

Case No. SP-07011

Applicant: WTC Venture, 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. 07-144, to approve with conditions a detailed site plan for infrastructure, including mass grading, retaining walls, street construction, stormwater management, water, sewer, stormdrain, and other utilities, for a project referred to as Woodmore Towne Center (Inglewood North), on property described as approximately 244.67 acres of land in the M-X-T Zone, in the northeast quadrant of the Capital Beltway and Landover Road (MD 202), Landover, is:

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 signature approval of this detailed site plan, the applicant shall:
 - a. Revise the plans to indicate the keystone VERSA-LOK retaining wall system to be the "Mosaic Weathered" style in the "Westchester" color (or equal if the above is not available) in those portions of the development where proposed retaining walls are determined to be highly visible from roads, residential (not including retaining walls required by Condition 18) or other public areas. The applicant shall work with Urban Design and the City of Glenarden staff to identify which walls will receive this treatment and appropriate barrier type. Exact materials shall be approved by Urban Design staff and the City of Glenarden as designee of the Planning Board.
 - b. The lighting fixtures shown on the plan shall be reviewed and approved by the City of Glenarden and the Urban Design Section. The lighting plan shall indicate the use of full cut-off optic light fixtures to minimize light pollution.

- c. The plans shall show a public utility easement along all roadways, public and private.
 - d. Steel girder bridges shall be revised to provide the proposed side elevations, including the details and specifications of the protective barrier system, as depicted in photographic images proffered by the applicant dated March 30, 2007.
 - e. The plans shall be revised to show the proposed five-foot-wide sidewalk as eight feet, within the right-of-way along the east side of Campus Way North, unless modified by DPW&T, and to provide a minimum of five feet on each side of Campus Way North from the face of the curb to the sidewalk.
- 2. Prior to the approval of any future detailed site plans, impacts to the Patuxent River Primary Management Area and expanded buffers other than those conceptually approved by the Planning Board with Preliminary Plan 4-06016, shall require a revised preliminary plan application.
 - 3. Prior to certificate approval of DSP-07011, the TCP II shall be revised to remove the extraneous information shown on the plans, such as parking compounds and buildings that are not proposed to be built with the subject application.
 - 4. Any required revision to Stormwater Management Concept Plan #20908-2003 that significantly departs from the limits of disturbance on the approved TCP I, shall require Planning Board review of a revised preliminary plan and TCP I.
 - 5. Prior to certificate approval of DSP-07011, the DSP and TCP II shall be revised to include a detail of the proposed bridges clarifying the areas of disturbance needed for construction.
 - 6. Prior to the issuance of any permits which 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 have been complied with, and associated mitigation plans.
 - 7. Prior to acceptance of a DSP for residential buildings impacted by the unmitigated 65 DBA noise contour (as reconfigured as a result of grading and construction of retaining walls as approved in this DSP for infrastructure), the package shall include a revised Phase II noise study that reflects the proposed building location and grading shown on the DSP. A separate sheet within the DSP shall show all unmitigated noise contours and mitigated contours at a scale that clearly shows the noise mitigation measures proposed for outdoor activity areas and interior living areas in order to meet the State noise standards.

8. At the time of DSP for any portion of the site including stormwater management ponds, the DSP and TCP II shall show all required landscaping around the stormwater management ponds that are required as part of the stormwater concept/technical approval.
9. Prior to certificate approval of DSP-07011, the TCP II shall be revised to show Prince George's County phased worksheet with phase one representing the proposed grading and infrastructure improvements in DSP-07011. The revised worksheet cannot show a shortage regarding how the site's woodland conservation requirement will be addressed and the phased worksheet shall show the correct fee-in-lieu. The first phase in the revised worksheet shall be represented by the subject DSP and TCP II and include all proposed on and off-site clearing.
10. Prior to certificate approval of DSP-07011, the TCP II shall be revised as follows:
 - a. Provide a symbol in the legend and show on the plan the special preservation treatment fencing for the three specimen trees to remain at post development.
 - b. Show Specimen Tree #17 as to be removed.
 - c. Add a critical root zone symbol to the legend and show this symbol in relation to each of the trees to be preserved.
 - d. Show the stream buffer symbol in relation to this feature on each applicable sheet of the plans.
 - e. Include sheets 18 and 19 to the plan set and make all the applicable revisions, including the steep slopes on highly erodible soils and severe slopes symbols.
 - f. Consistently label the existing tree line and eliminate the proposed tree line label in the legend.
 - g. On sheet 6 identify the existing feature shown with an unlabeled symbol located parallel to the Capital Beltway. Provide a corresponding symbol in the legend.
 - h. Adjust the proposed limits of disturbance symbol so there are no gaps in it.
 - i. On sheet 2 adjust the limits of disturbance symbol in relation to the two proposed rectangular features at Ruby Lockhart Drive so there is access to these features. Show all proposed structures related to the limits of disturbance.
 - j. Ensure the limits of disturbance is in conformance with the TCP I.

- k. Label all proposed bridge abutments, rip rap features, and other similar features (i.e. for bioretention) on each sheet of the plans. Provide a corresponding symbol in the legend for these features.
- l. Revise the key map so the plan set sheets correspond with the sheets in the DSP-07011 plan set.
- m. Remove the proposed buildings symbols or revise the TCP II to distinguish between what features are proposed in the current approval and what features will be part of future plans. Show these features the same on the DSP and TCP II.
- n. Provide a title on each sheet of the plan to read as follows: "TCP II for infrastructure only."
- o. Provide the additional sheets to the plan set for proposed off-site connections for streets and utilities and the related limits of disturbance. Adjust the worksheet as necessary to compensate for the off-site clearing.
- p. Provide the proposed bottom and top elevations for all the retaining walls.
- q. On sheet 4 adjust the limits of disturbance in relation to Woodland Preservation Area F so this symbol is along the proposed outer edge of this area.
- r. On sheet 11 adjust the portion of Woodland Preservation Area K to exclude the proposed water line easement.
- s. On sheet 17 adjust Woodland Preservation Area B to exclude the proposed sewer line easement.
- t. On sheet 24 label the proposed woodland treatment area adjacent to Woodland Preservation Area C that is outside the limits of disturbance (i.e., woodland saved, not counted). Show this treatment to the closest 1/100th of an acre and use a graphic symbol on the plan and in the legend.
- u. Adjust the phased worksheet after these woodland treatment revisions are addressed.
- v. Provide the current standard TCP II notes and remove the three TCP II notes shown on sheet 25. Include all of the applicable optional TCP II notes with the standard notes.
- w. Provide the required edge management notes on sheet 25.
- x. Show all of the required woodland conservation area signage with a corresponding symbol in the legend in relation to the outer edges of Woodland Preservation Areas A-Q. Locate the signage at the required spacing.

- y. Provide the standard M-NCPPC TCP II signature approval block on each sheet of the plan and type in "TCP II/053/07" in the appropriate space.
 - z. Remove the soils layer from the plan and its corresponding symbol from the legend.
 - aa. Revise the TCP II worksheet as necessary.
 - bb. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it.
11. Prior to certification of the DSP-07011, the applicant shall submit to DPR, for review and approval, the park concept plan which addresses the following DPR concerns:
- a. Restroom facility should be relocated immediately northwest of to the main parking area.
 - b. Restroom building should include 150 square feet storage area for maintenance equipment.
 - c. Slopes around the run out area (20-25 feet) of the soccer/football field should not exceed 5:1.
 - d. Designate locations of the secondary pedestrian crossings of Campus Way North and Ruby Lockhart Boulevard (subject to DPW&T review and approval) and incorporate them into the park concept plan.
 - e. Provide 10-foot-wide hiker/biker asphalt trail loop to accommodate maintenance vehicle circulation
 - f. Incorporate landscaping into concept plan. Landscaping on parkland along the Campus Way North and Ruby Lockhart Boulevard should be limited to ornamental trees.
 - g. Provide clear area (no shrubs) 20 feet wide on both sides of the trails.
 - h. Provide shade trees along the trail and parking lot.
12. Stormwater management shall be allowed on parkland only if it is located underground and as far toward the southeastern end of the park parcel as feasible based upon grading constraints. The applicant shall submit a written request to DPW&T to locate stormwater management facilities underground (a copy shall be provided to DPR). In the event that written permission cannot be obtained from DPW&T for the construction of an underground SWM facility, an at-grade pond

shall be allowed in public parkland at a location acceptable to DPR. If this is necessary as mitigation, the applicant shall construct on the park property, a multi-age playground and provide enhanced landscaping program. The playground and landscaping shall be incorporated into park concept plan to be reviewed and approved by DPR staff prior to certificate approval of the DSP-07011. The SWM facilities on parkland shall be maintained in perpetuity by the applicant and its successors and/or assigns. However, the maintenance of this stormwater management facility shall not be the responsibility of any future HOA for residential portions of the development. The following playground equipment or similar substitutes of equal value shall be approved by DPR and provided in the playground:

a. **Pre-school play equipment.**

- Spinner bowl by Kompan Inc.
- Blazer by Kompan Inc.
- Speeder by Kompan Inc.
- Stinger by Kompan Inc.
- Junior Spica by Kompan Inc.
- Arch swing w/2 bucket seats by Landscape Structures Inc.
- Saddle spinner by Landscape Structures Inc.

b. **School-age play equipment**

- Miram Skater by Kompan Inc.
- Spica by Kompan Inc.
- Starsurfer by Kompan Inc.
- Vega by Kompan Inc.
- Supernova by Kompan Inc.
- Arch swing w/2 belt seats by Landscape Structures Inc.
- Orbiter 3 Independent by Landscape Structures Inc.
- Tire swing by Landscape Structures Inc.

c. **Surfacing**

- Woodcarpet with subsurface drainage
- Double (6"X 8") Timber Edging

d. **Site furniture**

- (6)- 5-foot contour bench with back, by Landscape Structures Inc.
- (2)- Tendertuff Picnic Tables by Landscape Structures Inc.

The cost of playground equipment and installation (in hard costs) shall not exceed \$100,000.00. This amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI) for All Urban Consumers published by the U.S. Department of Labor from the previous fiscal year until the playground is installed. The applicant shall provide to DPR at the time of submission of the detailed site plan for the park site for its review and approval, three (3) estimates for the acquisition of the specified

playground equipment and installation thereof. DPR shall review and provide comments to the applicant on the concept site plan for the playground within three weeks of delivery of the plan to DPR.

13. The applicant shall prepare a plan, including bearings and distances, of the park parcel (acceptable to DPR) that demonstrates conveyance of 11.73 acres of the parkland to the M-NCPPC. DPR staff shall review and approve this plan prior to certificate approval of DSP-07011.
14. An additional safe pedestrian crossing of Campus Way North shall be provided between Ruby Lockhart Drive and Road "G" subject to DPW&T review and approval.
15. In conformance with the Adopted and Approved Largo-Lottsford Master Plan, CSP-03006, and 4-06016, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Provide the eight-foot wide sidewalks, and designated bike lanes along the entire length of Ruby Lockhart Drive, unless modified by DPW&T.
 - b. Provide standard sidewalks and designated bike lanes along both sides of Tower Place, unless modified by DPW&T.
 - c. Provide standard sidewalks along both sides of St. Joseph's Drive, unless modified by DPW&T.
 - d. Provide the details and specifications at the pedestrian refuge at the eastern crosswalk along the traffic circle on Sheet 3, unless modified by DPW&T.
16. Prior to the approval of the Detailed Site Plan(s) for Lots 23, 24, 25, 26, 27, 28, 48 and Lot 17, each such plan shall demonstrate conveyance of stormwater from each said lot in such a manner as to ensure it does not drain onto adjoining properties, as per approval by Prince George's County DPW&T, and to insure compliance with Condition 37 of Preliminary Plan 4-06016.
17. Prior to signature approval of DSP-07011, the plan shall be reviewed to demonstrate compliance with Preliminary Plan Condition 37, in such a manner as to insure that stormwater does not drain onto adjoining properties.
18. Prior to signature approval of DSP 07011, the plans shall be revised to provide for a wall, and a fence six feet in height. The applicant shall place the wall and fence at a 10 foot set back, wall and fencing to be of type as shown on Exhibit F, with landscaping, as shown in the typical sections for lots 27 and 28 (Applicant's Exhibits 1 and 2), at the top and bottom of the wall, with final details to be approved by the Urban Design Section and the City of Glenarden. The wall is to be constructed of materials that do not impede growth of landscaping/trees. Applicant shall construct wall and fencing at the mass grading

operation which is in the first phase of development. Landscaping shall be installed at the time of the wall installation and shall be guaranteed for two years. A 20-foot easement will be placed on the lots to provide a perpetual easement to protect the buffer. This easement, to the benefit of the City of Glenarden and respective adjacent property owners, shall be shown on the final plat and included in the deed for each of the lots for which the buffer is required.

19. Prior to signature approval, the applicant shall provide a traffic calming circle on Glenarden Parkway per condition 5 of the approved preliminary plan.
20. Prior to signature approval of the DSP, TCP II plan should reflect the amount of fee in lieu for trees, and Condition 40 of the Preliminary Plan approval requiring that the fee-in-lieu be used only for the costs associated with afforestation/reforestation within the City of Glenarden.
21. Prior to signature approval, the revised Stormwater Management Concept Plan shall be reviewed and commented upon by the City of Glenarden.
22. Prior to signature approval, the approved concept site plan for the park shall be reviewed and commented upon by the City of Glenarden.
23. Traffic calming to be installed by applicant, and shall be inspected and approved by City of Glenarden prior to opening of Glenarden Parkway. Installation is to be as per attached Exhibits I and J.
24. Prior to signature approval of this DSP, the plans shall be revised to show additional plantings along the area of proposed lots 15 and 16 to be approved by the City of Glenarden. A 20-foot easement shall be placed on said lots to provide for a perpetually protected easement. This easement shall be shown on the final plat and included in the deed for both lots.
25. The plans shall be revised prior to signature approval to eliminate Bradford Pear trees, unless modified by the City of Glenarden or agency with jurisdiction over the street trees.
26. At the time of each subsequent detailed site plan, the applicant shall report on their progress toward replacement of the temporary advertising sign with attractive permanent signage, as soon as is feasible. The temporary sign (applicant's Exhibit 3) will be mounted on 61 foot high poles.
27. The freestanding, advertising/marketing sign (61-feet in height) shown in the DSP-07011 plans, to be placed near the southern boundary of the subject property, is approved as a temporary sign only. The District Council approves the initial design, as shown in the plans, subject to the following:
 - a. The sign permit issued by DER shall state that it is "Temporary."

- b. The sign permit shall be renewed at twelve-month intervals after issuance, or at the time of each DSP review by the Planning Board and District Council, where DSP review occurs during a twelve-month review interval. Each DSP review begins another twelve-month interval, unless the Council in DSP review provides otherwise.
- c. At each review, before it renews the sign permit, DER shall document that it has inspected the sign, has consulted with the City of Glenarden, and has determined that the appearance and maintenance of the sign are satisfactory.
- d. If at any time during a twelve-month review interval the City of Glenarden or a citizens' or homeowners' association registers with DER a written complaint about the appearance or maintenance of the sign, then DER shall transmit copies of the complaint to the Clerk of the Council and the office of the Council representative for the Fifth Councilmanic District. The District Council, after notice to the applicant and other parties of record, shall review the complaint at a regular meeting and, after hearing from the parties, may take appropriate action.

Ordered this 24th day of September, 2007, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Olson

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: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council