

Case No. SP-05005-C

Applicant: Post Apartment Homes, LP

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

ORDER AFFIRMING PLANNING BOARD DECISION, AND
APPROVING DEVELOPMENT DISTRICT OVERLAY REZONING,
WITH REVISED CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 06-42, to approve with conditions a conceptual site plan, with tree conservation plan, for the development of a multifamily complex, with approximately 1,600 square feet of commercial retail space, on property referred to as Post Park (formerly Prince George's Center), described as approximately 6.81 acres of land in the C-S-C/TDO Zone, located on the northwest corner of the intersection of East-West Highway and Toledo Terrace, Hyattsville, 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; and it is

FURTHER ORDERED, upon review of the record, and after hearing oral argument from the parties, that the applicant's request in CSP-05005 to rezone the subject property from the C-S-C/TDO Zone to the M-X-T/TDO Zone, with modifications to the Prince George's Plaza Transit District Development Plan, is hereby:

APPROVED, for the reasons stated by the Planning Board, from whose report the District Council concludes that the proposed rezoning meets the purposes of the M-X-T Zone, conforms with the purposes and recommendations of the Prince George's Plaza Transit Development District, and meets applicable CSP requirements.

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

1. Upon issuance of the building permit for each residential unit, the applicant shall pay a public safety surcharge of \$2,000.00 per unit.
2. Prior to the issuance of building permits, the applicant shall obtain approval from MD SHA and the Prince George's County DPW&T and agree to fully fund the cost of providing the necessary geometric and signal modifications for the intersection of MD 410 and Toledo Terrace and provision of adequate left-turn storage along MD410 eastbound and Toledo Terrace northbound.
3. Prior to certification of the detailed site plan, the applicant shall provide proof of payment of \$400 per surface parking space, as required by the Prince George's Plaza TDDP. This fee is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment. The required fee shall be paid to Prince George's County Department of Public Works and Transportation and shall be applied toward the construction of the required transportation improvements listed in Table 4 of the Prince George's Plaza TDDP.
4. Submission of any development plan other than as currently proposed that could generate more than 200 AM and 220 PM peak-hour vehicle trips shall require SHA and DPW&T approval of the proposed on-site circulation and access plan.
5. Prior to submission of the detailed site plan, a meeting shall be arranged by the applicant that will include staff from the Department of Environmental Resources and the Environmental Planning Section to discuss possible innovative stormwater management techniques to be implemented on site and to discuss the treatment of off-site runoff entering the subject property.
6. The detailed site plan shall show the locations of innovative stormwater management techniques such as bioretention, stormwater recycling, green roofs, or other techniques. The applicant shall work with the Anacostia Watershed Society, and shall show the improvements being made to the stream valley. A study of the environmental impacts shall be placed in the record.
7. Prior to certification of the conceptual site plan, a copy of the approved floodplain study shall be submitted and a note shall be added to the CSP stating the study number.
8. Prior to certificate approval of the conceptual site plan, written authorization from the Department of Environmental Resources to allow disturbance to the floodplain shall be submitted.
9. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions are in compliance with, and associated mitigation plans.

10. At time of detailed site plan review, all outdoor activity areas shall be designated on the plans. A Phase II noise study shall be submitted with the initial plan submittal package that addresses noise mitigation for the outdoor activity areas and necessary building materials to mitigate indoor areas.
11. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
12. At time of review of the Type II tree conservation plan, written permission shall be obtained for any clearing and grading to be conducted off site and the verification of said permission shall be included on the TCPII.
13. Prior to certificate approval, the plan shall be revised to clarify the amount of existing woodland on site and reflect the amount consistently on all plans.
14. Prior to certificate approval, the Type I tree conservation plan shall be revised as follows:
 - a. Clearly label the proposed retaining walls with top-of-wall and bottom-of-wall elevations and revise the limits of disturbance to provide sufficient space for construction on both sides of the wall (minimum 15 feet on each side);
 - b. Remove the note referencing clearing in the floodplain and approval at time of DSP.
 - c. Remove the note that refers to reforestation on properties to the north as this is no longer shown.
 - d. Remove the note regarding consideration for off-site grading on MNCPPC parkland as this is no longer shown.
 - e. Clarify the amount of existing woodland to either be 6.05 acres as stated on the FSD or 6.09 acres as stated on the TCPI.
 - f. Fill in the blank in Note 1.
 - g. Revise the computation worksheet to reflect the amount of floodplain on site as being deducted from the gross tract area.
 - h. Revise the worksheet to reflect all changes to the plan.
 - i. Add a note to the worksheet that clarifies how much of the acreage is off-site clearing and add this calculation to the plans.
 - j. Have the revised plan signed and dated by the qualified professional who prepared the plan.

15. The maximum building height shall be 16 stories for all uses.
16. Three-bedroom units shall be permitted only when developed as condominiums.
17. The proposed architecture shall be enduring, of high quality, and distinctive.
18. Rental residential units shall provide an increase in luxury through architectural features, building construction, and added amenities to the site and units.
19. All surface parking lots shall be screened from view of roadways by the use of both a low, opaque wall and an evergreen hedge unless they are providing short-term parking for ten cars or fewer.
20. Prior to signature approval, the plan shall be revised to demonstrate conformance to Section 4.7 of the *Landscape Manual*.
21. Prior to the approval of a detailed site plan, the following shall be demonstrated on the plan:
 - a. A minimum 8,000-square-foot plaza at the intersection of East West Highway and Toledo Terrace.
 - b. 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 that one is entering the Prince George's Plaza Transit District Overlay Zone.
22. At the time of application for the detailed site plan, the applicant shall specify the total number of proposed dwelling units in the residential portion of the planned development. A fee shall be established based on the following formula:

Step 1: $(N \times P) / 500 = M$

Step 2: $M \times S = \text{Value of facilities}$

Where:

N = Number of units in project

P = Population per dwelling unit by Planning Area

M = Multiplier

S = Standard value of facilities for population of 500

23. The applicant shall provide a combination of both public and private recreational facilities as determined appropriate at the time of review of the Detailed Site Plan:
 - a. Provide on site outdoor recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines and shall allocate appropriate and developable areas for the private recreational facilities.
 - b. The applicant shall contribute to the M-NCPPC, Department of Parks and Recreation for the renovation of the Prince George's Plaza Community Center or development of the University Hills Community Park located to the northeast of the subject property.
24. The amount of the applicant contribution to M-NCPPC and the value of the on-site and off site recreational facilities package shall be determined by DPR at the time of Detailed Site Plan.
25. The fee shall be paid prior to issuance of the first building permit and shall be used for renovation of the Prince George's Plaza Community Center or development of the University Hills Community Park located to the northeast of the subject property.
26. Prior to the approval of the Detailed Site Plan, the following concerns of the City of Hyattsville, as stated in their February 15, 2006 letter, shall be addressed:
 - Change the design to make a stronger visual statement at the east and west corners of the East West Highway elevation
 - Increase the building height (above 4 stories) and massing with the goal of achieving a more densely built, compact environment on the site.
 - Ensure the construction meets the current DDP for Prince George's Plaza Transit District and that there is a greater diversity of mixed use such as office space
 - Install a count down crossing light at the Toledo Drive intersection
 - Add a quality "Arts" component (in consultation with the City)
 - Have a significant percentage of condominiums (ideally all condos)
 - Provide a bus shelter at a safe location from the intersection and roadway
 - Comply with the County and Army Corps of Engineers requirements for storm water management and impact on streams

27. Prior to certificate approval, the plan shall be revised to show the following Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	C-S-C	M-X-T
Use(s)	Vacant	Residential multifamily and retail
Acreage	6.81	6.81
Lots	1	1
Parcels	0	0
Square Footage/GFA	0	Residential—410,657 SF to 536,379 Retail—1,600 SF to 2500 SF Total—412,257 SF to 538,879 SF
Floor Area Ratio (FAR)	0	1.4 to 1.83

IT IS FURTHER ORDERED, that this Order shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions, and the District Council takes final action.

Ordered this 22nd day of May, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Bland and Hendershot

Vote: 7-0

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

Case No.: SP-05005-C

Applicant: Post Apartment Homes, LP

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

FINAL CONDITIONAL ZONING APPROVAL

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

WHEREAS, the District Council approved Application No. SP-05005-C, to approve with conditions a conceptual site plan to rezone property from the C-S-C/TDO to the M-X-T/TDO 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.

IT IS, THEREFORE, ORDERED:

1. Final conditional zoning approval of Application No. SP-05005-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.

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.

3. This Ordinance is effective on June 30, 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 of the Council