new structures on the

several properties are defined, in the site plans. It will be time enough to consider height restrictions for the various buildings and structures, when detailed site plans for the structures are before the Planning Board and District Council.

The Council's affirmance of the decision in PGCPB No. 05-180 includes also the rezoning, from R-18 TO M-U-I, of Parcel 20, a property adjacent to Spring Hill Lake, presently owned by the Board of Education.

Affirmance of the Planning Board's decision and approval of the rezoning to the M-U-I/D-D-O, and M-U-I Zones are subject to the following conditions:

1. (a) Total residential development under this conceptual site plan (CSP) shall not exceed 5,800 dwelling units. Commercial retail and service uses shall include, at a minimum, 15,000 square feet. The minimum commercial square-footage shall be constructed prior to the issuance of the building permit for the 3,000th dwelling unit.

(b) The following uses are prohibited:

- Drive-in restaurant
- Fast-food restaurant that is not within a shopping mall or an integrated shopping center, an office building, or a hotel
- Vehicle, boat, mobile home, camping trailer rental, repair, service station, storage and sales
- Gas station
- Animal hospital
- Motorized bicycle repair shop
- Funeral parlor
- Lawn mower sales or repair shop
- Limousine service
- Massage establishment
- Methadone treatment center
- Printing shop exceeding 2,000 square feet of gross floor area
- Pawnshop
- Seafood market containing more than 3,000 square feet of gross retail space
- Amusement park within a wholly enclosed shopping mall
- Outdoor rifle, pistol, or skeet shooting range
- Animal or poultry raising (other than customary household pets)
- Sand and gravel wet-processing

Satellite dish antenna more than 10 feet in diameter, to serve only 1 dwelling unit, in accordance with Section 27-451.01
 Taxicab dispatching station
 Cemetery

2. At least 35 % of the total number of dwelling units shall be for-sale units. For-sale units shall be distributed among the various housing types and income levels and, at a minimum, represent the land area designated as for-sale townhouses on the current CSP. For-rent units shall also include a variety of housing types and rent and income levels.

3. The preliminary plan of subdivision shall address mandatory parkland dedication requirements. At a minimum, mandatory dedication shall include a 20,000-square-foot recreation center with a competition-sized gym; three competition-sized and equipped ball fields; and on-site, private recreation facilities sufficient in number, variety, and location to service the needs of the future population of Springhill Lake. Alternatively, the Planning Board may require the applicant to provide monetary contributions, land, or a combination thereof, to satisfy such requirements, if requested by the City of Greenbelt.

4. Breezewood Drive shall be retained, between Cherrywood Lane and Edmonston Road. A minor realignment to Breezewood Drive will not require a revision to the Conceptual Site Plan.

5. The development proposal shall respect the current configuration of Cherrywood Lane, particularly by retaining the existing designated bike lanes.

6. Prior to the approval of a detailed site plan, the Type II tree conservation plan, or the most appropriate plan, shall show how potential flooding will be addressed for the area along Edmonston Road, north of Springhill Drive.

7. Prior to the approval of the preliminary plan of subdivision, the applicant

shall provide documentation from the Prince George's County Public Schools of their transfer or intent to transfer interest in the existing School Board property to the applicant.

8. At the time of preliminary plan of subdivision, the applicant shall not show a further division of the Springhill Lake Recreation parcel, absent an agreement with or consent by the City of Greenbelt.

9. The applicant shall establish a continuing funding mechanism for a trolley/tram or similar light transit system, to provide a mobile connection within the project area, and shall explore with Metroland, Greenbelt Metropark, and Beltway Plaza property owners the funding of a local shuttle system linking Greenbelt Metro Station developments, Beltway Plaza, and the project area. Efforts to provide improved transit opportunities shall include working with the Prince George's County Department of Public Works and Transportation on developing a revised The Bus route for Greenbelt West that serves the transit needs of the three existing or planned developments.

10. The CSP shall show a pedestrian connection from Cherrywood Lane, as referenced in the *Greenbelt Metro Area Approved Sector Plan and Sectional Map Amendment*, to the Greenbelt station development. Timing of construction and cost-sharing with the Greenbelt station development shall be determined at the time of preliminary plan.

11. Tree Conservation Plan (TCPII)—On-site woodland conservation is the first priority. The second priority is for off-site mitigation within the same watershed, with the city having rights of first refusal, as to providing a county-approved mitigation site within the city.

12. The TCP II shall not include city parkland, to satisfy the project's woodland conservation requirements.
13. Project development shall, to the extent practical, protect stands of mature trees, as well as all signature trees.
14. At the time of preliminary plan, the applicant shall provide evidence that there are adequate provisions to assure retention and maintenance of the proposed recreational facilities.
15. At the time of detailed site plan, the following issues shall be addressed:
 - a. The clubhouse building shall remain in the location designated on the CSP, or be placed in a visually prominent location.
 - b. Rooflines for all dwelling types shall be varied, and shall provide for appropriate interest to the streetscape.
 - c. Entrance features shall be submitted for review and shall be appropriately coordinated, in design and location.
 - d. Lighting fixtures throughout the development shall be coordinated in design.
 - e. Special paving materials shall be provided in appropriate areas, such as the central recreation area and the entrance to retail/service development.
 - f. Multifamily pods within the development shall be reviewed, to ensure adequate but not excessive parking areas in close proximity to all units.
 - g. The location of future bus stops/shelters, pedestrian connections, and crosswalks shall be shown on the plans. On-site maintenance facilities shall be identified.
 - h. Details (including consideration of waterfalls or fountains) shall be provided for the "proposed water feature" shown on the CSP.
 - i. Specific details applicable to the internal components of the clubhouse and the dimensions of the pool shall be provided.
 - j. Parking garages shall incorporate architectural design or landscape features, to screen them from adjacent buildings and

from pedestrians and motorists. Parking garages shall be designed as part of other buildings where architecturally feasible, with limited street frontage and with designed integration, to blend into the building's appearance.

- k. The applicant shall provide additional open space, which may include reducing the number of buildings proposed, either through combining buildings or modifying proposed building types.
- l. Buildings greater than six stories above grade shall be concentrated in the northwestern portion of the site, as shown on the CSP. Buildings shall be sited, to the extent practical, to minimize impacts on the surrounding proposed residential buildings, as to views, vistas, and light and shadow effects. Along Springhill Drive, buildings shall not exceed ten stories above grade, unless a building includes retail/commercial uses on its first floor. Along the Capital Beltway, buildings shall not use more than twelve stories above grade.
- m. Where appropriate, low-impact development techniques shall be incorporated in the development, by making design, materials, and construction decisions based on environmental considerations. Green building technologies, such as green roofs, bio-retention/rain gardens, and similar features, shall be incorporated where appropriate.
- n. The design and construction of buildings shall utilize a variety of building materials, elevations, roof lines, and design details appropriate to a high quality residential community, and shall reflect a coherent thematic design approach.
- o. The feasibility of designated bike lanes along Springhill Drive, Cherrywood Terrace, and Breezewood Drive shall be determined, within the concurrence of the City of Greenbelt. Designated bike lanes are consistent with the sector plan's identification of Springhill Lake as a "Bicycle Friendly Area" (sector plan, page 58). Other safety enhancements or traffic calming should be explored, at the time of detailed site plan.
- p. A minimum eight-foot-wide trail or sidewalk shall be provided along one side of Edmonston Road, to accommodate the multiuse trail facility shown on Map 7 of the Sector Plan. The extension of this trail/sidewalk to the Cherrywood Lane/Greenbelt Metro Drive intersection should be considered at the time of detailed site plan review.
- q. The applicant should consider posting "Share the Road with a Bike" signage along primary roads, with the concurrence of the City of Greenbelt (Sector Plan, page 61).

- r. If an amendment to the height requirements is requested, the applicant shall provide adequate information, such as models provided, architectural elevations, sections, and renderings, to assess the building height's impact on the immediate and surrounding development.

16. Prior to certification of the conceptual site plan, the following revisions shall be made, or information provided:

- a. The CSP shall indicate the location of proposed maintenance facility(s)/yard(s).
- b. As required by the development district standards and specified in the *Greenbelt Metro Area Approved Sector Plan and Sectional Map Amendment*, the CSP shall show the location, quantity and dimensions of gateway signs. As delineated in the standards, pylon and pole mounted signs are not permitted.
- c. The applicant shall submit a pedestrian/bicycle circulation plan that provides for a continuous and comprehensive pedestrian and bike network within the project area and vicinity to link residential, commercial, transit and civic uses, such as schools and community centers.
- d. The CSP shall include an overall plan for the provision of private recreation facilities sufficient in number, variety and location to service the needs of the future population of Springhill Lake.
- e. Open space (to include parks, plazas, sitting areas and gardens) shall be dispersed throughout the proposed development. The open space/park network shall (at a minimum) include informal play areas sufficient in size to accommodate informal play activities (i.e., Frisbee, wiffle ball, etc.), plazas, tot lots, and opportunities for active and passive recreation for all ages.
- f. Revise the CSP to delineate the area of buildings for heights greater than six stories.
- g. Remove the area of building envelope shown on the City of Greenbelt property along Cherrywood Lane.

17. Prior to the submission of the preliminary plan, a Stream Corridor Assessment (SCA) shall be performed on all sections of streams that exist within the subject application. This assessment shall be performed using the Maryland Department of Natural Resources SCA protocol. The applicant shall use the results of

the SCA to propose a comprehensive stream restoration plan with the preliminary plan.

18. The 100-year floodplain, stream, and wetland system present on the site shall be preserved, to the fullest extent possible. Impacts to these features shall be limited to those essential to the proposed development. The applicant shall submit justification statements for any impact proposed and the justification shall include discussions of alternative designs and the necessity of each impact individually. Trails shall be primarily located outside the regulated areas, with crossings placed only as necessary.

19. If sufficient justification is provided that the proposed new crossing of the floodplain and stream system is essential to the redevelopment of the site, because of requirement in county ordinances or an emergency services agency, the crossing shall be built as a bridge, or with the use of bottomless culverts, to allow the movement of wildlife between the stream and wetland areas to the north and south of the proposed crossing.

20. All regulated areas shall be reforested or restored, as appropriate, and shall be shown on the Type I Tree Conservation Plan as part of the overall conservation easement. Wherever possible, additional areas adjacent to the regulated areas shall be reforested to provide additional buffering for the floodplain and stream system, and these areas shall also be included in the conservation easement.

21. During the review of the preliminary plan, the site shall be evaluated for all opportunities to implement low-impact development techniques, including but not limited to bioretention, dry wells, and rainwater recycling. The Detailed Site Plan shall show the use of all applicable low-impact development techniques.

22. Floodplain and wetland mitigation shall occur on the subject property, the Sector Plan Area, or the Indian Creek Watershed, in that order of priority.

23. At time of Detailed Site Plan review, the plans shall show a comprehensive street tree planting program that includes a variety of species throughout the site.

24. The TCP I submitted with the preliminary plan application shall show expanded areas of reforestation adjacent to the floodplain and stream systems on the site.

25. As part of the preparation of a Natural Resources Inventory for the property, a survey shall be included, to identify rare, threatened, or endangered species on the site.

26. The Type II Tree Conservation Plan shall include a comprehensive plan for removal of invasive plant species on the site. It shall include but not be limited to proposed methods of removal, timing of removals, and methods to prevent future infestations.

27. The landscape plan associated with the Detailed Site Plan and the TCPII shall show the exclusive use of native plants throughout the site. Large diameter trees that exist within the treed areas to be preserved shall be excluded unless they have invasive tendencies.

28. The preliminary plan application shall include a soils study that describes the soils on-site and provides more detailed information, where erodible or hydric soils are to be disturbed.

29. A Phase I Noise Study for buildings adjacent to the Capital Beltway shall be submitted with the preliminary plan application. The unmitigated 65 dBA Ldn and other relevant noise contours shall be shown on the preliminary plan. All proposed

conceptual noise mitigation measures shall be shown on the preliminary plan and TCP I.

30. At time of preliminary plan application, information shall be submitted regarding how the green development provisions of the Sector Plan are to be addressed.

31. As part of the Natural Resources Inventory (NRI), the FSD text shall be revised to address the presence of invasive plant species on the site.

32. Prior to certification of the CSP, the Type I Tree Conservation Plan (TCPI/20/05) shall be revised, as follows:

- a. Add the following note to the plan: "This plan is conceptual in nature, was prepared for the review of the Conceptual Site Plan, and will be revised with the submission of a TCP I with the preliminary plan."
- b. Revise note 6 as follows: "Plans for stormwater management are contained in Conceptual Stormdrain Plan 4334-2005-00."
- c. Eliminate existing treed areas from the grounds identified as reforestation areas, and eliminate use of existing forested areas for reforestation.
- d. Correct the worksheet, to show the correct amounts of gross and net tract areas.
- e. Revise the worksheet, to eliminate fee-in-lieu provisions.
- f. Revise the plan, to provide additional reforestation adjacent to the floodplain and stream systems.
- g. Eliminate the use of woodland that is committed for another site, or provide detailed notes showing how woodland conservation will be provided.
- h. Revise the plan to address all other conditions of approval as necessary.
- i. Revise the plan to use the same symbols for preservation and reforestation on the cover sheet and the individual sheets.

- j. When all revisions have been completed, have the revised plan signed and dated by the qualified professional who prepared the plan.

33. The existing scattered treed areas identified on the FSD and proposed for retention on the TCP I shall be evaluated, prior to submission of the Type II tree Conservation Plan, and recommendations for the treatment of these areas shall be provided. These areas shall be maintained as open space and shall not be used as reforestation sites. All existing trees within the areas to be retained shall receive a condition analysis, using the methodology of the Council of Landscape Appraisers, so that it can be determined which trees will be preserved in place and which will be removed. These treed areas shall be maintained as open space, with the addition of limited areas of trails and benches. If additional space becomes available after removal of trees in poor condition, these areas may be used for active or passive recreation. All treed areas shall be provided tree protection devices that are semi-permanent for the duration of construction. The turf areas under the trees shall be maintained during construction.

34. Before building permits may be issued for the first phase of construction, there shall have been identified school surcharge fees (all derived solely from newly-constructed residential units in the project, not existing or replacement units) of at least \$20 million (\$20,000,000), and these school surcharge funds shall have been assigned to the Greenbelt Educational Complex, CIP ID No. AA779413.

35. Before building permits may be issued for the first phase of construction, there shall have been identified public safety surcharge fees (all derived solely from newly-constructed residential units in the project, not existing or replacement units) of at least \$4 million (\$4,000,000), and these public safety surcharge funds shall have been assigned to the Greenbelt Fire Dept., CIP ID No. LK510523.

36. If it is determined that school or public safety surcharge fees are to be based on the total number of units to be constructed, rather than only the new units being added to the development, then the applicant acknowledges that the District Council may assess additional school and public safety surcharge fees for the project and the referenced school and firehouse facilities.

37. The applicant shall use its best efforts to locate three additional ballfields, in cooperation with the Greenbelt City Council.

38. At least 35% of the total number of dwelling units shall be for-sale units.

39. When demolition begins on a section of dwelling units within the existing apartment complex, the applicant shall relocate, under its standard relocation practices, all residents still living in that section of the complex.

BE IT FURTHER APPROVED, that this Order shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts the above conditions in writing.

Ordered this 28th day of November, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: SP-05001-C

Applicant: AIMCO

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council approves Application No. SP-05001-C, to approve with conditions a conceptual site plan showing a redeveloped apartment complex with 5,800 multifamily dwelling units in the M-U-I/D-D-O Zone; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final development district rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. SP-05001-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional rezoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally rezoned shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute

appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective on January 12, 2006, the date of receipt of the applicant's acceptance of the conditions imposed.

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