



The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

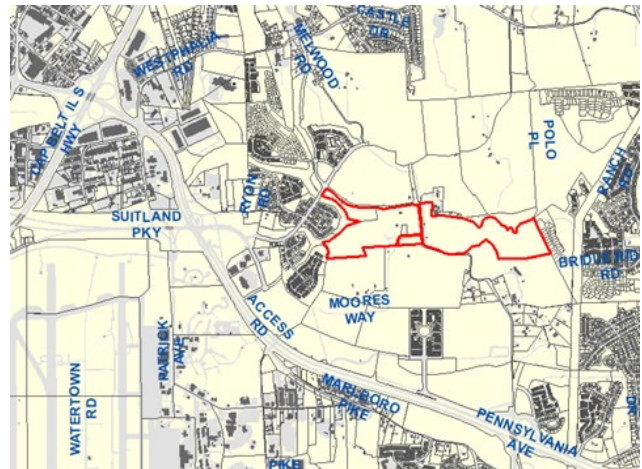
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# Specific Design Plan Parkside

# SDP-1302-08

| REQUEST  | STAFF RECOMMENDATION     |
|--|--------------------------|
| The approval of six single-family attached and seven single-family detached Dan Ryan Builders architectural models to be available for construction in Sections 5 and 6 of Parkside. | APPROVAL with conditions |

|  |           |
|--|-----------|
| <b>Location:</b> Located on both sides of Melwood Road, at its intersection with Moore's Way.                            |           |
| Gross Acreage:   | 150.49    |
| Zone:  | R-M/M-I-O |
| Dwelling Units:  | N/A       |
| Gross Floor Area:  | N/A       |
| Planning Area:   | 78        |
| Council District:  | 6         |
| Election District:   | 15        |
| Municipality:  | N/A       |
| 200-Scale Base Map:  | 206SE09   |
| <b>Applicant/Address:</b><br>Dan Ryan Builders, Mid-Atlantic, LLC<br>2101 Gaither Road, Suite 200<br>Rockville, MD 20850 |           |
| <b>Staff Reviewer:</b> Andrew Bishop<br><b>Phone Number:</b> 301-952-4897<br><b>Email:</b> Andrew.Bishop@ppd.mncppc.org  |           |



|                              |            |
|------------------------------|------------|
| Planning Board Date:         | 10/08/2020 |
| Planning Board Action Limit: | 11/02/2020 |
| Staff Report Date:           | 09/22/2020 |
| Date Accepted:               | 07/24/2020 |
| Informational Mailing:       | 06/25/2020 |
| Acceptance Mailing:          | 07/21/2020 |
| Sign Posting Deadline:       | 09/08/2020 |

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

## Table of Contents

|  |    |
|--|----|
| EVALUATION .....   | 3  |
| FINDINGS.....  | 3  |
| 1. Request .....   | 4  |
| 2. Development Data Summary.....   | 4  |
| 3. Location .....  | 4  |
| 4. Surrounding Uses.....   | 4  |
| 5. Previous Approvals .....  | 4  |
| 6. Design Features .....   | 7  |
| COMPLIANCE WITH EVALUATION CRITERIA.....   | 8  |
| 7. Zoning Map Amendment A-9965-C.....  | 8  |
| 8. Prince George’s County Zoning Ordinance .....                                   | 8  |
| 9. Comprehensive Design Plan CDP-0501, its amendment, and reconsideration.....     | 10 |
| 10. Preliminary Plan of Subdivision 4-05080.....                                   | 12 |
| 11. Preliminary Plan of Subdivision 4-16001.....                                   | 12 |
| 12. Specific Design Plan SDP-1302, and its amendments .....                        | 13 |
| 13. 2010 Prince George’s County Landscape Manual.....                              | 13 |
| 14. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance .. | 13 |
| 15. Prince George’s County Tree Canopy Coverage Ordinance .....                    | 13 |
| 16. Referral Comments .....  | 13 |
| RECOMMENDATION .....   | 14 |

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-1302-08  
Parkside, Sections 5 and 6 Architecture

The Urban Design staff has reviewed the specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

**EVALUATION**

This amendment to a specific design plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Zoning Map Amendment A-9965-C;
- b. The requirements of the Zoning Ordinance in the Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) Zones;
- c. The requirements of Comprehensive Design Plan CDP-0501, its amendment, and reconsideration;
- d. The requirements of Preliminary Plans of Subdivision 4-05080 and 4-16001;
- e. The requirements of Specific Design Plan SDP-1302 and its amendments;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance;
- h. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- i. Referral comments.

**FINDINGS**

Based upon the evaluation and analysis of the subject specific design plan (SDP), the Urban Design Section recommends the following findings:

1. **Request:** The subject amendment to an SDP is a request for approval of six single-family attached (townhouse) and seven single-family detached architectural models for Dan Ryan Builders, to be available for construction in Sections 5 and 6 of the Parkside development, which were approved under SDP-1302, as amended.

2. **Development Data Summary:**

|                                   | <b>EXISTING</b> | <b>PROPOSED</b> |
|-----------------------------------|-----------------|-----------------|
| Zone                              | R-M/M-I-O       | R-M/M-I-O       |
| Use                               | Residential     | Residential     |
| <b>Total Gross Acreage of SDP</b> | <b>147.79</b>   | <b>147.79</b>   |
| Section 5                         | 66.37           | 66.37           |
| Section 6                         | 81.42           | 81.42           |
| Floodplain Acreage of SDP         | 13.83           | 13.83           |
| <b>Net Acreage of SDP</b>         | <b>133.96</b>   | <b>133.96</b>   |

3. **Location:** The larger Parkside (formerly known as Smith Home Farm) subdivision is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), in Planning Area 78, Council District 6. Sections 5 and 6, totaling approximately 147.79 acres, are located in the far southeastern portion of the larger Parkside development, south of the central park and Blythewood site, on both sides of Woodyard Road (MC-632).

4. **Surrounding Uses:** Sections 5 and 6 are bounded to the north and west by other sections of the Parkside development, specifically the Central Park to the north and Section 1A to the west. To the south are mostly vacant properties in the Mixed Use-Transportation Oriented Zone that all have existing approvals for future development, specifically the mixed-use Westphalia Town Center and the Moore Property development. To the east is land in the Rural Residential Zone that is part of the Marlboro Ridge residential development.

5. **Previous Approvals:** The subject application is for Sections 5 and 6 within a larger project currently known as Parkside, formerly known as Smith Home Farm, which has 757 gross acres, including 727 acres in the Residential Medium Development (R-M) Zone and 30 acres in the Local Activity Center (L-A-C) Zone. The larger Parkside project was rezoned from the Residential-Agricultural Zone to the R-M Zone (3.6-5.7) and to the L-A-C Zone, with a residential component including a mixed-retirement component for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums), and 140,000 square feet of commercial/retail space, through Zoning Map Amendments A-9965 and A-9966. The Prince George’s County District Council approved both zoning map amendments on February 13, 2006, and the Orders of Approval became effective on March 9, 2006.

On February 23, 2006, the Prince George’s County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan, TCPI-038-05 (PGCPB Resolution No. 06-56(C)), for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501, with 34 conditions.



On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions.

On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-05080 and a revised TCPI-038-05-01, (PGCPB Resolution No. 06-64(A)) for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. A new PPS 4-16001 for Sections 5 and 6, was approved by the Planning Board on September 13, 2018 (PGCPB Resolution No. 18-91) for 441 lots and 81 parcels. This approval superseded 4-05080 for Sections 5 and 6 only.

On July 27, 2006, the Planning Board approved infrastructure SDP-0506, and associated TCPII-057-06, (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This application also showed a portion of the roadway between MC-631 and Presidential Parkway, also known as A-67. On December 12, 2007, SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, SDP-0506-02, was approved by the Planning Board on March 29, 2012 (PGCPB Resolution No. 12-114), subject to conditions contained herein. A third amendment, SDP-0506-03, was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to conditions.

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of CDP-0501 that governs the development of the entire Smith Home Farm project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M Zone (market rate) to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10-23 in CDP-0501 for Smith Home Farm to require submission of an SDP for the Central Park, following approval of the Westphalia Sector Plan and SMA, and not as the second SDP, as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the

Subdivision Regulations, and other methods, in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

SDP-1002 for stream restoration, as required by conditions of PPS 4-05080 and SDP-0506, was approved by the Planning Board on January 26, 2012 (PGCPB Resolution No. 12-07) and was adopted on February 16, 2012 formalizing that approval, subject to seven conditions. There are several stream restoration projects identified in SDP-1002 as priority projects that are located within Sections 5 and 6.

SDP-1101 and TCPII-021-2015 for Westphalia Central Park, which is adjacent to Sections 5 and 6, were approved by the Planning Board on February 25, 2016 (PGCPB Resolution No. 16-32), subject to conditions of approval for Phase 1 of the central park area. This resulted in a change to the limits of central park, which was expanded to include a portion of Section 6 in the park dedication. This resulted in an amendment to the SDP and revision to TCPII for Section 6, to adjust the section boundary to match the revised park boundary (SDP-1302-01 and TCPII-019-13-01) respectively.

The original SDP-1302, for Sections 5 and 6, and Tree Conservation Plans TCPII-019-13 and TCPII-020-13 were approved by the Planning Director on November 8, 2013 with no conditions, for the limited purpose of providing woodland conservation afforestation, to fulfill the woodland conservation requirements of development occurring in Sections 2 and 3. SDP-1302-01 for rough grading and infrastructure for stormwater management was approved by the Planning Board on December 15, 2016 (PGCPB Resolution No. 16-140) formalizing that approval, subject to seven conditions. SDP-1302-02 is an infrastructure SDP for 159 single-family attached (townhouses) lots for Parkside in Section 5 and rough grading for Section 6. The Planning Board approved this SDP on September 14, 2017, with eight conditions. SDP-1302-03 is an infrastructure SDP for 134 single-family attached units and 86 two-family attached units in Section 5, and 274 single-family attached units and 32 single-family detached units in Section 6. The Planning Board approved this SDP on December 13, 2018, with nine conditions. SDP-1302-04, was approved by the Planning Director on November 15, 2019 with no conditions, to include the addition of the unplatted portion of Woodyard Road to the application and did not alter the layout of the prior approval. SDP-1302-05 is a Director level application for infrastructure and is currently under review. The application proposes to revise the layout in Sections 5 and 6 and provides a variety of lot sizes to accommodate additional product, including the architectural models proposed with the subject application. The revised layout proposed with SDP-1302-05 will not increase the total number of units approved with the prior applications, and the Planning Board's decision related to the subject application for architecture will not impact the outcome of the Planning Director's decision related to SDP-1302-05. SDP-1302-06 is a Planning Board level application for Mid-Atlantic Builders architecture only and is scheduled to be heard on the same date. SDP-1302-07 is a Planning Board level application for Haverford Homes architecture only and is scheduled to be heard on the same date.

The project is also subject to SWM Concept Plan 14846-2006-02, for Sections 4, 5, and 6 of the Parkside development, which was originally approved on August 25, 2009, updated on May 25, 2017, and will be valid through May 25, 2020. Grading has already commenced on the property and the SWM are under construction.

6. **Design Features:** The subject site consists of Sections 5 and 6 of a larger development known as Parkside, which is roughly rectangular in shape and bisected by the proposed extension of Woodyard Road (MC-632). Section 5 is located on the west side and Section 6 is located on the east side of MC-632. Access to Section 5 is from MC-632, via Rock Spring Drive, which is part of MC-635, Oak Winds Lane, and Dower House Road (MC 637). In addition to the 293 single-family attached lots located to the west of Woodyard Road, 86 two-family attached dwellings on four parcels are proposed at the westernmost portion of the section. In Section 6, MC-637 extends across MC-632 to the east and serves as a spine road for the development. On both sides of MC-637, which is designated as a primary roadway, 274 townhouse units are proposed. A pod of single-family detached houses is located at the easternmost portion of Section 6. In both sections, a series of private roads and alleys are arranged in a grid pattern incorporating open space components. Six SWM facilities are located to the north of the proposed development pods in both sections.

The subject application requests approval of six single-family attached and seven single-family detached architectural models by Dan Ryan Builders. If approved, the following thirteen proposed models would be available for construction within Sections 5 and 6 of the Parkside development.

**Dan Ryan Builders**

| <b>Single-Family Attached Models</b>                 | <b>Elevations</b> | <b>Base Square Footage</b> |
|--|-------------------|----------------------------|
| Alden II – 16-foot-wide, rear-load, one-car garage   | 1-14              | 1,567                      |
| Camden II – 20-foot-wide, rear-load, two-car garage  | 1-14              | 1,991                      |
| Oakton II – 22-foot-wide, rear-load, two-car garage  | 1-12              | 2,074                      |
| Davenport II – 22-foot-wide, front-load, one-car     | 1-17              | 1,458                      |
| Harlow II – 22-foot-wide, front-load, two-car garage | 1-18              | 1,777                      |
| Grable II – 24-foot-wide, front-load, two-car garage | 1-18              | 1,937                      |

| <b>Single-Family Detached Models</b> | <b>Elevations</b> | <b>Base Square Footage</b> |
|--------------------------------------|-------------------|----------------------------|
| Castlerock II                        | 1-10              | 2,643                      |
| Emory II                             | 1-12              | 3,472                      |
| Montgomery II                        | 1-9               | 2,795                      |
| Newbury II                           | 1-10              | 2,514                      |
| Oakdale II                           | 1-8               | 2,484                      |
| Cumberland II                        | 1-12              | 2,492                      |
| Ashton II                            | 1-3               | 2,671                      |

The proposed single-family attached house types range in size from a base finished area of 1,458 to 2,074 square feet. The units feature a gabled roof line, dormers, cross gables, and high-quality detailing such as metal roofs, brick accents on the windows, and front entries defined with brick rows or columns. The proposed front façades offer optional finishes including vinyl, shingle-shake, brick, stone, and cement board siding, with shutters, specialty windows, metal railings, balconies, and/or front porches.

The proposed single-family detached house types range in size from a base finished area of 2,484 to 3,472 square feet. The units feature a gabled roof line, dormers, cross gables, and high-quality detailing such as metal roofs, brick accents on the windows, and front entries

defined with brick rows or columns. The proposed front façades offer optional finishes including vinyl, shingle-shake, brick, stone, and cement board siding, with shutters, specialty windows, metal railings, balconies, front porches, and options for front and side garages.

Identification of highly visible lots was not provided with this application because it only includes architectural elevations. The location of highly visible lots should be coordinated with the review and approval of SDP-1302-05, which includes the rearrangement of some lots. In addition, it is noted that the elevations submitted with this application do not clearly indicate the treatment of highly visible side elevations for all models and should be revised to clearly label which elevations are highly visible for clarification. Therefore, a condition has been included herein to revise the elevations to clearly show which elevations include highly visible treatments. Various conditions regarding percentage of brick, garage doors, and roofline features have been conditioned herein to maintain consistency with Sections 1, 2, and 3 of Parkside, and within this section.

## **COMPLIANCE WITH EVALUATION CRITERIA**

**7. Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to conditions that are relevant to the review of this application, as follows:

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

**P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition relates to the design of residential structures on the site and was carried forward to be addressed at the time of residential building permit, as written.

**8. Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance in the R-M and Military Installation Overlay (M-I-O) Zones, as follows:

a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the R-M Zone, as demonstrated in the prior approvals. The proposed single-family and two-family residential uses are permitted in the R-M Zone.

b. M-I-O Zone: A portion of the project is also located within the Noise Intensity Zone (60-74 dBA noise contour) of the M-I-O Zone. Residential structures in this noise contour are required to demonstrate that all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less. A proposed condition in the Recommendation section of this report would require that, prior to issuance of a

building permit utilizing the proposed models, the application be reviewed and certified by an acoustical engineer stating that the residential home will have interior noise levels of 45 dBA or less.

The western portion of the property is located within Height Zone D and the eastern portion of the property is located within Height Zone E. The maximum building height limits are 234 and 360 feet, respectively. The proposed single-family models measure 40 feet high or less, which is well below the maximum building height limits.

c. Section 27-528 of the Zoning Ordinance requires the following findings for approval of an SDP:

**(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:**

**(1) The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual...;**

The SDP has been previously evaluated for conformance with approved CDP-0501 and CDP-0501-01, as discussed below in Finding 9. The proposed addition of the six single-family attached and seven single-family detached architectural models does not alter the previously made findings of conformance with the CDP that were made at the time of previous approvals. Therefore, it may be said that the plan conforms to the approved CDPs. As detailed in Finding 13 below, the subject revision application does not affect previous findings of conformance to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

**(2) The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development...;**

Findings for adequate public facilities including fire, rescue, police, and transportation were made in conjunction with the PPS and subsequent SDPs for development. The subject amendment for architecture only will have no effect on the previous findings of adequacy made in conjunction with those plans.

**(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

Conformance with this requirement was made at the time of SDP-1302-03, which reviewed and approved the development of the subject property. The subject amendment for architecture only will have no effect on the previous findings of adequacy made in conjunction with those plans.

**(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The addition of architectural models for the project will not affect prior findings of conformance with approved TCPII-020-13 and TCPII-019-13-03, as amended. Therefore, it may be said that the plan is in conformance with an approved Type 2 tree conservation plan, in accordance with this requirement.

**(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

SDPs including grading, development, and tree conservation have been approved previously and contain findings regarding regulated environmental features. The subject amendment will have no impact of any kind on regulated environmental features or on the preservation of those features.

**9. Comprehensive Design Plan CDP-0501, its amendment, and reconsideration:**

CDP-0501, for Smith Home Farm, was approved by the Planning Board on February 23, 2006 (PGCPB Resolution No. 06-56) and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits and reapproved by the District Council on March 28, 2016 (PGCPB Resolution No. 06-56(C)(A)). On December 1, 2011, CDP-0501-01 was approved by the Planning Board subject to four conditions and the modification of Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01 (PGCPB Resolution No. 11-112). The following conditions warrant discussion in relation to the subject SDP:

**9. At time of the applicable SDP, the following areas shall be carefully reviewed:**

**h. The architectural design around the Central Park and the view sheds and vistas from the Central Park.**

Sections 5 and 6 of Parkside are located south of Central Park, and views into Section 5 are separated by a stream valley and a substantial buffer of preserved woodland and afforestation have been previously approved between it and the central park.

**12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.**

The required table has been provided. However, updates and revisions are needed, and a condition has been included in the Recommendation section of this report requiring this to be completed.

**16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant).**

**R-M ZONE**

|  | <b><u>Condominiums</u></b> | <b><u>Single-family Attached</u></b> | <b><u>Single-family Detached</u></b> |
|--|----------------------------|--------------------------------------|--------------------------------------|
| <b><u>Minimum Lot size:</u></b>                            | <b><u>N/A</u></b>          | <b><u>1,300 sf†</u></b>              | <b><u>6,000 sf</u></b>               |
| <b><u>Minimum frontage at street R.O.W:</u></b>            | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>45*</u></b>                    |
| <b><u>Minimum frontage at Front B.R.L.</u></b>             | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>60*</u></b>                    |
| <b><u>Maximum Lot Coverage</u></b>                         | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>75%</u></b>                    |
|  | <b><u>-</u></b>            | <b><u>-</u></b>                      | <b><u>-</u></b>                      |
| <b><u>Minimum front setback from R.O.W.</u></b>            | <b><u>10'****</u></b>      | <b><u>10'****</u></b>                | <b><u>10'****</u></b>                |
| <b><u>Minimum side setback:</u></b>                        | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>0'-12'****</u></b>             |
| <b><u>Minimum rear setback:</u></b>                        | <b><u>N/A</u></b>          | <b><u>10'</u></b>                    | <b><u>15'</u></b>                    |
| <b><u>Minimum corner setback to side street R-O-W.</u></b> | <b><u>10'</u></b>          | <b><u>10'</u></b>                    | <b><u>10'</u></b>                    |
| <b><u>Maximum residential building height:</u></b>         | <b><u>50'</u></b>          | <b><u>40'</u></b>                    | <b><u>35'</u></b>                    |

**Notes:**

**\* For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.**

**\*\* See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.**

**\*\*\* Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

**† No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.**

The subject application is for single-family attached and detached architectural models. Lot sizes and setbacks are currently being evaluated with SDP-1302-05 for infrastructure. All building heights have been provided on the submitted plan template sheets for each model proposed in this application and are within the required 40-foot height maximum for single-attached units and 35-foot maximum for single-family detached units.

31. **Prior to SDP approval, the height for all structures shall be determined, and the density percentages shall be determined based on any variances necessary.**

The subject SDP includes architecture and the height of structures is shown on the templates provided.

10. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved PPS 4-05080 for the entire Parkside project, as formalized in PGCPB Resolution No. 06-64(A/2)(C). The following conditions warrant discussion in relation to the subject SDP:

62. **Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition has been carried forward in subsequent applications and will be enforced at the time of residential building permit, as written.

11. **Preliminary Plan of Subdivision 4-16001:** On September 13, 2018, the Planning Board approved PPS 4-16001 for Sections 5 and 6 with 42 conditions (PGCPB Resolution No. 18-91). PPS 4-16001 must be signature approved, prior to certification of this SDP. The following conditions warrant discussion in relation to the subject SDP:

8. **Prior to approval of any specific design plans that include buildings in the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, the applicant shall provide viewshed studies that demonstrate the extent to which proposed new construction will be visible.**

Viewshed exhibits were submitted with SDP-1302-03 and reviewed by the Historic Preservation Commission at its November 20, 2018 meeting. SDP-1302-05, which was reviewed at the Planning Director level and was not reviewed by the HPC, proposed the realignment of certain portions of the development to add a greater variety of townhouse types. The lot sizes for the units in Section 5 that will be visible from the historic site were not altered. Additional viewshed exhibits were submitted with this application to determine the visibility of these units from the historic site. The exhibits indicate that the townhouse units closest to the Blythewood Historic Site in Section 5 should be substantially screened. The single-family detached houses in the eastern portion of Section 6 should not be visible from the historic site, due to the rolling topography and distance from the house.



9. **Based on the findings of the required viewshed studies for the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, any proposed new construction determined to be visible from the historic site shall be subject to a limited specific design plan review for scale, mass, proportion, materials, architecture, landscaping, and lighting, as they would impact the character of the historic site.**

This SDP is for architecture only. The viewshed exhibit provided with this application demonstrates that the lots on which the architecture is proposed will be visible from the historic site. The architectural elevations submitted with this application show the scale, mass, proportion, and materials of the buildings and have been found acceptable.

12. **Specific Design Plan SDP-1302, and its amendments:** SDP-1302 was approved by the Planning Director on November 8, 2013, with no conditions, to show the locations of afforestation areas within Sections 5 and 6.

SDP-1302-01 was approved by the Planning Board on December 1, 2016 (PGCPB Resolution No. 16-140), with conditions, none of which are relevant to the subject application.

SDP-1302-02 was approved by the Planning Board on September 14, 2017 (PGCPB Resolution No. 17-120), with eight conditions, none of which are relevant to the subject application.

SDP-1302-03 was approved by the Planning Board on September 14, 2017 with nine conditions, none of which are relevant to the subject application.

SDP-1302-04 was approved by the Planning Director on September 15, 2019 and did not contain any conditions of approval.

SDP-1302-05 is currently under review for the rearrangement of lots, and its outcome will not affect the proposed architectural models.

13. **2010 Prince George's County Landscape Manual:** The addition of architectural models has no impact on the previous findings of conformance to the Landscape Manual made in conjunction with the approval of previous SDPs for site infrastructure.
14. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The approval of architectural models has no impact on the previous findings of compliance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance made in conjunction with the approval of previous SDPs for site infrastructure.
15. **Prince George's County Tree Canopy Coverage Ordinance:** The approval of architectural models has no impact on the previous findings of compliance with the requirements of the Tree Canopy Coverage Ordinance, made in conjunction with the approval of previous SDPs for site infrastructure.
16. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation Commission (HPC)**— In a memorandum dated September 16, 2020, (Stabler to Bishop), incorporated herein by reference, the Historic Preservation Commission reviewed the subject application and recommends approval of this SDP with no conditions. HPC’s findings and conclusion are summarized, as follows:

The subject property is part of the larger Parkside development, and proposes architecture for Dan Ryan Builders for 16-foot, 20-foot, and 22-foot rear-loaded, and 22-foot and 24-foot front-loaded single-family attached models to be used in Section 5 and seven single-family detached models to be used in Section 6 of the Parkside development. Section 5 is located to the southwest and Section 6 is located to the south of, and adjacent to, the Blythewood Historic Site (78-013).

The HPC reviewed the previous approvals at its June 19, 2018 meeting, and recommended two conditions to the Planning Board for review of the architecture of any buildings in the vicinity of the Blythewood Historic Site (78-013). This discussion has been incorporated into Finding 11 for PPS 4-16001.

The HPC also provided a discussion relative to the models and noted that the architecture included in the subject application proposes multiple elevations and housing options, such as building extensions, and optional lofts on all single-family-attached models. A landscape buffer between the historic site and the lots proposed with SDP-1302-05, should provide sufficient buffering.

In conclusion, the HPC indicated that the Camden II model proposed by the applicant is the only type of unit that will be visible from the Blythewood Historic Site. The fronts and sides of these dwellings provide high-quality materials and have been found acceptable.

## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1302-08 for Parkside, Sections 5 and 6 Architecture, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
  - a. Update and correct the density chart for tracking purposes, to demonstrate full conformance with the previously approved comprehensive design plan (CDP), preliminary plans of subdivision, and SDPs for the overall site, in accordance with Condition 12 of CDP-0501.
  - b. Revise the plans and notes to reflect the most current approved lot layout under SDP-1302, as amended, with the designation of highly visible lots, subject to the review and approval of the Urban Design Section, as designee of the Planning Board.
  - c. Revise the architecture, as necessary, to incorporate reverse gables or dormers on the roofs, in order to meet the minimum features in groups, as conditioned below.

- d. Provide the dimensions of all townhouse driveways and a note regarding driveway material on the site plan, in conformance with Sections 27-558(a) and 27-554 of the Zoning Ordinance, respectively.
  - e. Include a brick/masonry front façade tracking chart for the single-family attached lots on the plan set.
  - f. Revise the garage doors to have a carriage-style appearance, or other similar decorative style.
  - g. Revise the architecture, as necessary, to clearly label side elevations for highly visible lots.
2. Sixty percent of the single-family attached homes shall feature a full brick or other masonry front façade.
  3. Seventy percent of the single-family detached homes shall feature a full brick or other masonry front façade.
  4. No two units directly adjacent to or across the street from each other may have identical front elevations.
  5. The following number of dwelling units in any horizontal, continuous, or attached group of townhouse dwellings shall have a roof feature containing either a reverse gable and/or dormer window(s):
    - a. Four dwelling units in any building group containing five or six units; or
    - b. Three dwelling units in any building group containing four units; or
    - c. Two dwelling units in any building group containing three units.
  6. All single-family attached architecture shall incorporate a minimum of two standard architectural features, such as windows, doors, or fireplace chimneys, arranged in a reasonably balanced design, on all side elevations, and a minimum of three such features and full brick or masonry material on all highly visible side elevations.
  7. All single-family detached architecture shall incorporate a minimum of three standard architectural features, such as windows, doors, or fireplace chimneys, arranged in a reasonably balanced design, on all side elevations, and a minimum of four such features and a water table of brick or masonry material on all highly visible side elevations.
  8. Prior to approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA Ldn or less.

ITEM: 8

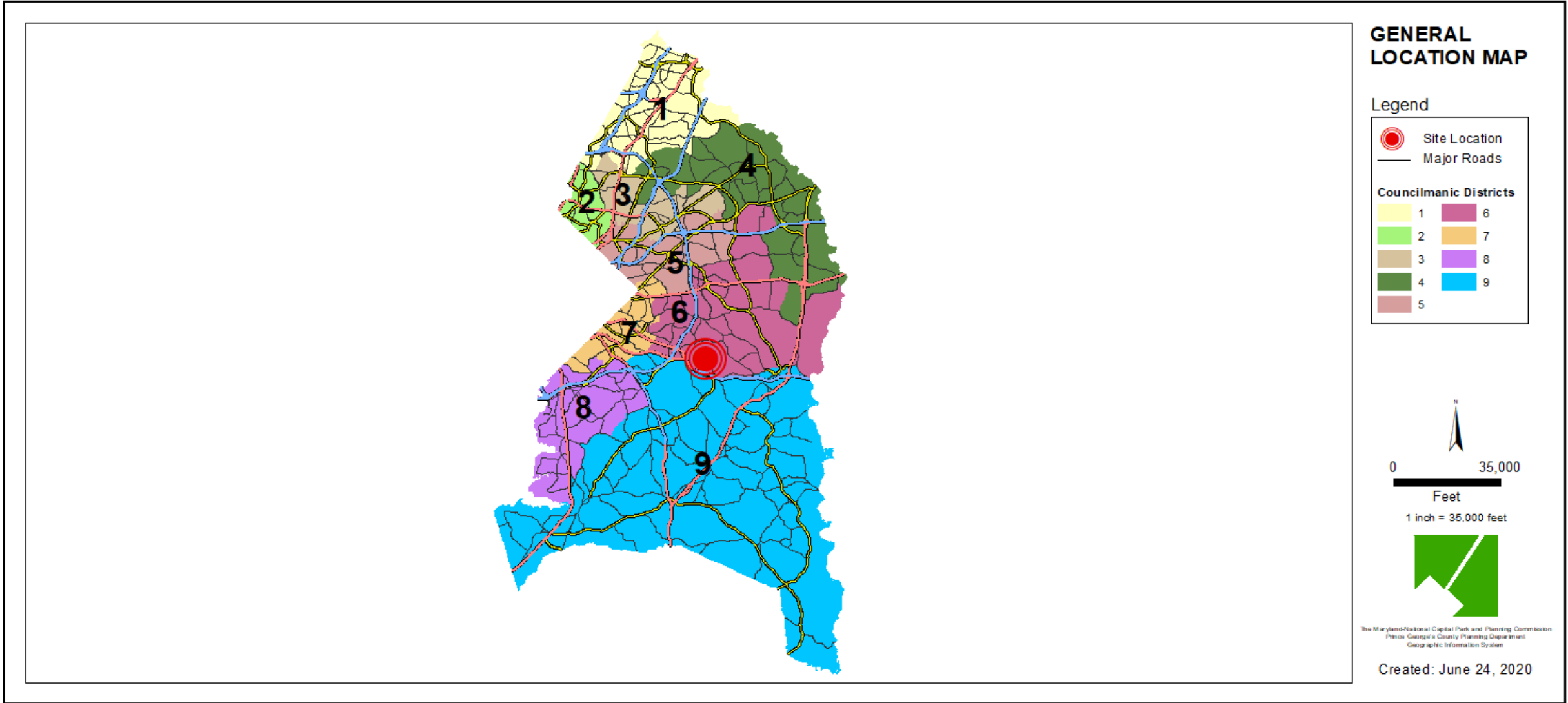
CASE: SDP-1302-08

**PARKSIDE SECTION 5 & 6  
DAN RYAN BUILDERS ARCHITECTURE**

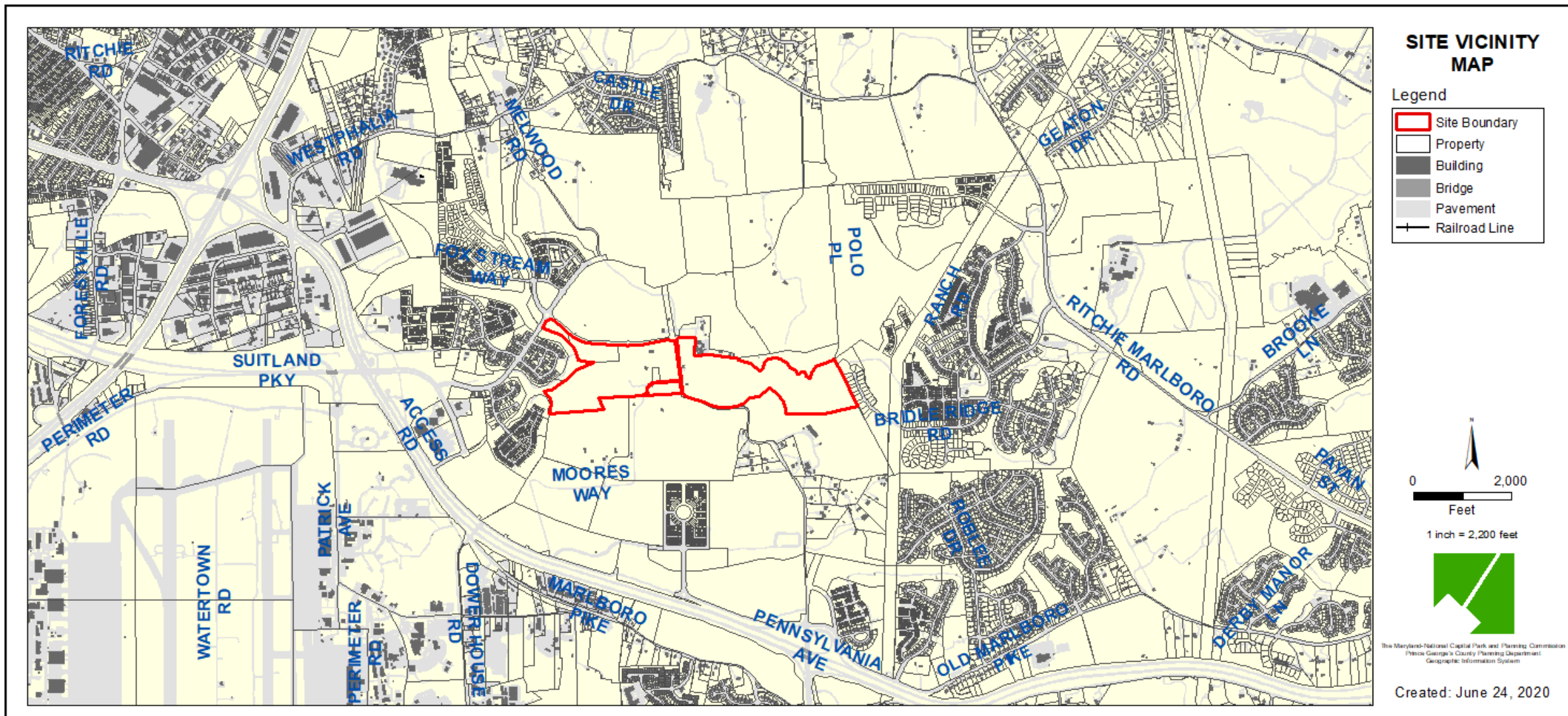
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



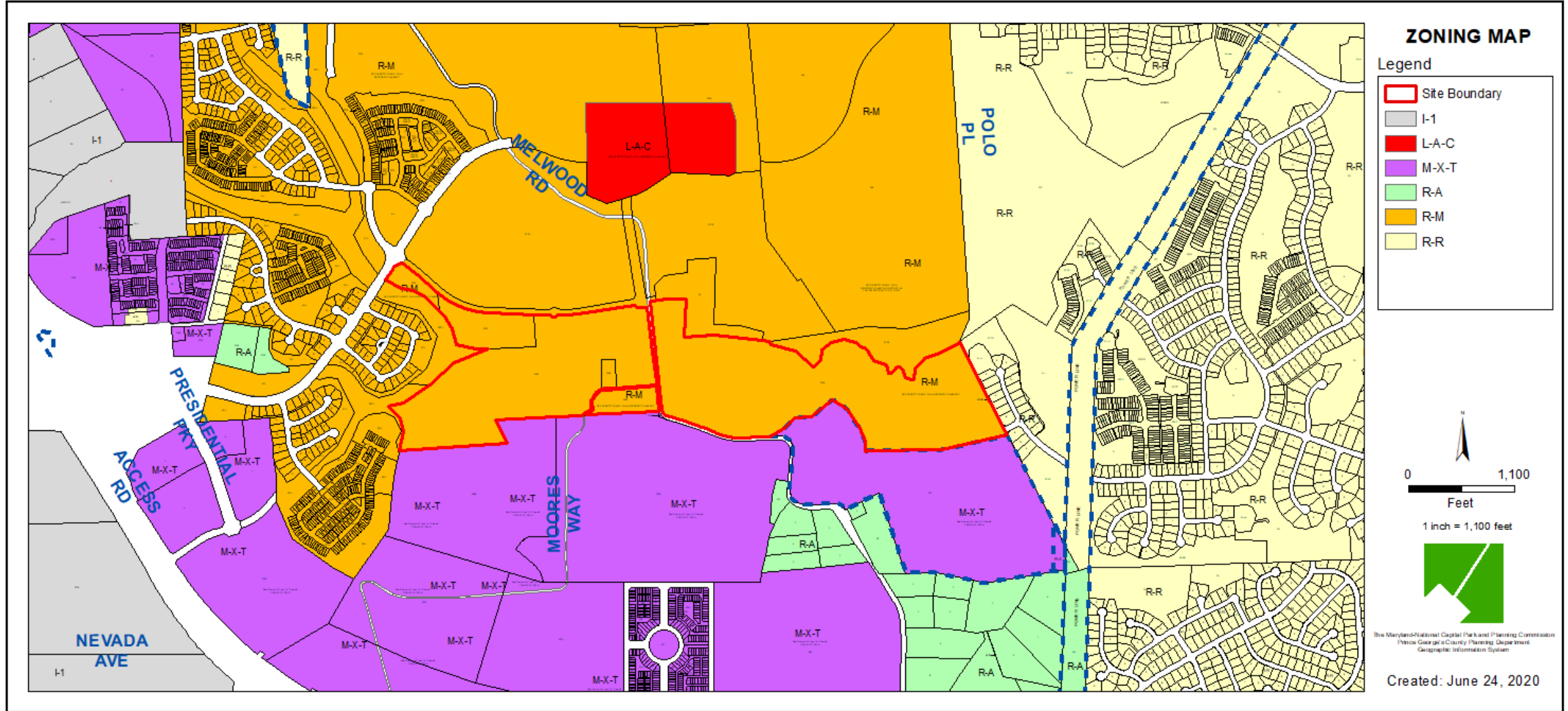
# GENERAL LOCATION MAP



# SITE VICINITY

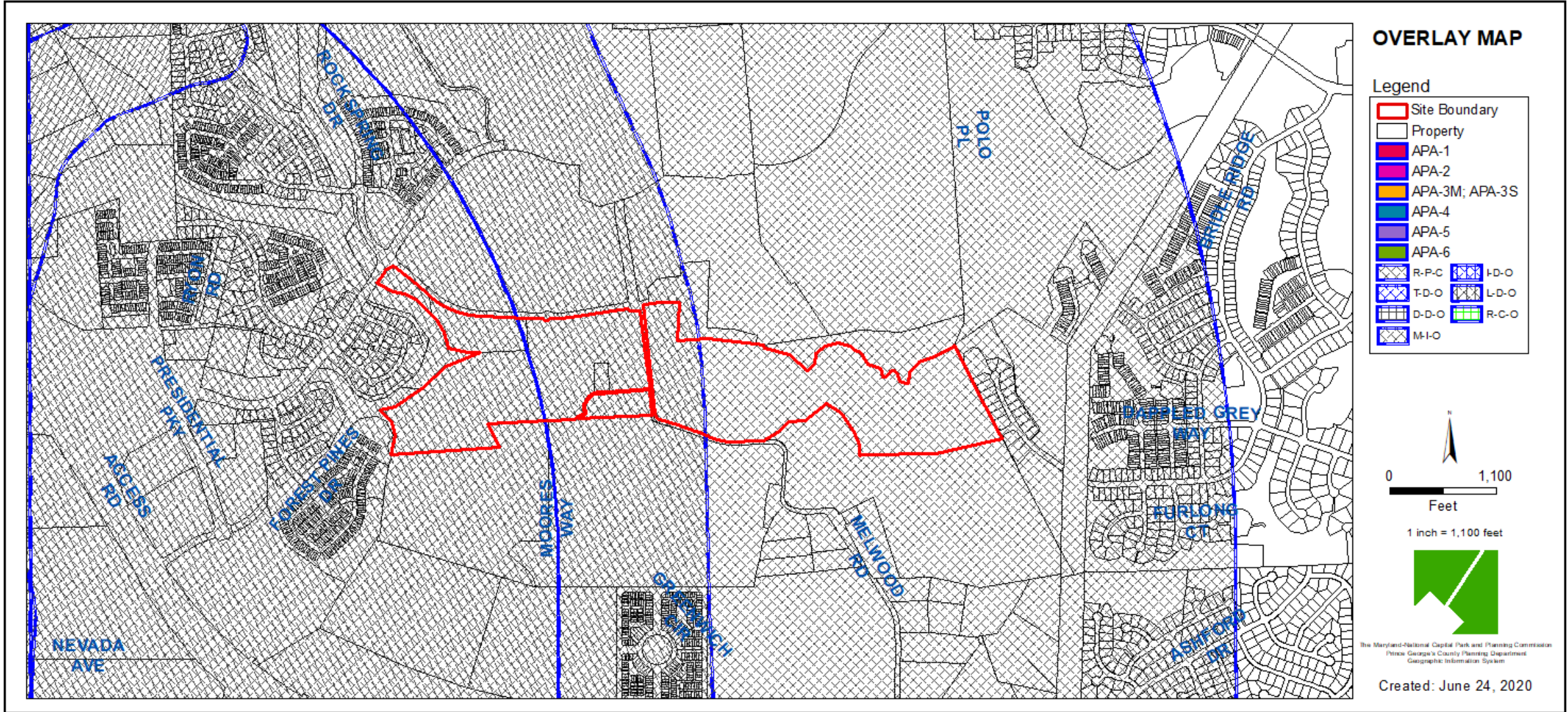


# ZONING MAP



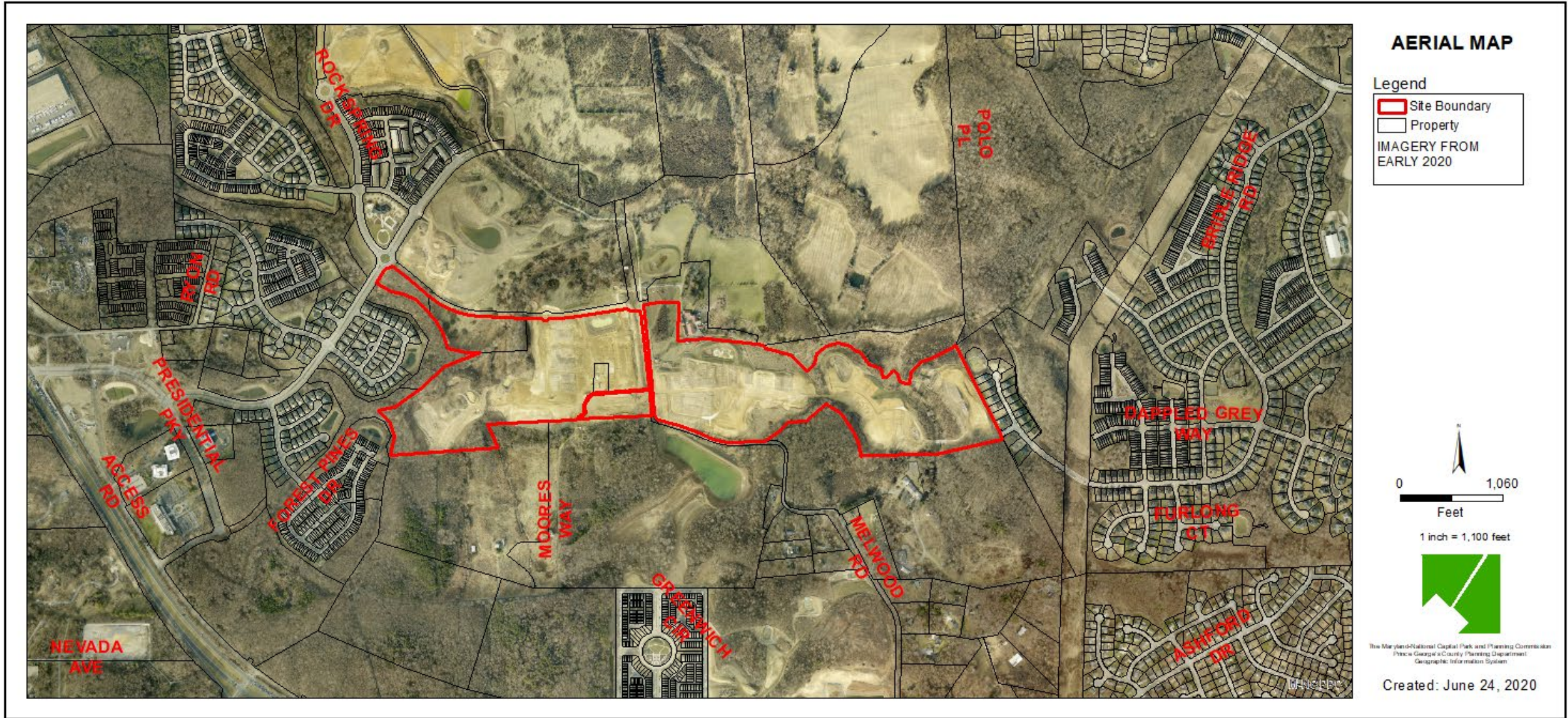


# OVERLAY MAP



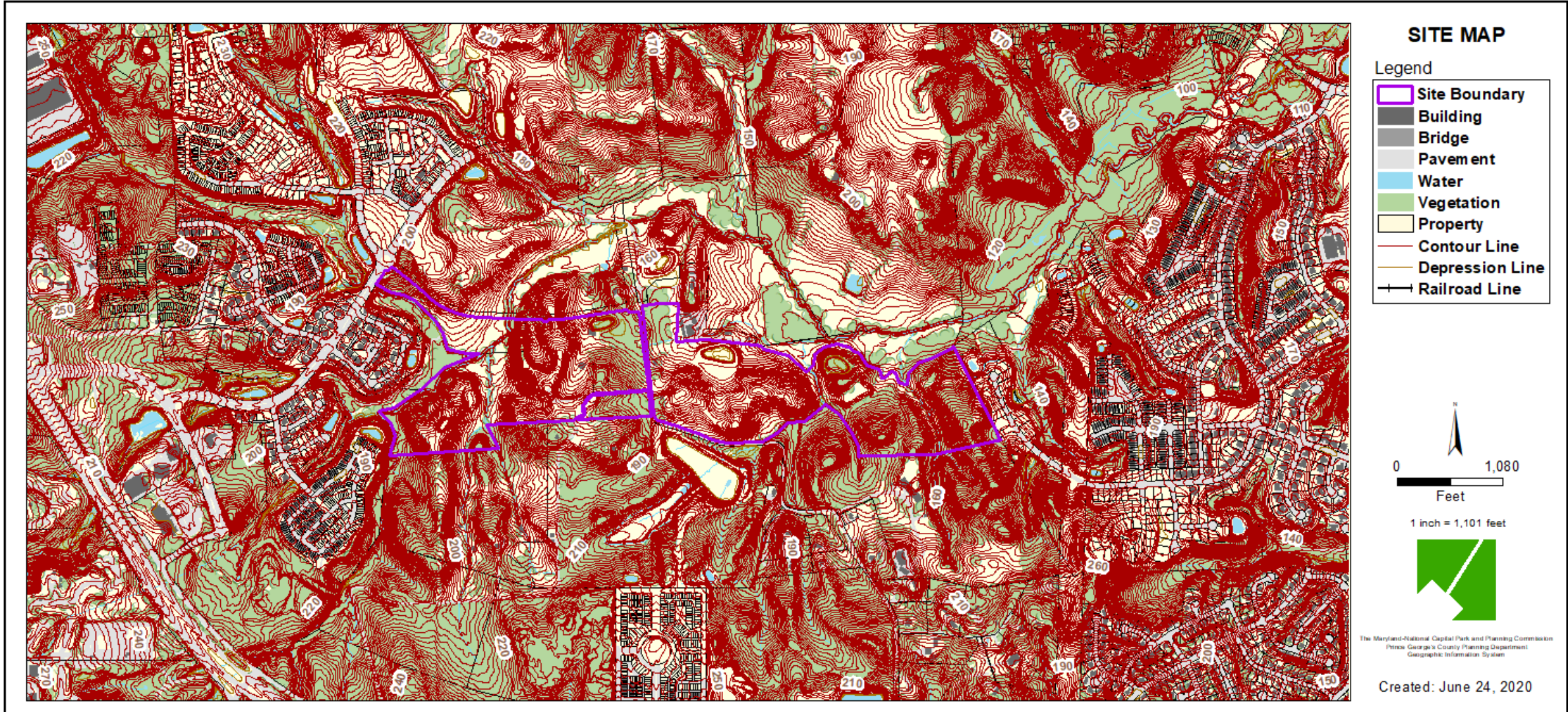


# AERIAL MAP



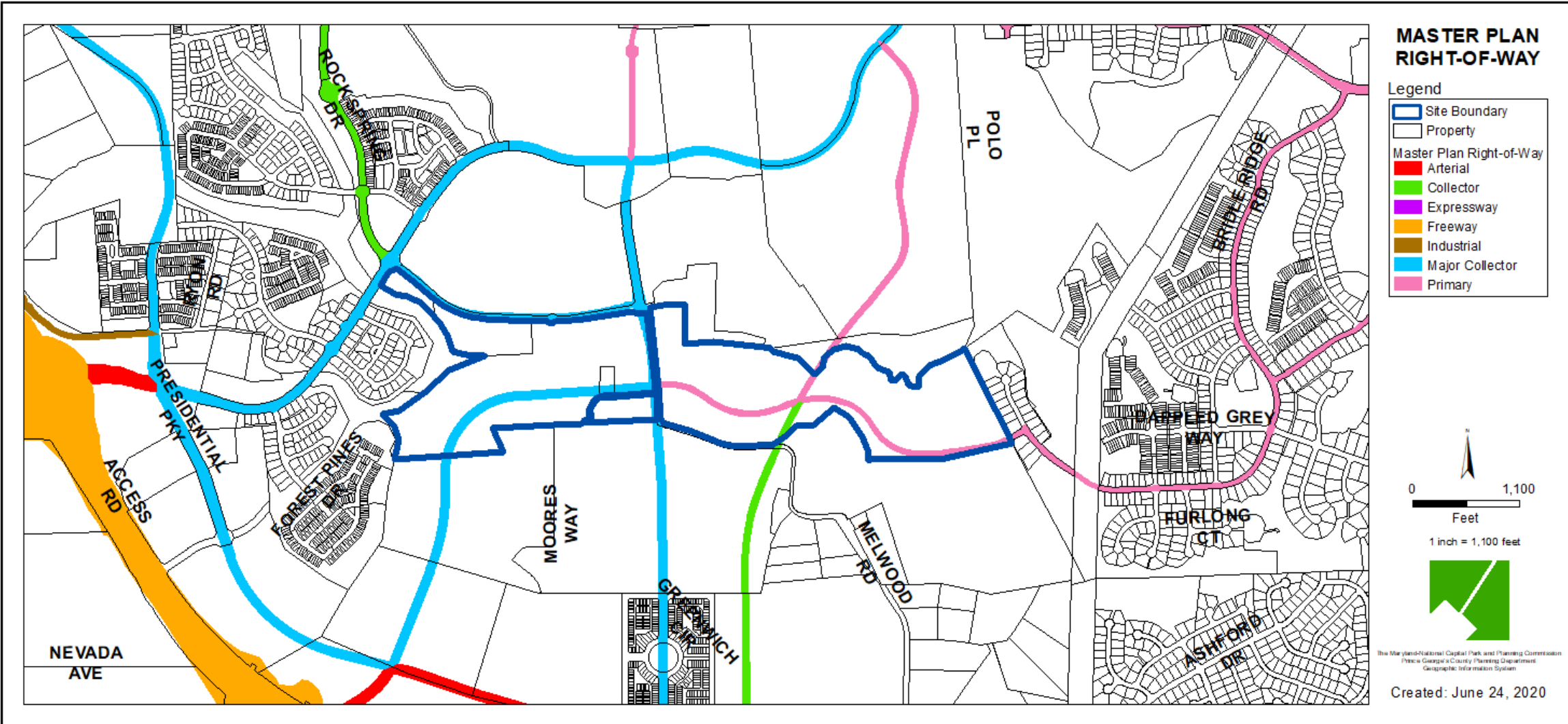


# SITE MAP





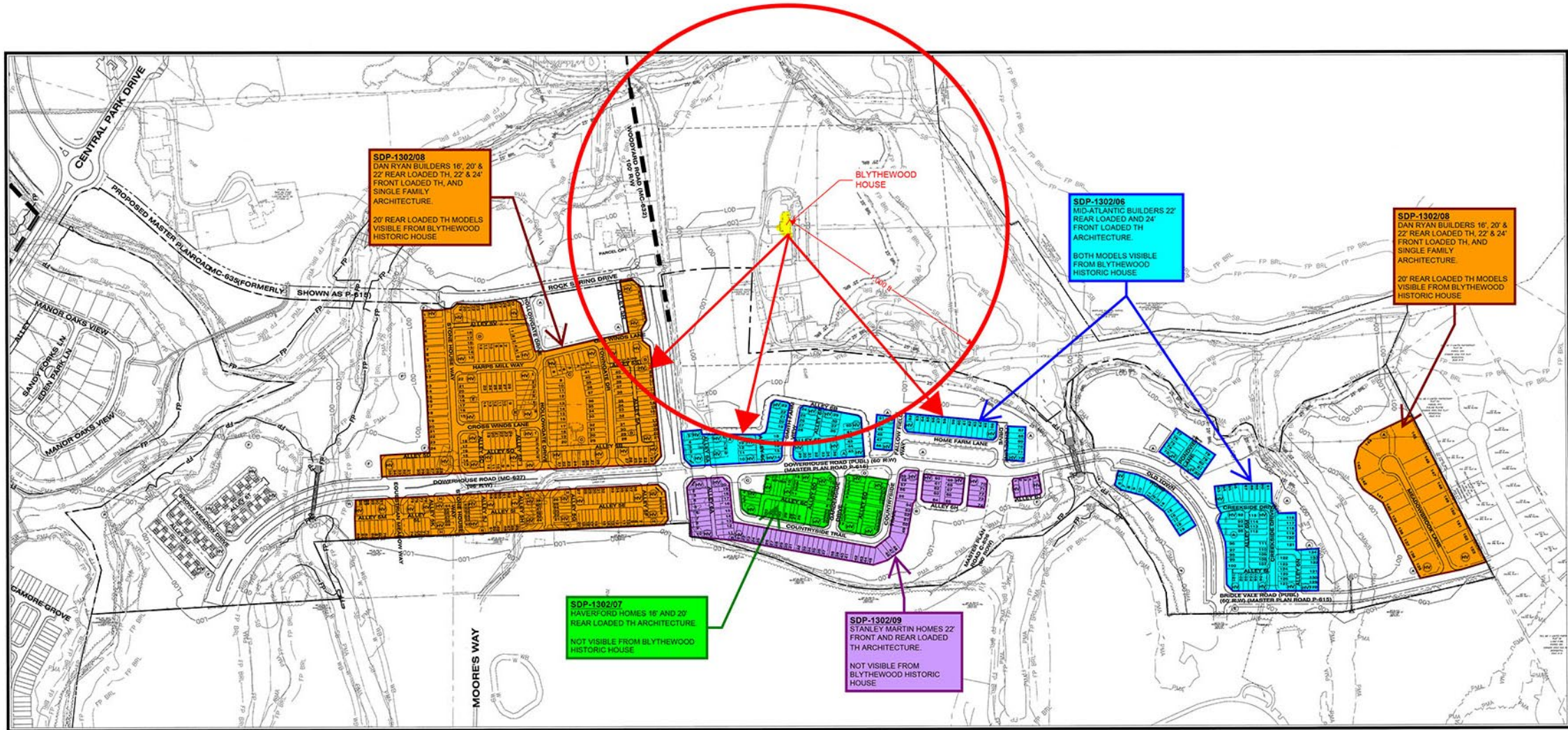
# MASTER PLAN RIGHT-OF-WAY MAP







# BLYTHEWOOD HOUSE VIEWSHED EXHIBIT



SCALE: 1"=200'

LEGEND  
HIGHLY VISIBLE LOT





# ALDEN II MODEL



ELEVATION 10

ELEVATION 11

ELEVATION 9

ELEVATION 13

ELEVATION 8

ELEVATION 12

ELEVATION 14



# ASHTON II MODEL





# CAMDEN II MODEL



ELEVATION 4

ELEVATION 13

ELEVATION 9

ELEVATION 12

ELEVATION 10

ELEVATION 8

ELEVATION 11



# CASTLEROCK II MODEL



ELEVATION 1



# CUMBERLAND II, MODEL



ELEVATION 6



# DAVENPORT II MODEL





# EMORY II MODEL





# GRABLE II MODEL





# HARLOW II MODEL





# MONTGOMERY II, MODEL





# NEWBURY II MODEL



ELEVATION 1





# OAKDALE II, MODEL



ELEVATION 5



# OAKTON II MODEL





Dewberry Engineers Inc. | 301.731.5551  
4601 Forbes Boulevard, Suite 300 | 301.731.0188 fax  
Lanham, MD 20706-4825 | www.dewberry.com

June 30, 2020

Ms. Jill Kosack  
Supervisor, Urban Design Section  
The Maryland-National Capital Park & Planning Commission (M-NCPPC)  
14741 Gov. Oden Bowie Dr., 4<sup>th</sup> Floor  
Upper Marlboro, MD 20772

RE: Statement of Justification for Parkside – Sections 5 & 6 (formerly “Smith Home Farm”)  
Specific Design Plan (SDP) - SDP-1302/08

Dear Ms. Kosack:

Enclosed is an application for SDP-1302/08 for the Parkside project, Sections 5 & 6. The nature of this application is to approve architecture for Dan Ryan Builders for the 16’, 20’ and 22’ rear loaded and 22’ and 24’ front loaded single family attached units in Section 5 and five single family detached models to be used in Section 6. The majority of these models were previously approved under SDP-1003 or SDP-1205 and its various revisions for Sections 1A, 1B, 2 and 3.

#### **PURPOSE OF PROPOSED APPLICATION**

The purpose of this application is to approve six (6) Dan Ryan Builders single family attached models and five (5) single family detached models for Sections 5 and 6 at Parkside. Dan Ryan Builders is proposing the following models:

##### Single Family Attached Models:

- Alden II – a 16’ rear loaded unit with 14 different elevations. Ranges in finished area from 1,567 sf – 2,208 sf
- Camden II – 20’ rear loaded unit with 14 different elevations. Ranges in finished area from 1,991 sf – 2,407 sf
- Oakton II – a 22’ rear loaded unit with 12 different elevations and a finished area of 2,074 sf
- Davenport II – a 22’ front loaded unit with 17 different elevations. Ranges in finished area from 1,458 sf – 2,685 sf
- Harlow II – a 22’ front loaded unit with 18 different elevations. Ranges in finished area from 1,777 sf – 2,303 sf
- Grable II – a 24’ front loaded unit with 18 different elevations. Ranges in finished area from 1,937 sf – 3,616 sf

##### Single Family Detached Models:

- Castlerock II – 10 different elevations ranging in finished area from 2,643 sf – 3,307 sf
- Emory II – 12 different elevations ranging in finished area from 3,472 sf – 4,113 sf
- Montgomery II – 9 different elevations ranging in finished area from 2,795 sf – 3,888 sf



- Newbury II – 10 different elevations ranging in finished area from 2,514 sf – 2,652 sf
- Oakdale II – 8 different elevations ranging in finished area from 2,484 sf – 2,964 sf

The footprints for all elevations are shown on the template sheet (sheet 2B) of the plan set.

Dan Ryan Builders proposed architecture provide for multiple options such as extensions, sunrooms and decks of varying widths as well as optional lofts on all single family attached models. With the wide variety of house types, elevations and add-on options, homebuyers will have a wide selection of homes at varying price points from which to choose. The 20' rear loaded units (Camden II) located along Woodyard Road are the only lots that will be visible from the historic Blythewood House. It will primarily be the fronts of the units that are visible, with only 2 lots having sides visible from the Blythewood House. All lots with high visibility sides are denoted on sheet 1B of SDP-1302/05. The proposed architecture includes side elevations that have at least 3 optional windows and stone or brick veneer that can be used on highly visible sides.

The Landscape and Lighting Plan and Type 2 Tree Conservation Plan are being reviewed/approved with application SDP-1302/05. No changes to these plans are proposed with this application. If needed, these plans can be submitted upon request.

## **CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE**

### **Relationship to Requirements in the Zoning Ordinance:**

#### **Section 27-530 – Amendments.**

**(a) All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.**

**(b) The Planning Director is authorized to approve limited minor amendments administratively, without public hearing, to an approved Specific Design Plan, in accordance with the requirements of this subsection.**

**(1) The Planning Director may approve a minor amendment upon written finding that the proposed amendment is in keeping with the design characteristics of the approved Specific Design Plan and is limited in scope and nature, to include the following:**

**(A) An increase of no more than ten percent (10%) in the gross floor area of a building;**

**(B) An increase of no more than ten percent (10%) in the land area covered by a structure other than a building;**

**(C) The redesign of parking or loading areas;**

**(D) The redesign of a landscape plan;**

**(E) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality;**

**(F) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; or**

**(G) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved Specific Design Plan.**

**RESPONSE:** The applicant is not requesting Planning Director level approval. It is understood that this amendment will be reviewed and approved by the Planning Board.

**Sec. 27-527. - Contents of Plan.**

**(a) The applicant shall demonstrate to the Planning Board that, in the preparation of the Specific Design Plan, he has devoted adequate attention to building and landscape design, and engineering factors. The signatures of a qualified design team (including an architect, a landscape architect, and a professional engineer) on the Specific Design Plan shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.**

**RESPONSE:** The proposed application has been prepared by Dewberry and signed by the appropriate professional in accordance with the requirements in Section 27-527 (a).

**(b) The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**

- (1) A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**
- (2) Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
- (3) A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**

- (4) **A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard Letter of Exemption;**
- (5) **An approved Natural Resource Inventory; and**
- (6) **A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible.**

**RESPONSE:** The proposed specific design plan has been prepared to meet all the applicable drawing and plan submission requirements set forth in Section 27-527 (b). As mentioned previously, this application is for architecture only, thus the Landscape Plan and Type 2 Tree Conservation Plan are being approved under the infrastructure application SDP-1302/05.

- (c) **An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of this Division, or any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Type 2 Tree Conservation Plan and must also approve a Type 2 Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure.**

**RESPONSE:** The instant specific design plan is for architecture only. All streets, utilities, lots and parcels within Section 5 and 6 are being approved under application SDP-1302/05. The Stormwater management facilities shown on the plan have already been constructed in accordance with approved plans by DPIE and SCD.

- (d) **Within three (3) years of approval of a Specific Design Plan for Infrastructure, a permit for infrastructure improvements, in accordance with this Plan, shall be issued by the Department of Permitting, Inspections, and Enforcement. If a permit is not**

**issued within this period of time, the Specific Design Plan for Infrastructure is no longer valid.**

**RESPONSE:** The applicant agrees with the above.

- (e) **A Specific Design Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.**

**RESPONSE:** The applicant has submitted a complete application and respectfully requests acceptance of this specific design plan for review.

- (f) **This Section shall not apply to:**

- (1) **All stadium wayfinding signs located within parking areas at a stadium.**

**RESPONSE:** The above section is not applicable to this application.

**Section 27-528 – Required findings for approval.**

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

**RESPONSE:** The subject SDP conforms to the approved Comprehensive Design Plan CDP-0501. Specifically, the approved CDP for the project shows that the area of Sections 5 & 6 is to be developed with residential units. The site has been designed with the applicable standards of the Landscape Manual.

**(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

**RESPONSE:** The Preliminary Plan found adequacy of public facilities, and set up a series of conditions to ensure that they are in place to serve this development at the appropriate time. CR-66-2010 also set up a Public Facilities Financing and Implementation Program (the “Program”) district for the Westphalia Sector Plan area. The resolution creating the Program also set forth milestones to ensure that all development within the Sector Plan area will be adequately served by programmed facilities within a reasonable time. The development proposed in this application will conform to all requirements of the Program.

**(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties; and**

**RESPONSE:** The proposal is consistent with approved Stormwater Management Concept Plan for the site. Concept Plan #14846-2006-03 was approved for Sections 4, 5 & 6 and the infrastructure for Central Park Drive (MC-631) and Woodyard Road (MC-632). Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The Stormwater management facilities to which Sections 5 & 6 drain have all already been constructed.

**(4) The plan is in conformance with an approved Tree Conservation Plan.**

**RESPONSE:** The proposal is in substantial conformance with the approved Type I TCP I/38/05. Type II Tree Conservation plan are being approved for Sections 5 & 6 (TCP II-20-13 and TCP II-19-13, respectively) as part of application SDP-1302/05.

**(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

**RESPONSE:** This application is for architecture only. Any impacts to environmental features were previously approved with SDP-1302/03.

**(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public’s health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

**RESPONSE:** The instant application is for architecture only.



**(c) The Planning Board may only deny the Specific Design Plan if it does not meet the requirements of Section 27-528 (a) and (b), above.**

**RESPONSE:** As discussed herein, the proposed SDP application satisfies all requirements of Section 27-528(a) and (b).

**(d) Each staged unit (shown on the Comprehensive Design Plan) shall be approved. Later stages shall be approved after initial stages. A Specific Design Plan may encompass more than one (1) stage.**

**RESPONSE:** The proposed SDP amendment represents two stages of development (i.e. Sections 5 & 6).

**(e) An approved Specific Design Plan shall be valid for not more than six (6) years, unless construction (in accordance with the Plan) has begun within that time period. All approved Specific Design Plans which would otherwise expire during 1994 shall remain valid for one (1) additional year beyond the six (6) year validity period.**

**RESPONSE:** This is the eighth SDP application for Sections 5 & 6, and the above referenced validity period will be applicable to the subject application upon its final approval.

**(f) The Planning Board's decision on a Specific Design Plan shall be embodied in a resolution adopted at a regularly scheduled public meeting. The resolution shall set forth the Planning Board's findings.**

**RESPONSE:** The Planning Board is required to comply with this requirement.

**(g) A copy of the Planning Board's resolution and minutes on the Specific Design Plan shall be sent to the Clerk of the Council for any Specific Design Plan for the Village Zones.**

**RESPONSE:** The subject property is in the R-M Zone and is not within a Village Zone.

### **CONFORMANCE TO PREVIOUS APPROVALS**

The subject property is subject to previous approvals A-9965, CDP-0501, CDP-0501/01, 4-05080, 4-16001, SDP-1002, SDP-1302/01, SDP-1302/02 and SDP-1302/03 and is in conformance with all previous approvals. Stream Reach 3-4 within Section 5 was identified on SDP-1002 to be restored. Construction plans for the stream restoration were previously approved by DPIE and reviewed by the M-NCPPC Environmental Planning Section as part of SDP-1302/02 approval.

SDP-1302/01 was approved by the Planning Board on December 15, 2016 with conditions. The conditions relevant to this SDP revision are listed below along with how they have been addressed.

3. **Prior to issuance of the first building permit for lots located within Section 5, the required stream restoration project for Reach 3-4 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section, as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member, as designee of the Planning Board.**

**RESPONSE:** Understood. Stream restoration work in Reach 3-4 will be completed prior to building permits.

SDP-1302/02 was approved by the Planning Board on September 14, 2017 with conditions. The conditions relevant to this SDP revision are listed below along with how they have been addressed.

4. **Prior to approval of a specific design plan for architecture for Section 5, the plans shall be analyzed to determine if additional parking spaces shall be provided above the 12 spaces shown on the plans.**

**RESPONSE:** Additional spaces, for a total of 18 spaces, were added during SDP-1302/03 and this was approved by staff as sufficient. Additionally, there is unmarked on-street parking available on all private streets, and 18 marked spaces along Rock Spring Drive (not included in the 18 spaces mentioned above). The majority of the proposed Dan Ryan models include 2-car garages with 2-car driveways.

7. **Prior to approval of any further specific design plans for Sections 5 and 6, the plans shall be reviewed for the incorporation of on-site recreational facilities, in accordance with Zoning Map Amendment A-9965-C (Basic Plan) Condition 2(E).**

**RESPONSE:** Recreational facilities were reviewed and approved as part of SDP-1302/05.

SDP-1302/03 was approved by the Planning Board on December 13, 2018 with conditions. The conditions relevant to this SDP revision are listed below along with how they have been addressed.

5. **Prior to issuance of the first building permit within Parkside Sections 5 & 6, the applicant shall install the Section 4.7 landscape buffer adjacent to the Blythewood Historic Site, as shown on the Specific Design Plan.**

**RESPONSE:** Understood. Landscape Buffer will be installed prior to building permit.

Preliminary Plan 4-16001 was recently approved by the Planning Board on September 13, 2018 with conditions. The conditions relevant to this SDP revision are listed below along with how they have been addressed.

- 8. Prior to approval of any specific design plans that include buildings in the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, the applicant shall provide viewshed studies that demonstrate the extent to which proposed new construction will be visible.**

**RESPONSE:** Viewshed studies were submitted and reviewed with SDP-1302/03.

- 9. Based on the findings of the required viewshed studies for the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, any proposed new construction determined to be visible from the historic site shall be subject to a limited specific design plan review for scale, mass, proportion, materials, architecture, landscaping, and lighting, as they would impact the character of the historic site.**

**RESPONSE:** Understood.

- 30. Prior to approval of any residential building permits within the 65 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

**RESPONSE:** Understood. Noise certifications will be provided with building permits.

If you have any questions regarding the above, please feel free to contact me at 301.364.1793.  
Thank you very much.

Sincerely,

Dewberry



Rachel Leitzinger, P.E.  
Project Manager

cc: Neil Butler / Dan Ryan Builders  
Keith Tunell / Dan Ryan Builders

Case No.: A-9965-C

Applicant: DASC (Smith Home Farms)

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

ZONING ORDINANCE NO. 4 - 2006

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-9965-C has been filed for property described as approximately 757 acres of land in the R-A Zone, located on the south side of Westphalia Road, approximately 3,000 feet east of its intersection with Pennsylvania Avenue, and south of its intersection with Melwood Road, Upper Marlboro, Maryland, to rezone the property to the R-M Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, who filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were

filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined, based on consideration of the entire record, that the subject property should be rezoned to the R-M Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended basic plan is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plan for Application No. A-9965-C is hereby approved, as amended, subject to the following conditions:

1. The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:

A. Land use types and quantities:

- Total area: 757± acres\*
- Land in the 100-year floodplain: 105 acres
- Adjusted Gross Area (757 less half the floodplain): 704± acres

**R-M Zone Proposed Land Use Types and Quantities:**

- Total area: 727± acres\*  
Of which residential use: 572.4 acres  
Mixed Retirement Development: 154.6 acres

- Density permitted under the R-M (Residential

- Medium 3.6) Zone: 3.6-5.7 dus/ac
- Permitted dwelling unit range: 1,877 to 2,973 dwellings
- **Proposed Residential Development: 2,124 Units**
- Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac
- Permitted dwelling unit range: 551 to 1,224 Units
- **Proposed Residential Development: 1,224 Units**

**L-A-C Zone Proposed Land Use Types and Quantities:**

- Total area: 30± acres\*  
Of which Theoretical Commercial/Retail: 10.7 acres  
Theoretical residential use: 19.3 acres
- Residential density permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac
- Permitted dwelling unit range: 193 to 386 Units
- **Proposed Residential Development: 300 Units**
- Commercial density permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68 FAR
- Permitted gross floor area range: 93,218 to 316,943 Square Feet
- **Proposed Commercial Development: 140,000 Square Feet**
- Public accessible active open space: 75± acres
- Passive open space: 185± acres

\*Note: The actual acreage may vary to an incremental degree with more detailed survey information available in the future.



B. The recreational area east of Melwood Road shall be

expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).

- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line and shall be further expanded northward to connect to the Blythewood site and its environmental setting.
  - D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.
  - E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.
2. The following conditions of approval shall be printed on the face of the Basic Plan:
- A. At time of Comprehensive Design Plan, the Applicant shall:
    - 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.
    - 2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.
    - 3. If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:
      - (a) A fire station site
      - (b) A middle school site
      - (c) A library site
      - (d) A police office complex site
    - 4. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.

5. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19<sup>th</sup>-/early 20<sup>th</sup>-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
6. Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.
7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
8. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.
9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.

11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.
- C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.
- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia "Park Club." The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.
- G. The public recreational facilities shall be

constructed in accordance with the standards outlined

in the Parks and Recreational Facilities Guidelines. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.

- H. At the time of the first Specific Design Plan, the Applicant shall:
  - 1. Provide a comprehensive trail and sidewalk map for the entire site.
  - 2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.
- I. At time of Comprehensive Design Plan, the Transportation Planning staff shall make recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision.
- K. At time of preliminary plan of subdivision,
  - 1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.
  - 2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.



- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.
  - M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.
  - N. All Tree Conservation Plans shall have the following note:

"Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1."
  - O. No woodland conservation shall be provided on any residential lots.
  - P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
  - Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:

"Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses."
3. Before approval of the first Specific Design Plan, staff and Planning Board shall review and evaluate the buffers between this development project and the adjoining properties, to determine appropriate buffering between the subject property and existing development on adjacent properties.

SECTION 2. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property which is the subject of Application No. A-9965-C from the R-A Zone to the R-M Zone.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the condition in Section 1.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

Enacted this 13th day of February, 2006, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Harrington 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.: A-9965-C

Applicant: DASC (Smith Home Farms)

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 in approving Application No. A-9965-C, to rezone the subject property from the R-A Zone to the R-M Zone, attached conditions; 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 conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9965-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning 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

reclassified 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 March 9, 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



Henry Zhang

THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

June 15, 2006

RE: CDP 0501 and VCDP 0501 Smith Home Farms

**NOTICE OF FINAL DECISION  
OF THE DISTRICT COUNCIL**

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Revised Council Order setting forth the action taken by the District Council in this case on June 12, 2006.

**CERTIFICATE OF SERVICE**

This is to certify that on June 15, 2006, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Redis C. Floyd".

Redis C. Floyd  
Clerk of the Council

(10/97)



Case No.: CDP-0501 and  
VCDP-0501

Applicant: DASC (Smith Home Farms)

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

REVISED ORDER AFFIRMING PLANNING BOARD DECISION,  
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-56(C) to approve with conditions a comprehensive design plan for 3,648 residential dwelling units of various types, and 170,000 square feet of commercial/retail uses, and variances from the maximum building height in the R-M Zone, and from maximum multifamily dwelling unit percentages in the R-M and L-A-C Zones, on property known as Smith Home Farms, described as approximately 757 acres of land in the R-M Zone, located on the south side of Westphalia Road, approximately 3,000 feet east of Pennsylvania Avenue, and south of the intersection with Melwood Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

After review of the Final Order as approved, the District Council has determined that the Final Order should be RECONSIDERED, at the first Council meeting after approval of the Final Order, and Condition 3 of the Final Order should be MODIFIED, and the Final Order REVISED, as follows:

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

1. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:
  - a. Provide a comprehensive phasing plan for the proposed development.
  - b. Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided.

The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.

- c. Revise the development standard chart pursuant to the staff's recommendations as shown in Condition 16:
- d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.
- e. Document the Moore farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19<sup>th</sup>/early 20<sup>th</sup>-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
- f. Revise the layout of the two pods located east of the five-acre parkland in the northern boundary area. The revised layout shall be reviewed and approved by the Planning Board, or its designee.
- h. Revise the CDP to indicate the following:
  - (1) The impact of A-66 in the area proposed for Stage I-A, with a determination of right-of-way width and location to be made at the time of preliminary plan.
  - (2) A secondary external connection shall be provided at the terminus of the cul-de-sac to the north of Ryon Road.
- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.
- j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.
- k. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be implemented and documented by semiannual reports to the historic preservation staff, until such time as the final plan for this area is implemented.
- l. Provide a revised plan showing the dedicated parkland to be reviewed and approved by Department of Parks and Recreation (DPR) staff as designee of the Planning Board.
- m. Submit a concept plan for the central park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the central park.
- n. Revise the Type I Tree Conservation Plan (TCP I) as follows:

- (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;
- (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."
- (3) No woodland conservation shall be provided on any residential lots;
- (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;
- (5) Include the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."
- (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;
- (7) Clearly show the limits of each proposed afforestation/reforestation area by using a different symbol;
- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;
- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;
- (10) Eliminate all woodland conservation areas less than 35 feet wide;
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;
- (12) Show all lot lines of all proposed lots;
- (13) Show clearing only for those areas that are necessary for development;
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
  - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.

- (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
  - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
  - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
  - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
- (17) Have the plans signed and dated by the qualified professional who prepared them.
- o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
  - p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings. As part of the conveyance of the Blythewood Complex to the adaptive re-user, the then owner shall make a concurrent contribution of \$300,000 for the renovation and maintenance of the complex.
  - q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.
  - r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.



2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.
3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
  - a. Prior to the issuance of the first building permit, the above improvement shall have full financial assurances through private funding, full CIP funding, or both.
  - b. Prior to the issuance of the 1,000<sup>th</sup> building permit for the residential units, the MD 4/Westphalia Road interchange must be open to traffic.
  - c. The applicant has agreed to construct a flyover at Westphalia Road and MD 4. The construction timing shall be as follows:
    - (1) The flyover shall be financially guaranteed prior to the initial building permit.
    - (2) The flyover shall be open to traffic prior to issuance of the 1,000<sup>th</sup> building permit for the residences, or prior to use and occupancy of the commercial portion of the development.
4. At time of preliminary plan of subdivision, the applicant shall:
  - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
  - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.
  - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.
  - d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.

- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
  - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
  - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in-consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.
  6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
  7. Prior to acceptance of the applicable SDPs:
    - a. The following shall be shown on or submitted with the plans:
      - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
      - (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
  8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.

9. At time of the applicable SDP, the following areas shall be carefully reviewed:
- a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the “Main Street” style environment will be achieved.
  - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
  - c. The design of the condominiums and parking garage to maximize the application of solar energy.
  - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
  - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
    - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
    - (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
    - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
  - f. A multiuse, stream valley trail along the subject site’s portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
  - g. A trailhead facility for the Cabin Branch Trail.
  - h. The architectural design around the central park and the view sheds and vistas from the central park.
  - i. The subject site’s boundary areas that are adjacent to the existing single-family detached houses.
10. Per the applicant’s offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer’s required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:



- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
- b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50<sup>th</sup> building permit.
- c. \$200,000 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100<sup>th</sup> building permit.
- d. \$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
- e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. A portion of the \$4.2 million contribution from the applicant for the central park shall be allocated to the construction of a tennis facility. The exact amount of the contribution shall be determined at the time of approval of the limited SDP for the central park.

DPR staff shall review the actual expenditures associated with each phase described above.

11. Per the applicant's offer, the recreation facilities shall be bonded and constructed in accordance with the following schedule:

| PHASING OF AMENITIES   |  |  |
|--|--|--|
| FACILITY   | BOND   | FINISH CONSTRUCTION  |
| Central Park-Passive Areas   | Prior to the issuance of any building permits                | Complete by 300th building permit overall                            |
| Private Recreation center<br>Outdoor recreation facilities   | Prior to the issuance of the 200th building permit overall   | Complete by 400th building permit overall -                          |
| Central Park-Public Facilities   | Prior to the issuance of the 400th permit overall            | To be determined with the applicable SDP for Central Park            |
| Pocket Parks (including Playgrounds) within each phase   | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| Trail system<br>Within each phase  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| <p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p> |  |  |

12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.
13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.
14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.
15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.

16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of SDP if circumstances warrant.)

## R-M Zone

|  | Condominiums | Single-family Attached | Single-family Detached |
|--|--------------|------------------------|------------------------|
| Minimum Lot size:                            | N/A          | 1,800 sf               | 6,000 sf               |
| Minimum frontage at street R.O.W:            | N/A          | N/A                    | 45*                    |
| Minimum frontage at Front B.R.L.             | N/A          | N/A                    | 60**                   |
| Maximum Lot Coverage                         | N/A          | N/A                    | 75%                    |
| Minimum front setback from R.O.W.            | 10****       | 10****                 | 10****                 |
| Minimum side setback:                        | N/A          | N/A                    | 0'-12'****             |
| Minimum rear setback:                        | N/A          | 10'                    | 15'                    |
| Minimum corner setback to side street R-O-W. | 10'          | 10'                    | 10'                    |
| Maximum residential building height:         | 50*****      | 40'                    | 35'                    |

## Notes:

\* For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.

\*\* See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.

\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.

\*\*\*\* Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.



R-M MRD

|  | Condominiums | Single-family attached | Single-family detached |
|--|--------------|------------------------|------------------------|
| Minimum Lot size:                            | N/A          | 1300 sf                | N/A                    |
| Minimum frontage at street R.O.W:            | N/A          | N/A                    | N/A                    |
| Minimum frontage at Front B.R.L.             | N/A          | N/A                    | N/A                    |
| Maximum Lot Coverage                         | N/A          | N/A                    | N/A                    |
| Minimum front setback from R.O.W.            | 10'*         | 10'*                   | N/A                    |
| Minimum side setback:                        | N/A          | N/A                    | N/A                    |
| Minimum rear setback:                        | N/A          | N/A                    | N/A                    |
| Minimum corner setback to side street R.O.W. | 10'          | 10'                    | N/A                    |
| Maximum residential building height:         | 50' **       | 40'                    | N/A                    |

Notes:

\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.

\*\* Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.

17. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”

21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat-
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.
22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and

Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application for the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
26. Prior to issuance of the 2,000<sup>th</sup> building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
29. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.
30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.
31. The SDP for the central park shall provide for the construction of a tennis facility during the first phase of construction.
32. At the time of the limited SDP for the central park, provide for the parameters of a long term tennis program with the Prince George's Tennis and Education.

- 33. The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the central park.
- 34. Prior to SDP approval, the height for all structures shall be determined; and the density percentages shall be determined based on any variances necessary.

Ordered this 12th day of June, 2006, by the following vote:

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


Opposed:

Abstained: -

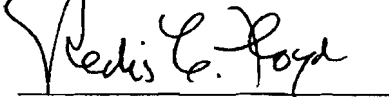
Absent: Council Members Exum and Harrington

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.: CDP-0501/01

Applicant: Smith Home Farms

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 Planning Board's decision in Resolution PGCPB No. 11-112, approving with conditions a comprehensive design plan to amend Condition 3 of CDP-0501, regarding the construction of the MD 4/Westphalia Road; amend Condition 7 of CDP-0501, regarding the location and the size of the proposed community center and pool; and amend Condition 16, regarding the size of the market-rate single-family attached lots in the Residential Medium (R-M) Zone, is:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council, except as otherwise provided herein.

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

1. Prior to certificate approval of this comprehensive design plan, the applicant shall:
  - a. Reflect the Westphalia Sector Plan right-of-way designations and widths, including MC-637, which shall all be reflected on the subsequent SDP and record plats.
  - b. Remove vehicular connections to surrounding properties. Label and clarify the legend for the additional "arrow" connections.
  - c. Remove the single-family dwelling unit development pod which is located along the east side of the easternmost access along D'Arcy Road, consistent with the approved preliminary plan of subdivision.

2. The following three conditions attached to previously approved Comprehensive Design Plan CDP-0501 shall be revised as follows (underlined text is added/changed):
- 3.<sup>1</sup> **Prior to issuance of each building permit for the Smith Home Farms, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD4/Westphalia interchange and interim improvements or, if determined, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farms, the applicant, its heirs, successors and/or assigns exceed the current or final cost estimate of \$80 million and any overpayment of the total per dwelling unit fees may be reimbursed to the applicant.**
7. **Prior to acceptance of the applicable SDPs:**
- a. **The following shall be shown on or submitted with the plans:**
- (1) **The community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
- (2) **The swimming pool shall be a 25-meter, 8-lane competition pool, and a minimum of 4,000-square-foot wading/activity pool.**
16. **The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant).**

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<sup>1</sup> As modified by the District Council.

**R-M ZONE**

|   | <b>Condominium<br/>s</b> | <b>Single-family<br/>Attached</b> | <b>Single-family<br/>Detached</b> |
|---|--------------------------|-----------------------------------|-----------------------------------|
| <b>Minimum Lot size:</b>                            | N/A                      | <b><u>1,300 sf</u>†</b>           | <b>6,000 sf</b>                   |
| <b>Minimum frontage at street R.O.W:</b>            | N/A                      | N/A                               | <b>45*</b>                        |
| <b>Minimum frontage at Front B.R.L.</b>             | N/A                      | N/A                               | <b>60**</b>                       |
| <b>Maximum Lot Coverage</b>                         | N/A                      | N/A                               | <b>75%</b>                        |
| <b>Minimum front setback from R.O.W.</b>            | <b>10'****</b>           | <b>10'****</b>                    | <b>10'****</b>                    |
| <b>Minimum side setback:</b>                        | N/A                      | N/A                               | <b>0'-12'****</b>                 |
| <b>Minimum rear setback:</b>                        | N/A                      | <b>10'</b>                        | <b>15'</b>                        |
| <b>Minimum corner setback to side street R-O-W.</b> | <b>10'</b>               | <b>10'</b>                        | <b>10'</b>                        |
| <b>Maximum residential building height:</b>         | <b>50'</b>               | <b>40'</b>                        | <b>35'</b>                        |

**Notes:**

**\*For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.**

**\*\*See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.**

**\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

**†No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.**

3. Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400<sup>th</sup> residential building permit, the community building shall be complete and open to the residents.
4. If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325<sup>th</sup> residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550<sup>th</sup> building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.

Affirmance is also subject to the following additional condition by the District Council, after review of the administrative record and for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

5. If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325<sup>th</sup> building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550<sup>th</sup> building permit.

Ordered this 21<sup>st</sup> day of May, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles

Opposed:

Abstained:

Absent: Council Member Turner



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: \_\_\_\_\_  
Andrea C. Harrison, Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

April 8, 2016

**RE: CDP-0501 Smith Home Farms (Reconsideration)  
SHF Project Owner, LLC, Applicant**

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on March 28, 2016.

## ***CERTIFICATE OF SERVICE***

This is to certify that on April 8, 2016, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that reads "Redis C. Floyd".

Redis C. Floyd  
Clerk of the Council

Case No.: CDP-0501 Smith Home Farm  
(Reconsideration)

Applicant: SHF Project Owner, LLC

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

FINAL DECISION — ORDER AFFIRMING PLANNING BOARD

IT IS HEREBY ORDERED, after review of the administrative record and conducting oral argument in this matter, that the application for Reconsideration of approved Comprehensive Design Plan CDP 0501, specifically to revise Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits for development of the subject property which includes a maximum of 3,648 residential dwelling units in the R-M (Residential-Medium) Zone and 170,000 square feet of commercial/retail uses in the L-A-C (Local Activity Center) Zone on approximately 757 acres of land located 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), in Planning Area 78, and within Council District 6, be and the same is hereby AFFIRMED, subject to conditions.

As the basis for this final decision, and as expressly authorized by the Regional District Act, within Title 22 and Title 25 of the Land Use Article of the Annotated Code of Maryland, and the Prince George's County Code, we hereby adopt the findings and conclusions set forth within PGCPB No. 06-56(C)(A).<sup>1</sup>

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<sup>1</sup>The total number of units in Section 7 of the property will be determined at the time of the Specific Design Plan for Section 7 of the property. The exact acreage allocated for the mixed-retirement development of the property will be determined at the time of Specific Design Plan for Section 7. The Applicant for the property in Section 7 shall be required to file an amended Basic Plan and Comprehensive Design Plan in accordance with Subtitle 27 of the Prince George's County Code.

Approval of CDP-0501 is subject to the following conditions:

1. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:
  - a. Provide a comprehensive phasing plan for the proposed development.
  - b. Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.
  - c. Revise the development standard chart pursuant to the staff's recommendations as shown in Condition 16.
  - d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.
  - e. Document the Moore farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19<sup>th</sup>/early 20<sup>th</sup>-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
  - f. Revise the layout of the two pods located east of the five-acre parkland in the northern boundary area. The revised layout shall be reviewed and approved by the Planning Board, or its designee.
  - h. Revise the CDP to indicate the following:
    - (1) The impact of A-66 in the area proposed for Stage I-A, with a determination of right-of-way width and location to be made at the time of preliminary plan.
    - (2) A secondary external connection shall be provided at the terminus of the cul-de-sac to the north of Ryon Road.



- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.
- j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.
- k. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be implemented and documented by semiannual reports to the historic preservation staff, until such time as the final plan for this area is implemented.
- l. Provide a revised plan showing the dedicated parkland to be reviewed and approved by Department of Parks and Recreation (DPR) staff as designee of the Planning Board.
- m. Submit a concept plan for the Central Park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the Central Park.
- n. Revise the Type I Tree Conservation Plan (TCP I) as follows:
  - (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;
  - (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."
  - (3) No woodland conservation shall be provided on any residential lots;
  - (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;

- (5) Include the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."
- (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;
- (7) Clearly show the limits of each proposed afforestation/reforestation area by using a different symbol;
- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;
- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;
- (10) Eliminate all woodland conservation areas less than 35 feet wide;
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;
- (12) Show all lot lines of all proposed lots;
- (13) Show clearing only for those areas that are necessary for development;
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
  - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the

- approval of a detailed site plan, a SDP, and/or a grading permit application.
- (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
  - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
  - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements ( $\frac{1}{4}$ :1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
  - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify

the purchaser of the property of any woodland conservation areas.

- (17) Have the plans signed and dated by the qualified professional who prepared them.
  - o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
  - p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings.
  - q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.
  - r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.
2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.
  3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
  4. At time of preliminary plan of subdivision, the applicant shall:
    - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
    - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.



- c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.
  - d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.
  - e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
  - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
  - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.

6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
7. Prior to acceptance of the applicable SDPs,
  - a. The following shall be shown on or submitted with the plans:
    - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
    - (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.
9. At time of the applicable SDP, the following areas shall be carefully reviewed:
  - a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
  - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
  - c. The design of the condominiums and parking garage to maximize the application of solar energy.
  - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
  - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that:
    - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or

- important historic landscape features in the established environmental setting;
- (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
  - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
- f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
  - g. A trailhead facility for the Cabin Branch Trail.
  - h. The architectural design around the Central Park and the view sheds and vistas from the Central Park.
  - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC) and its heirs, successors, and/or assignees shall perform design and construction work calculated to cost up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016), of which approximately \$6,500,000 shall be reimbursed from the applicant's generated park club permit fees, and the balance of \$7,400,000 shall be reimbursed from other developer-generated park club fees or other sources. The applicant's obligation to provide design and construction work for the Central Park is applicable only through the 1600th building permit. Beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:
- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the Central Park. DPR shall review and approve the master plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.

- b. \$400,000 shall be used by the applicant for the schematic design and SDP for the Central Park. DPR shall review and approve the design plan. These actions shall occur prior to issuance of the 500th building permit.
- c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase I (as shown in attached Exhibit A) of the Central Park. DPR shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase I of the Central Park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to issuance of the 700th building permit. DPR shall respond to the applicant in writing with any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.
- d. \$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase I (as shown in attached Exhibits B and C) of the Central Park prior to issuance of the 1600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.
- e. The applicant shall complete the pond construction and rough grading of Phase I of the Central Park prior to issuance of the 1000th building permit.
- f. In the event that sufficient funding is not available to fully construct Phase I at time of the 1400th permit, DPR and the applicant shall notify the District Council in writing and work together to determine how the available funding shall be used to construct portions of Phase I, as called for in Exhibits A and B. Prior to issuance of the 1400th building permit, the applicant and DPR shall enter into a recreational facilities agreement (RFA) establishing both scope and a schedule for construction of Phase I of the Central Park.

DPR shall review the actual expenditures associated with each phase described above and DPR shall provide an annual written reporting of the same to the District Council. The applicant's obligation to provide services for the design, grading, and construction of the Central Park set forth in Condition 10 herein shall be limited to: (i) the amount of funds to be generated from 1600 of the applicant's building permits pursuant to Condition 22; OR (ii) the amount of funds available in the Westphalia Park Club Fund (which shall include amounts to be contributed by other developers in the Westphalia Sector) or other sources at the time of



issuance of the applicant's 1599th building permit, whichever is greater, provided that the total amount of applicant's services does not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the Central Park beyond the limits of this Condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading, and construction of the Central Park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and/or construction of the Central Park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis, as further defined in the revised Westphalia Park Club Contribution Agreement (dated May 15, 2013) and the Central Park Escrow Agreement (dated May 15, 2013), to be executed by the applicant and DPR. Thirty days prior to the start of construction of the Central Park, a performance bond equal to the amount of construction work agreed upon between DPR and the applicant for Phase I work shall be posted with DPR for the applicant's construction of the Central Park. The cost for such bond(s) will be included as part of the cost of construction of the Central Park. If Phase I (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant shall assign its current contracts to the Maryland-National Capital Park and Planning Commission (M-NCPPC) to complete the Phase I construction at M-NCPPC's request. In the event of such an assignment to M-NCPPC, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond shall be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and the Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.

11. Per the applicant's offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:

| <b>PHASING OF AMENITIES</b>  |   |   |
|--|---|---|
| <b>FACILITY</b>  | <b>BOND</b>   | <b>FINISH CONSTRUCTION</b>  |
| <b>Private Recreation Center Outdoor Recreation Facilities on HOA property</b> | <b>Prior to the issuance of the 200th building permit overall</b>   | <b>Complete by 400th building permit overall</b>                            |
| <b>Pocket Parks (including Playgrounds) within each phase on HOA property</b>  | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 50% of the building permits are issued in that phase</b> |

|  |  |  |
|--|--|--|
| Trail system within each phase on HOA property   | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| <p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p> |  |  |

12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.
13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.
14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.
15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.
16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of SDP if circumstances warrant.):

R-M Zone

|                                   | Condominiums | Single-family Attached | Single-family Detached |
|-----------------------------------|--------------|------------------------|------------------------|
| Minimum Lot size:                 | N/A          | 1,800 sf               | 6,000 sf               |
| Minimum frontage at street R.O.W: | N/A          | N/A                    | 45*                    |
| Minimum frontage at Front B.R.L.  | N/A          | N/A                    | 60'***                 |
| Maximum Lot Coverage              | N/A          | N/A                    | 75%                    |
| Minimum front setback from R.O.W. | 10'****      | 10'****                | 10'****                |
| Minimum side setback:             | N/A          | N/A                    | 0'-12'****             |
| Minimum rear setback:             | N/A          | 10'                    | 15'                    |

|  |         |     |     |
|--|---------|-----|-----|
| Minimum corner setback to side street R-O-W. | 10'     | 10' | 10' |
| Maximum residential building height:         | 50'**** | 40' | 35' |
| Notes:                                       |         |     |     |

\* For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.

\*\* See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.

\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.

\*\*\*\* Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.

R-M MRD

|  | Condominiums | Single-family attached | Single-family detached |
|--|--------------|------------------------|------------------------|
| Minimum Lot size:                            | N/A          | 1300 sf                | N/A                    |
| Minimum frontage at street                   | N/A          | N/A                    | N/A                    |
| Minimum frontage at Front B.R.L.             | N/A          | N/A                    | N/A                    |
| Maximum Lot Coverage                         | N/A          | N/A                    | N/A                    |
| Minimum front setback from                   | 10'*         | 10'*                   | N/A                    |
| Minimum side setback:                        | N/A          | N/A                    | N/A                    |
| Minimum rear setback:                        | N/A          | N/A                    | N/A                    |
| Minimum corner setback to side street R.O.W. | 10'          | 10'                    | N/A                    |
| Maximum residential building height:         | 50'***       | 40'                    | N/A                    |
| Notes:                                       |              |                        |                        |

\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.

\*\* Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.

17. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”
21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
  - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel’s Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.



- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.
22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.
23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section.

Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.

24. Prior to application for the building permit for the construction of any recreational facilities in the Central Park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
25. Prior to issuance of the 2,000<sup>th</sup> building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
26. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
27. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
28. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.
29. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.
30. The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the Central Park.
31. Prior to SDP approval, the height for all structures shall be determined, and the density percentages shall be determined based on any variances necessary.

Ordered this 28<sup>th</sup> day of March, 2016, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

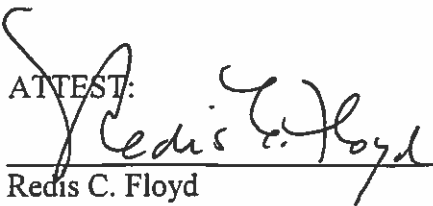
Absent:

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:   
Derrick L. Davis, Chairman

ATTEST:

  
Redis C. Floyd  
Clerk of the Council



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

October 1, 2013

**RE: SDP 1003/01 Smith Home Farm, Section 1A  
Dan Ryan, Inc., Applicant**

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on September 23, 2013.

## ***CERTIFICATE OF SERVICE***

This is to certify that on October 1, 2013, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Redis C. Floyd".

Redis C. Floyd  
Clerk of the Council





Case No.: SDP-1003-01 Smith Home Farm  
Section 1A

Applicant: Dan Ryan Builders, Inc.

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 Planning Board's decision in Resolution PGCPB No. 13-62, approving with conditions a revision to a specific design plan to add townhouse architecture, widen some townhouse lots to 22 feet wide, reorient six groups of townhouses in the Residential-Medium (R-M) Zone in Section 1A of the Smith Home Farm project located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6 is:

AFFIRMED, as the basis for this action, the District Council adopts the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 13-62, as its findings and conclusions in this case.

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

1. Prior to certification of the specific design plan (SDP), the applicant and the applicant's heirs, successors, and/or assigns shall:
  - a. Revise the plans to show Lots 1 and 114 with the sides facing Imperial Oaks Lane designed as front elevations and Lots 138, 139, 151, and 175 with the sides facing the central open green space, on Parcel B2, designed as front elevations, per the applicant's exhibit. The rear yards on Lots 1, 114, 138, 139, 151, and 175 shall be screened from the road or central green space with a minimum five-foot-high brick wall and/or enhanced landscaping to be reviewed by the Urban Design Section as designee of the Planning Board.

- b. Include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing unit approved, the SDP number, and the Planning Board resolution number.
- c. Revise the SDP coversheet to include the required building setbacks pursuant to Comprehensive Design Plan CDP-0501-01 and include a provision that decks or patios may encroach into the rear setback, but not by more than one-third of the yard depth.
- d. Include a brick /masonry front façade tracking chart for the single-family attached lots on the plan set.
- e. Provide the dimensions of the front porches (covered and not covered) on the template sheet.
- f. Provide the dimension of all townhouse driveways and a note regarding driveway material on the site plan, in conformance with Sections 27-558(a) and 27-554 of the Zoning Ordinance, respectively.
- g. Provide all townhouse building setbacks, including front yard, rear yard, and side of each stick, and yard area calculations on the site plan.
- h. The applicant shall indicate the highly-visible lots within the townhouse portion of Section 1A on the coversheet, subject to review and approval of the Urban Design Section as designee of the Planning Board.
- i. Revise the architectural elevations as follows:
  - (1) All garage doors shall have a carriage-style appearance.
  - (2) Provide an M-NCPPC approval block on all architectural elevations for certification.
  - (3) Revise the plans to show a minimum of two standard architectural features, such as windows, doors, or fireplace chimneys, arranged in a reasonably balanced design, on all side elevations, and a minimum of three such features and brick or masonry material on all highly-visible side elevations.
  - (4) All exterior fireplace chimneys shall be brick or masonry, except gas vents.
  - (5) Revise the Chestnut II front elevations 1, 2, 4, 6, 7, 8, and 9 to provide paneled shutters on all non-specialty windows, where spacing allows.
  - (6) Revise the Carlyle II front elevations 2, 7, and 9 to provide paneled shutters on all non-specialty windows, where spacing allows.

- j. The overall woodland conservation worksheet for Smith Home Farm shall be revised as follows and included on each of the associated Type II tree conservation plans (TCPIIs):
- (1) Demonstrate how the entire woodland conservation requirement for the Smith Home Farm development as delineated on TCPI-038-05/01 shall be met.
  - (2) The overall woodland conservation worksheet for the Smith Home Farm project shall:
    - (a) Retain the previously approved distribution of off-site woodland conservation requirement for the site as approved with SDP-1003; or
    - (b) The applicant shall demonstrate how the total woodland conservation requirement incurred for Infrastructure 1, Section 1A, 1B, 2, and 3 are fulfilled with the revised approval of TCPII-008-12-01, TCPII-009-12-01, TCPII-010-12-01 and TCPII-011-12-01.
  - (3) The overall woodland conservation table shall correctly reference “sections” instead of “phases.”
  - (4) The supplemental information contained in the table headings shall be completed with regards to TCPII revision number, status, date of approval, and date of certification.
- k. The individual woodland conservation worksheet on each of the associated TCPIIs shall be revised as follows and included on each of the associated Type II Tree conservation plans (TCPIIs):
- (a) Accurately reflect the woodland conservation areas proposed on-site for Sections 1A, 1B, 2, and 3 after any technical revisions are made to the TCPIIs, and confirm how much woodland conservation is being provided on individual phases.
  - (b) Accurately reflect the distribution of the off-site woodland conservation requirements for the site based on the approved overall woodland conservation worksheet for the Smith Home Farm development.
2. Prior to issuance of each building permit for Smith Home Farm, the applicant and the applicant’s heirs, successors, and/or assigns shall pay to Prince George’s County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD 4/Westphalia interchange and interim improvements or, if determined through the IAPA process, the final cost estimate to construct the interchange. In no case shall the

total per dwelling unit fees paid by Smith Home Farm, the applicant, its heirs, successors, and/or assignees exceed the current cost of \$1,660.29 per dwelling unit multiplied by the Engineering News Record (ENR) construction cost index at the time of payment divided by the ENR construction cost index for fourth quarter 2010. The above amount is subject to the provisions of CR-66-2010 and the Memorandum of Understanding between Prince George's County, Maryland and SHF Project Owner, LLC and Blythewood, LLC recorded on April 8, 2013.

3. Prior to issuance of each residential building permit for construction of a unit within the 65 dBA Ldn line, plans for that building shall be certified by an acoustical engineer stating that internal noise levels shall be 45 dBA Ldn or less.
4. Sixty percent of the single-family attached homes shall feature a full brick or other masonry front façade.
5. No two units directly adjacent to or across the street from each other may have identical front elevations.
6. The following number of dwelling units in any horizontal, continuous, attached group of townhouse dwellings shall have a roof feature containing either a reverse gable or dormer window(s):
  - a. Four dwelling units in any building group containing five or six units; or
  - b. Three dwelling units in any building group containing four units; or
  - c. Two dwelling units in any building group containing three units.
7. The options for fulfilling the woodland conservation requirement with the SDP and associated grading permit include afforestation/reforestation in future Sections not currently part of an approved SDP and TCPII, subject to the following requirements:
  - a. Any afforestation/reforestation credited in a future section of the Smith Home Farm project shall be shown on an approved TCPII, placed into recorded Woodland and Wildlife Habitat Conservation Easements and fully bonded prior to issuance of the first grading permit for this SDP.
  - b. Any afforestation/reforestation credited in a future section of the Smith Home Farm project associated with this SDP shall be planted in the first planting season after the issuance of the associated grading permit, as defined in the Environmental Technical Manual based on the size of plant materials, and prior to the issuance of any building permits for the Section for which the afforestation is credited.
  - c. Certification of afforestation/reforestation plantings in future sections of the Smith Home Farm project shall be submitted to the Environmental Planning Section prior to the issuance of the first building permit for the section for which the afforestation/reforestation is credited.

8. Prior to the issuance of grading permits for any section of the Smith Home Farm site, the applicant must demonstrate how the woodland conservation requirements for the subject section will be implemented through bonding of credited afforestation/reforestation areas, submitting recorded transfer certificates for off-site woodland conservation requirements, and/or by bonding of any unfulfilled woodland conservation requirement incurred with the requested permit.

Any shortage occurring between the cumulative woodland conservation requirement for the Smith Home Farm Development and the cumulative woodland conservation provided, plus any trees retained on-site, shall be fully bonded prior to the issuance of a grading permit for the section in which the woodland conservation requirement is incurred.

Bonding shall include any unsatisfied woodland conservation requirement proposed to be satisfied with off-site woodland conservation. The fulfillment of off-site woodland conservation requirements shall be bonded at the current fee-in-lieu rate for Priority Funding Area of \$0.90 per square foot, which reflects the most current estimated cost of obtaining off-site woodland conservation credits.

9. The location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6) of the Subdivision Regulations: within the same eight-digit sub-watershed (Cabin Branch), within the same watershed (Western Branch), within the same river basin (Patuxent), within the same growth policy tier (Developing), or within Prince George's County. The applicant shall demonstrate to the Planning Director or its designee due diligence in seeking out appropriate location opportunities for off-site woodland.
10. Condition 15.c. of the original SDP-1003 approval (PGCPB No. 12-21) shall be revised to read as follows:
- “Eliminate any off-site woodland conservation requirement on land to be dedicated to M-NCPPC for the central park area.”
11. Revise the landscape plan to replace the Arlington lighting fixtures with the Acorn lighting fixtures provided by PEPCO.

Ordered this 23rd day of September, 2013, by the following vote:



In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson,  
Patterson, 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:   
Andrea C. Harrison, Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

C O R R E C T E D A M E N D E D R E S O L U T I O N

WHEREAS, a 757-acre parcel of land known as Tax Map 90 in Grid A1, said property being in the 15th Election District of Prince George's County, Maryland, and

WHEREAS, on October 14, 2005, Daniel Colton filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1,176 lots (total dwelling units †~~[3,628]~~[3,648] and 355 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05080 for Smith Home Farm was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 9, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended DISAPPROVAL of the application with conditions; and

WHEREAS, on March 9, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, on March 9, 2006, the Planning Board disapproved Preliminary Plan of Subdivision 4-05080; and

\*WHEREAS, on April 6, 2006, the Planning Board approved a request to reconsider the action of denial for Preliminary Plan of Subdivision 4-05080 based on the furtherance of substantial public interest; and

\*WHEREAS, on July 27, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all new findings and conditions.

†[WHEREAS, on April 19, 2012, the Planning Board approved a request for a waiver of the Rules of Procedure and a reconsideration of Condition 42 and Finding 9, for good cause in furtherance of a substantial public interest, relating solely to the MD4/Westphalia Road interchange;

†[WHEREAS, on May 24, 2012, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with deletions and additions.]

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[Brackets] and † indicates new language  
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NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board ~~[DIS]~~APPROVED the Type I Tree

Conservation Plan (TCPI/38/05-01), and further ~~[DIS]~~APPROVED Preliminary Plan of Subdivision 4-05080, Smith Home Farm for 355 parcels with the following conditions:

- \*1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
- a. To conform to the certificate approved CDP-0501.
  - b. Revise Sheet 3 to accurately reflect that M-NCPPC is the owner of abutting property to the north.
  - c. Revise the preliminary plan and update the required development standards table to reflect the allowable dwelling unit mix in accordance with Section 27-515(b), Footnote 29. Remove “use” variance language.
  - d. Provide dimensions on all parcel lines.
  - e. Relabel Parcel 85 after required adjustment as a letter parcel and to be conveyed to the BOE.
  - f. Label all roads private or public on each sheet. Multifamily dwelling units are not permitted to be served by private streets (24-128(b)(7)).
  - g. Contain a note that pursuant to Section 24-135.02(d) of the Subdivision Regulations the cemetery located on the Blythwood Historic Site (78-013) is deemed to be a certified nonconforming use.
  - h. Indicate number of parcels proposed, once the plan is revised.
  - i. Correct General Note 26 to be two sentences.
  - j. Remove from all sheets the five-foot-wide strip of land separating lots. Remove five-foot strip between Lot 8 and the rears of 9-11, Block NN, for example.
  - k. Provide totals in General Note 18 for number of lots and parcels proposed.
  - l. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
  - m. Revise the general notes to reflect that the allowable GFA for commercial retail is 140,000 square feet, not 170,000.
  - n. Label the general location of the pit feature, 18PR766.

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- o. Relabel A-66 as M-634.
  - p. Provide the acreage of the proposed M-NCPPC land located in the L-A-C Zone.
  - q. Clearly label all existing structures and the disposition of those structures.
  - r. Label Parcel R to be retained by the owner.
  - s. Conform to DPR Exhibit A, dated 6/7/06, or modified by the Planning Board.
  - t. Provide adequate setback from abutting existing subdivisions to allow bufferyards to be installed in the future without encumbering each individual lot, to be approved by the Urban Design Section.
  - u. Remove general note that indicates that “2 over 2” dwelling units are multifamily. Two-over two dwelling units are attached, unless architecture demonstrates conformance to Section 27-107.01(75), definition of multifamily, demonstrate at the time of SDP.
  - v. Dimension the width of the frontage of Parcel R on MC-632.
2. A Type II Tree Conservation Plan shall be approved with each specific design plan.
  3. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.
  4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties. If encumbered that applicant shall submit evidence that the rights-and privileges associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
  5. Prior to the approval of building permits associated with residential development, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
  6. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.
  7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.

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8. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division (PP&D) three original recreational facilities agreements (RFAs) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D, the RFA shall be recorded among the county Land Records and noted on the final plat of subdivision.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
10. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.
11. The submittal requirements for the specific design plan (SDP) filed subsequent to SDP-0506 shall include a proposal for a sequential platting plan ~~†[(24-119.01(e)(2))]~~[(24-119(e)(2))] of all of the land within this preliminary plan of subdivision. This plan shall establish a framework for the orderly development of the property.
12. The final plat shall contain a note that pursuant to Section 24-135.02(d) of the Subdivision Regulations the cemetery located on the Blythwood Historic Site (#78-013) is deemed to be a certified nonconforming use.
13. The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.
14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Mellwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Mellwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.
15. The applicant, his heirs, successors and/or assignees shall provide:

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- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.
- b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.
- c. Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.
- d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.
16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.
17. Prior to signature approval of the preliminary plan, the applicant shall provide written evidence from DPW&T that the cul-de-sac extending from C-635 to serve existing dwellings is acceptable to DPW&T standards and shall be dedicated to public use, and not to the Smith Home Farm HOA, or the preliminary plan shall be revised to address this issue.
18. Prior to the approval of each final plat the applicant shall demonstrate that existing adequate public streets, connecting this development to the external public street system, shall exist to support the development.
19. Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to

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proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.

20. A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.
21. The plant materials located within the reforestation areas within the 100-year floodplain, within the central park (M-NCPPC), shall be mutually agreed upon by the DRD and DPR.
22. Prior to the issuance of grading permits the applicant shall demonstrate that within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
23. Prior to signature approval of the preliminary plan, the applicant shall conduct additional Phase I archaeological investigations with the concurrence of the Development Review Division (DRD). The applicant shall submit the revised Phase I investigation (including research into the property history and archaeological literature) for the entire property. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
24. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994)* and the Prince George's County Planning Board's *Guidelines for Archeological Review (May 2005)*, if any buildings within the Blythewood environmental setting will be disturbed and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations shall be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
25. Prior to signature approval of the preliminary plan the applicant shall submit a Security and Maintenance Plan for all the structures (addendum) within the environmental setting of Blythewood Historic Site (78-013) for ratification to ensure that these structures are maintained and monitored throughout the development process.
26. A note shall be provided on the preliminary plan and final plat that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater

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management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit approved by the Historic Preservation Commission. A Phase II investigation should be conducted if the proposed development results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation.

27. The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
28. Prior to signature approval of the preliminary plan, the 33-acre environmental setting for Blythewood shall be delineated as approved by the HPC, including the main house and domestic outbuildings, barns stables and other agricultural outbuildings, the circa 1860s tenant houses, tobacco barn and any other cultural and historical resources. The limit of disturbance shall be expanded to exclude the entire 33-acre environmental setting of Blythewood. A note shall be provided on the preliminary plan and the Type I Tree Conservation Plan that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit.
29. Prior to signature approval of the preliminary plan, the 5.9-acre boundary line around “Historic Blythewood Homesite Parcel” should be revised to also include the tree-lined lane leading to the house and outbuildings, and the land connecting these two stems. The tree-lined access appears to be approximately 15 feet wide and may not be adequate to serve as vehicular access to a commercial or office use. To ensure that the historic entrance remains intact, options for review at the time of SDP including the conversion of the tree-lined driveway to a pedestrian path may be appropriate.
30. The following note shall be placed on the Final Plat:
- “Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
31. The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the central park individually at the time of approval of the final plat of any right-of-way

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(public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.

32. Prior to the approval of the first final plat of subdivision, (not infrastructure) the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of the applicant's fees into an account administered by M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR. If not previously determined, it shall establish a schedule of payments and/or a schedule for park construction. The value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. If, the sector plan and sectional map amendment for the Westphalia area establish the exact amount of the required contribution; between \$2,500 and \$3,500 per dwelling unit, the agreement shall incorporate this amount. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia study area. The specifics to accomplish this will be specified in the agreement.

Per the applicant's offer at the time of CDP approval, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth above.

33. Prior to the approval of the final plat and the conveyance of Parcel S to M-NCPPC, the applicant shall obtain approval from the Historic Preservation Commission for the removal of the tenant house and the tobacco barn, located on Parcel S. If the applicant cannot obtain approval from the HPC, the limits of Parcel R and S shall be adjusted so that the land that is to be conveyed to M-NCPPC (Parcel S) does not contain these buildings. The applicant shall make appropriate adjustments to ensure the conveyance of 148± acres to M-NCPPC.
34. Submission of three original, executed agreements for participation in the "park club" to DPR for their review and approval, prior to the submission of the first final plat of subdivision (not infrastructure). Upon approval by DPR, the agreement shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and the liber folio reflected on the final plat.
35. Prior to signature approval of the preliminary plan, the applicant shall submit revised concept approved stormwater management (SWM) plan showing no SWM ponds on dedicated parkland except the recreational lake in the central park parcel, or those agreed to by DPR and authorized by the approving authority.
36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.

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37. The applicant, his heirs, successors and/or assignees shall be subject to the following conditions for the conveyance of parkland to M-NCPPC:

- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.
- b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
- c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of

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these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

38. Prior to the approval of each final plat, the applicant shall obtain a raze permit from DER for any existing structures to be removed. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed.

39. Prior to the approval of final plat(s) of subdivision for development, which includes portions of the Melwood Road right-of-way, the applicant shall obtain approval of the road closure process as determined appropriate by DPW&T, in accordance with Subtitle 23 and/or vacated in accordance with Subtitle 24.

40. The applicant, his heirs, successors and/or assignees shall convey to the Board of Education (BOE) upon their agreement approximately seven acres at the same time as the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, on which the BOE school property fronts. The BOE property shall not suffer the disposition of improvements necessary to support the Smith Home Farm development, unless upon specific agreement with the BOE. HOA land shall not be utilized to support development of the BOE property for public use, to include but not be limited to stormwater management.

41. Prior to signature approval of the preliminary plan the BOE property, as delineated on the preliminary plan, shall be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle.

42. ~~†The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:~~

~~†a. Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.~~

~~†b. Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units, the MD 4/Westphalia Road interchange shall be open to traffic.]~~

†[Prior to issuance of each building permit for the **residential** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ~~‡[44.30]~~ 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by ~~‡[3,628]~~ 3,648 to determine the unit cost.]

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43. Prior to the approval of the initial Specific Design Plan proposing development (not infrastructure) within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant should utilize new 12-hour counts, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.
44. At the time of final plat approval, the applicant shall dedicate the following rights-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan:
- a. 80 feet along MC-635, as shown on the submitted plan
  - b. 100 feet along MC 632, as shown on the submitted plan
  - c. A minimum of 60 feet along P-616, as shown on the submitted plan (70 feet from C 631 to Road M)
  - d. A minimum of 60 feet along P-615, as shown on the submitted plan
  - e. 40 feet from centerline along existing Westphalia Road

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These alignments may be modified through further environmental study. Findings at time of Specific Design Plan shall include comments on the degree of conformity with the Westphalia Sector Plan, at whatever state of approval exists at the time of review.

45. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way for C-631, in substantial conformance with the alignment shown in the preliminary plan. Any variations or PMA impacts associated with said alignment shall be deemed approved.
46. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan, along MC-634. Such dedication shall be along an alignment that is similar to that shown on the submitted plan and that is deemed, at the time of Specific Design Plan, to conform to the Westphalia Sector Plan and to other proposed development plans for adjacent properties.

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47. Prior to signature approval of the preliminary plan, Parcel 62 shall be revised to align and provide fillets and this parcel shall be dedicated at the time of final plat as a public right-of-way to become an extension of Road EE into the Claggett Property as the future P-612 facility.
48. The SDP and final plat shall demonstrate a primary residential street connection at the end of Road DD, Block SS (public 60-foot wide ROW) north to connect to the Woodside Village property. This connection shall not be required only if a preliminary plan of subdivision has been approved for the Woodside Village Subdivision to the north that does not require the connection.
49. The following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency, with all issues of timing and implementation to be addressed as Specific Design Plans proposing development are reviewed:
- a. MC-631/Presidential Parkway intersection: The applicant shall submit, at the time of the initial Specific Design Plan proposing development, an acceptable traffic signal warrant study to DPW&T. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations.
- b. At the intersection of Westphalia Road/D'Arcy Road and MC-635, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the age-restricted portion of the development. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.
- c. At the intersection of MC-631 and MC-635/P-615, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- d. At the intersection of MC-631 and MC-632/P-616, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.
- e. At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, the intended one-lane roundabout shall be designed for a two-lane roundabout in order that sufficient right-of-way for the

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ultimate facility is obtained. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T shall determine whether a one-lane or a two-lane roundabout will be implemented at this location by the applicant; however, such determination shall, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.

- f. At the intersection of MC-635 and Road J, the proposed two-lane roundabout shall be designed and constructed. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.
- g. All intersections along the major collector (MC) facilities shall include exclusive left-turn lanes where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes unless specifically waived by DPW&T. Such configurations shall be verified at the time of specific design plan review for the appropriate sections of roadway.
- h. All proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
- i. All proposed transit facilities, as shown on the plan "Transit Plan—Smith Farm," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
50. Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
51. The applicant, his heirs, successors and/or assignees shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with state and federal fair housing laws, for a fixed term of not less than 60 years. The covenant shall run to the benefit of the county and be reflected on all final plats for the R-M Zoned Mixed Retirement Community portion of this project.
52. Prior to signature approval of the preliminary plan, all plans shall be evaluated for conformance with the Final Decision of the District Council on the CDP approval and all conditions associated with the District Council's Final Decision shall be addressed.

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53. Prior to signature approval of the preliminary plan, and the Type I Tree Conservation Plan the following road impacts shall be re-evaluated and revised:

Road crossings A and B shall be revised to make crossing A perpendicular to the stream and crossing B shall be relocated to be combined with the stream impact for the sanitary sewer connection and shall also be designed to be perpendicular to the stream.

54. Prior to signature approval of the preliminary plan, all plans shall be revised to identify all proposed stormwater management ponds; show conceptual grading for all proposed stormwater management ponds; and redesign all ponds to eliminate impacts to the PMA associated solely with pond grading.

55. All Tree Conservation Plans shall not show woodland conservation on any single-family residential detached or attached lot.

56. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDPs shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.

The limited SDP for stream restoration shall:

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.
- b. Consider the stormwater management facilities proposed;
- c. Include all land necessary to accommodate the proposed grading for stream restoration;
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site; .

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- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).

57. Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) shall be delineated clearly and correctly on all plans in conformance with the staff-signed Natural Resource Inventory (NRI). A written explanation shall be provided regarding how the floodplain woodland acreage was reduced by approximately 10 acres from previous submissions. The text shall be accompanied by a plan at 1"=300' scale that shows where the floodplain woodland limits changed. The NRI shall be revised as appropriate to reflect the changes.

58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

59. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.

60. Prior to the approval of final plats, the proposed road network shall be evaluated at an interagency meeting attended by the US Army Corps of Engineers, the Maryland Department of the Environment, and the Department of Environmental Resources. The meeting minutes shall reflect the direction provided by these agencies and the road network shall consider the direction provided which is determined at the time of permit applications.

61. 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

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permits, evidence that approval conditions have been complied with, and associated mitigation plans.

62. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
63. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that the individual sheets reflect the same land area for both plans.
64. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised as follows:
  - a. Eliminate woodland conservation from residential lots, proposed road corridors, existing road corridors planned for preservation, or areas where woodlands already exist;
  - b. Show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan that match the lot and parcel numbers on the preliminary plan;
  - c. Show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown.
  - d. Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;
  - e. Eliminate the background shading on all symbols for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted, and revise the legend accordingly;
  - f. Eliminate all woodland conservation areas less than 35 feet wide;
  - g. Identify all off-site clearing areas with a separate label showing the acreage for each;
  - h. Show clearing only for those areas that are necessary for development;
  - i. Revise the font of the existing and proposed contours so that they are legible;
  - j. Revise the limits of disturbance to accurately reflect the proposed area of disturbance;
  - k. Eliminate woodland conservation within the Melwood Road right-of-way;
  - l. Revise the limits of disturbance so that the PMA is preserved where impacts are not approved;

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- m. Revise the worksheet as necessary; and
  - n. Have the plans signed and dated by the qualified professional who prepared the plans.
  - o. Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.
65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.
66. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01). The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/38/05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
67. No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.
68. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reflect the following:
- i. Impacts for road crossings as reflected on exhibits A, B, C, E, J, M, N, N1, and S shall be revised on the SDP to reduce the impacts to the fullest extent possible;
  - ii. Impacts shown for road crossings on exhibits Q, R, T, and U shall be eliminated;
  - iii. Impacts for sanitary sewer installations as reflected on Exhibit 3 shall be revised on the SDP to reduce the impacts to the fullest extent possible; and
  - iv. Impacts for trail construction as reflected on Exhibit 1 shall be revised on the SDP to reduce the impacts to the fullest extent possible.
69. Each specific design plan that contains trails shall show the field identified location for all trails and the associated grading.
70. Prior to signature approval of the preliminary plan, the letter of justification shall be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the “Con-Span” or “Bridge-Tek”

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bridges”; to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI shall be revised as necessary to show where the bridge structures will be used.

71. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

72. All afforestation/ reforestation and associated fencing shall be installed prior to the issuance of the building permits adjacent to the afforestation/ reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

73. Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan shall be submitted. All conditions contained in the concept approval letter shall be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan shall be revised to conform to the Planning Board’s approval.

74. Prior to signature approval of the preliminary plan of subdivision the following Urban Design issues shall be addressed:

- a. All dead-end private alleys that are longer than 100 feet shall be designed to provide adequate turn around capabilities in accordance with standards and recommendations of the Department of Public Works and Transportation that will allow an emergency vehicle to negotiate a turn.
- b. The townhouse section shall be revised to provide no more than six units in any building group. The applicant must obtain approval of more than six dwelling units in a row at the time of SDP, pursuant to Section 27-480(d).

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- c. To fulfill CDP condition 1 (h), to provide additional visitor's parking space and to ensure an emergency access to the site be maintained at all times.
75. The following note shall be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."
76. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
77. Prior to specific design plan approval for the applicable area, the road network shall show a connection (r/w to be determined) between the cul-de-sac of Private Road DD to the north to connect to the Woodside Village property (Sheet 10), and to the south to connect to the Westphalia Town Center as a dedicated public right-of-way.
- †[78. Prior to issuance of each building permit for the **commercial** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ~~‡[1.22]~~ 0.96 percent of the cost estimate as determined by Federal IAPA review. This fee shall be divided by 140,000 to determine the cost on a per square foot basis.
- †[79. Prior to approval of final plats for the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 (Exhibit C) and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), provide a copy of the recorded Memorandum of Understanding (MOU) and reflect the liber/folio on each record plat for the project.]

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, ~~[does not]~~ meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4).
- ~~[3. The preliminary plan for Smith Home Farm was accepted on October 14, 2005. The Subdivision Review Committee (SRC) meeting was held on November 4, 2005. At that meeting the applicant was advised that additional information was required for the review of the preliminary plan and the Type I tree conservation plan. Staff requested that the applicant provide additional information no later than 30 days prior to the Planning Board hearing, originally scheduled on~~

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January 5, 2006. The applicant was also clearly advised at the SRC meeting that failure to provide the requested information less than 30 days prior to the Planning Board hearing could result in inadequate time for review and an unfavorable recommendation to the Planning Board. On November 8, 2005, the attorney for the applicant granted a 70 day waiver to allow additional time for the applicant to submit the requested information, and the preliminary plan was scheduled for a Planning Board hearing date of March 9, 2006. The 140 day mandatory action time frame for this plan expires on March 18, 2006.

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4. ~~The applicant has failed to provide essential information necessary for the review of the preliminary plan and Type I tree conservation plan. Information that was requested at the November 4, 2005, SRC meeting. This property is 757 acres and contains significant environmental features including the Cabin Branch stream valley. The applicant has failed to address over an estimated 70 proposed impacts to the primary management area. A large number of the impacts not requested are necessary to implement the required stormwater management for the site. Without the approval of those impacts the site cannot be developed as proposed.~~

5. ~~The applicant has not addressed Condition 2.A.9 of the District Council's Order of Final Zoning Decision in A 9965/66. Specifically:~~

~~**“9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**~~

6. ~~**Environmental** The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, stamped as received by the Environmental Planning Section on February 9, 2006, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, stamped as received on February 22, 2006. Information critical to the review of the application has not been received.~~

A Letter of Justification is required for all proposed impacts to the regulated environmental areas of a site. A complete list of requested impacts is necessary for the Planning Board to make a determination with regard to Section 24-130(b)(5) which states that the regulated areas of the site must be preserved "...to the fullest extent possible."

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~~At the Subdivision Review Committee meeting on November 4, 2005, the applicant was informed that a Letter of Justification was not received with the application package and that one is required no less than 30 days prior to any Planning Board hearing date. A Letter of Justification was received on January 26, 2006. It only addressed the road crossings and did not address the necessary impacts for stormwater management outfalls, sanitary sewer installations or the proposed impacts for stream restoration projects.~~

~~A revised Letter of Justification was requested and has not yet been received. The original letter, dated January 25, 2006, was resubmitted without the required additions on February 24, 2006. The new submission was not revised from the original submission. The applicant has been informed of this deficiency multiple times in writing (on November 4, 2005 at the Subdivision Review Committee) and in person (at a meeting regarding the CDP conditions on February 14, 2006 and a meeting on February 27, 2006 at the Maryland Department of the Environment).~~

~~The second outstanding issue is the submission of a Type I Tree Conservation Plan that meets the minimum requirements of the Woodland Conservation Ordinance. Over the course of the review of this application, several TCPI plans have been submitted. The plans contained calculation errors that resulted in the placement of negative numbers in the worksheet, showed areas of woodland conservation wholly within the boundaries of proposed lots, showed lot layouts that were different from the preliminary plan under review, and were often not signed by a qualified professional as required. The most recent TCPI submitted does not show the proposed impacts for the stormwater management outfalls and the plans have not been revised to fully address the conditions of the approved CDP.~~

~~One of the most important conditions of the CDP has not been addressed. The condition regarding showing the limits of the regulated environmental areas (the "PMA") correctly has not been addressed. The preliminary plan shows a secondary PMA line near the intersection of proposed Road J and proposed Melwood Road on sheet 3. There are also other areas on the preliminary plan and TCPI where the PMA is shown incorrectly. These areas include the portion of the PMA on proposed Parcel 56 on Sheet 3, Parcel C on Sheet 4, Parcel 23 on Sheet 8, Parcel 81 on Sheet 9, and the area north of Parcel 24 on Sheet 7. The plan also shows a secondary PMA line on sheets 2, 3, and 5 of the preliminary plan.~~

~~Condition 4.f. requires the submission of information related to stream restoration projects for which density increments were approved with the CDP. None of the required information relating to this condition has been submitted to date.~~

7. ~~**Transportation**—The applicant proposes 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Also, 170,000 square feet of commercial retail space is planned within the L-A-C zone.~~

~~The applicant prepared a traffic impact study dated September 2005, along with an additional analysis dated November 2005 covering intersections internal to the overall site, and prepared in~~

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~~accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.~~

~~During 2005, the Prince George's County Planning Department worked with a consultant team on the Westphalia Comprehensive Concept Plan. The purpose of the plan was to refine policies contained in the 1994 Melwood Westphalia Master Plan and the 2002 General Plan for Prince George's County, and to provide an updated vision and detailed guidance for several major development proposals within the Westphalia Planning Area, including the subject property. As a part of the preparation of that plan, the recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. This study was completed in August 2005. The plan proposed a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.~~

~~The Transportation Planning Section has utilized the results of the August 2005 study to prepare roadway recommendations for a Westphalia Sector Plan and Sectional Map Amendment. While these recommendations do not yet carry the power of law, they are consistent with the WCCP study which was done in response to the subject applications and other applications in the area that are either pending or planned. The Westphalia Sector Plan and Sectional Map Amendment, recommendations should be addressed as follows:~~

- ~~1. The sector plan will show MC 631 as a four-lane major collector within a 100-foot right-of-way through the site. The current plan shows this right-of-way as 85 feet. It is required that the plan be revised to show dedication of 100 feet of right-of-way along MC 631 within the subject property. This change could affect the configuration of lots along the roadway, but may be resolvable if there is a clear support by the County Department of Public Works and Transportation (DPW&T) for the Section 2 typical section along the entire MC 631 facility. The typical section requires DPW&T review and approval because it is non-standard.~~
- ~~2. MC 631 exits the subject property to the east at a location and angle that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan appears to minimize environmental impacts. Nonetheless, this roadway exits the site with an east-northeast orientation. Given that the adjacent property to the east (Woodside Village, A-9973) is intending to set aside a sizable school site, it is recommended that this roadway exit the site due east. This will allow the adjacent developer better flexibility to configure the planned development with the school site.~~
- ~~3. The sector plan will show MC 632 as a four-lane major collector within a 100-foot right-of-way between MC 631 and P 615, and as a four-to-six-lane major~~

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collector within a 120-foot right-of-way from P-615 to the southern boundary of the property. The current plan shows this right-of-way as 62 feet. It is required that the plan be revised to show dedication of 100 feet of right-of-way between MC-631 and P-615, 120 feet of right-of-way south of Road C, and a transition section between P-615 and Road C. This is a significant change that will likely affect lotting patterns in the southern portion of the site, and will also affect the configuration of the proposed elementary school site.

4. ~~The sector plan will show MC-635 as a four-lane major collector within a 100-foot right-of-way between MC-631 and the northern boundary of the site. The current plan shows this right-of-way as 62 feet. The plan should have been revised to show dedication of 100 feet of right-of-way along MC-635 within the subject property. This change could affect up to 30 proposed lots that are adjacent to this facility.~~
5. ~~The sector plan will show C-626, Westphalia Road as a two-to-four-lane collector facility with an 80-foot right-of-way. The current plan shows no dedication along C-626. The plan should have been revised to show dedication of 40 feet from centerline along C-626.~~
6. ~~The sector plan will show A-66, Presidential Parkway, as a 100-foot arterial facility north of MC-631. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts A-66 coincident to and west of Ryon Road. Given the function of the A-66 facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The plan should have been revised to show dedication of 100 feet of right-of-way along A-66 within the subject property along the alignment shown.~~
7. ~~The sector plan will show P-615 as a primary residential facility (60-foot right-of-way) between MC-631 and MC-632. The current plan shows this right-of-way as 62 feet.~~
8. ~~The sector plan will show P-616 as a primary residential facility (60-foot right-of-way) between MC-631 and the northern boundary of this site. The current plan shows this right-of-way as 62 feet.~~
9. ~~P-616 exits the subject property to the north at a location that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan is approximately 150 feet west of the location shown on the WCCP. Given that this roadway must cross an environmental feature on the adjacent site, this roadway should have been moved eastward to exit the site at the correct location. This will allow the adjacent developer the ability to actually~~

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~~get the road permitted with the appropriate environmental agencies for construction.~~

~~The WCCP also showed a number of minor or secondary connections between properties. As review had progressed, staff believed that better connections needed to be established to the west so that there is connectivity to future A-66. Also, a number of roadways are shown to be public roadways serving many residences with a right-of-way consistent with a secondary residential street. The standard for the 50-foot, or secondary residential street indicates pavement 26 feet in width and parking on both sides of the street. Where excessive traffic would use the street, parked vehicles result in excessive conflicts between oncoming vehicles because the pavement is not wide enough to allow two-way vehicle operation. Increasing the right-of-way to 60 feet improves the situation by increasing the pavement width to 36 feet, allowing two-way traffic to proceed with parked vehicles on each side. The applicant had made several changes to the plan based on staff's comments on the original submitted plan. Nonetheless, further changes would be needed, as the plan has been greatly reconfigured. Given the development proposed on this plan, staff recommended that the following streets be shown with a right-of-way of 60 feet:~~

- ~~1. — The entire length of Road AA.~~
- ~~2. — The entire length of Road B.~~
- ~~3. — The entire length of Road J.~~
- ~~4. — Road W between MC-631 and Private Road YY.~~

~~At the time of the Planning Board hearing there remained many elements of this plan that were unresolved. The plan includes several public streets without acceptable end treatments, secondary residential streets in townhouse areas, and a lack of demonstrated off-street parking in townhouse areas. The Department of Public Works and Transportation has stated that the preliminary plan as proposed is unacceptable. Approval from the Department of Public Works and Transportation would be essential for this development.~~

~~Prior plans have a number of conditions that require review. The status of the transportation-related conditions is summarized below:~~

~~A-9966:~~

~~**Condition 2(A)(9):** This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. With regard to the transportation staff, there has been no coordination with the applicant. It is duly important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, should be determined at this time. There is no clear understanding by transportation staff or DPW&T of the disposition of Mellwood Road.~~

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~~**Condition 2(I):** This condition was met during review of the comprehensive design plan, and was fulfilled with the submittal of the November 2005 supplemental traffic study.~~

~~**Condition 2(K)(1):** This condition requires that the timing for the construction of the MD 4/Westphalia Road interchange be determined at the time of preliminary plan. While the applicant has proffered to construct this interchange, the applicant had not proffered construction timing. Given that the at grade intersection currently fails in both peak hours, staff would recommend that the interchange be financially guaranteed prior to the initial building permit, and that it be open to traffic prior to permitting beyond 25 percent of the residences, or prior to use and occupancy of the commercial portion of the development.~~

~~CDP-0501:~~

~~**Condition 1(h)(1):** This condition requires the right of way required for A-66 be determined at the time of subdivision. This has been done.~~

~~**Condition 1(h)(2):** This condition requires the provision of a secondary external connection near the northern end of Ryon Road. It is recommended that this connection be made to the identified A-66 right of way.~~

~~**Condition 2:** This condition establishes a trip cap for the subject site. The trip cap in this plan is identical to that reviewed at the time of CDP; therefore, the trip cap is not an issue and will be carried forward in any preliminary plan approval.~~

~~**Condition 3:** This condition requires the construction of the MD 4/Westphalia Road interchange. As modified under the discussion of A-9966, this condition will be carried forward.~~

~~**Condition 5:** This condition requires that the applicant propose rights of way consistent with the WCCP in consideration of the needs shown and county standards. As a matter of course, it is observed that the plan did not "propose" the appropriate rights of way—the staff has taken the initiative to recommend what is needed. The transportation recommendations are consistent with Exhibit 7 of the August 31, 2005 traffic study done for the WCCP. The applicant's proposal of primary residential sections along roadways that were shown in that study to carry between 16,000 and 30,000 daily vehicles is ill advised, and completely at odds with the sound planning principles that are normally employed in Prince George's County.~~

~~**Condition 8:** This condition requires the submitted of traffic signal warrant studies at two locations. This condition will be carried over as a part of any approval, and enforced at the time of the initial specific design plan.~~

~~There has not been sufficient coordination regarding the disposition of Mellwood Road within the site as required by the Basic Plan approval. Furthermore, there needs to be a more complete understanding of staging issues regarding Mellwood Road both north and south of the subject property prior to approval of this subdivision. This discussion must involve both transportation planning and DPW&T staff.~~

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~~The Basic Plan requires that the timing for construction of the proposed interchange at MD 4 and Westphalia Road be determined at the time of preliminary plan. While a condition could be written by staff, there has been no proffer in this regard by the applicant.~~

~~The master plan roadways in most cases are not adequately sized. Staff recommendations for the Westphalia Sector Plan propose wider sections—15 feet to 40 feet wider—than the sections proposed by the applicant on the plan. These changes, particularly along the MC 632 facility in the south-central part of the plan, could have a significant impact on lotting patterns and on the configuration of a proposed school site. There are many unresolved issues of layout and many non-standard practices employed in this plan. DPW&T has indicated that the plan, as currently submitted, is unacceptable.~~

8. ~~**Zoning**—The preliminary plan is not consistent with the approved A 9965 and A 9966. The approved Comprehensive Design Plan (CDP 0501) and the preliminary plan propose the majority of the mixed use commercial and retail within the R M Zone where those uses are not permitted. The location of the commercial/retail mixed use was approved with the rezoning application for this property, and permitted in the L A C Zone. The L A C was approved at the intersection of C 631 (running east/west) and C 632 (running north/south) and was proposed abutting the north side of C 631 at its intersection with C 632. Through the planning process with the CDP the intersection of C 631 and C 632 shifted to the south. The L A C zoning boundary, however, was not modified. A reconsideration of the approval of A 9965 and A 9966 by the District Council to modify the zoning boundary between the L A C and R M is required, or a reconsideration of the CDP to adjust the location of the commercial/retail uses.~~

~~The rezoning application for this property obtained final approval by the District Council on February 13, 2006, just 10 days prior to the Planning Boards approval of the comprehensive design plan (CDP 0501), on February 23, 2006. This preliminary plan, which is based on the foundation of those approvals, was scheduled just 18 days later on March 9, 2006. There are numerous conditions of both the re-zoning approval and the CDP approval that impact the review and approval of the preliminary plan. In fact many issues relating to layout and ownership that were approved as conditions of the CDP have yet to be determined. Conditions of the approval of CDP will require revisions to that plan prior to its certification, revisions that will require revisions to the preliminary plan and the Type I Tree Conservation Plan.~~

9. ~~**Planning Board Hearing**—On March 9, 2006 the Planning Board found that substantive revisions to both the preliminary plan and the Type I Tree Conservation plan are necessary, including coordination with the Department of Public Works and Transportation before the preliminary plan can be found to conform to A 9965 and A 9966, and CDP 0501. Therefore, the Planning Board disapproved the preliminary plan, finding that adequate time to determine conformance to these other approved plans and find conformance to the requirement of Subtitle 24 (Subdivision Regulations) was not available in the 140-day mandatory action time for the preliminary plan.~~

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**\*3. Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| <u>Zone</u>                         | <u>EXISTING</u>   | <u>‡[PROPOSED] APPROVED</u>   |
|-------------------------------------|---|---|
|                                     | <u>LAC (30.04-acres)</u>  | <u>L-A-C (30.04-acres)</u>  |
|                                     | <u>R-M (727-acres)</u>  | <u>R-M (728.95-acres)</u>   |
| <u>Use(s)</u>                       | <u>Miscellaneous single-family dwelling units (to be removed)</u>                                     | <u>3,648 dwelling units; † <del>[170,000]</del>[140,000] square feet of commercial/retail (140,000 permitted)</u> |
| <u>Acreage</u>                      | <u>757</u>  | <u>759</u>  |
| <u>Lots</u>                         | <u>0</u>  | <u>1,506</u>  |
| <u>Parcels</u>                      | <u>12</u>   | <u>355</u>  |
| <u>Dwelling Units:</u>              |   | <u>3,648 total</u>  |
| <u>Detached</u>                     | <u>10 (to be razed) not including any structures to remain within Blythwood environmental setting</u> | <u>285</u>  |
| <u>Attached Multifamily</u>         |   | <u>1,577</u><br><u>1,786</u>  |
| <u>Public Safety Mitigation Fee</u> |   | <u>No</u>   |

**4. Urban Design**—The Urban Design Section reviewed the second revised preliminary plan received on May 25, 2006.

The Comprehensive Design Plan CDP-0501 for this property was approved by the Planning Board on February 23, 2006. Three variances were included in CDP-0501 as follows:

- A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), Footnote 29, which allows a maximum ten percent of multifamily dwellings in the R-M Zone.
- A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), Footnote 29, which allows a maximum 30 percent of multifamily dwellings in the L-A-C Zone.
- A variance from the maximum building height as stated in Section 27-480 (f), which allows a maximum of 40 feet in the R-M Zone.

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The District Council approved the comprehensive design plan on May 22, 2006, without approving the accompanying variance applications. Preliminary Plan of Subdivision 4-05080 should be revised to reflect the maximum allowable percentage for multifamily and townhouse dwelling units on the preliminary plan and to delete any variance-related notes.

The revised preliminary plan greatly reduces the number of long cul-de-sac streets, as previously requested. However, there are still alleys, such as in Blocks G, K and R that are cul-de-sac streets and are more than 100 feet long without any special turning treatment that will allow a larger emergency vehicle other than a passenger car to negotiate a turn. A condition of approval should be attached to the preliminary plan to ensure that all dead-end private alleys that are longer than 100 feet have a special turn-around design in accordance with the standards of the Department of Public Works and Transportation.

Two design issues previously raised in the previous memorandum dated May 12, 2006 (Zhang to Chellis) have not fully been addressed as follows:

- A. Section 27-480, General Development Regulations for Comprehensive Design Zones, has a specific provision on the number of townhouses per building group that limits the maximum dwelling units in one building group to six. The subject preliminary plan shows in many places more than six units. For example, in Block W, the longest row of townhouses has 13 lots; in Block KK, LL, the longest row of townhouses has 10 lots; in Block EE, the longest row has 16 lots. HOA space should be provided at appropriate intervals to break the monotonous long row of the townhouse units into smaller groups.
- B. Block W is an isolated pod with 58 lots. The right-of-way width of the road leading to this pod has been reduced to 30 feet and the road has been proposed as a private street. From the internal loop to the public street round-about is more than 1,600 feet. This pod should be redesigned to provide additional parking spaces for visitors and to make sure that any on-street parking will not block emergency access to the pod.

In addition, the comprehensive design plan condition calls for a redesign of this pod to provide a better mixture of housing types (both single-family detached and single-family attached) to provide a good transition between the proposed two over/two models and the existing large lot single-family houses. For this pod, a direct connection to Road S may be easily justified from the Environmental Planning point of view. But parking and emergency access to this site are still a concern.

Access has been a major concern of the review of this site and the connectivity of the site to the existing roadways and to the future and existing adjacent developments, especially to the east of

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the subject site. For the connection to the existing roadways, the proposed connection between Presidential Parkway and the proposed MC 631 is not consistent with the 1994 Master Plan and 2005 Westphalia Comprehensive Concept Plan study, both of which calls for a direct extension of Presidential Parkway to the subject site. For the connection to the adjacent development, the preliminary plan shows two possible connections to the east and one to the west without providing road network information on both sides. The review of all plans of development should ensure that the proposed development is adequately linked to the public road network in the larger Westphalia area.

**Basic Plans A-9965/66**

The Planning Board approved the rezoning applications (basic plans) for this property on September 29, 2005, and the resolutions (PGCPB No. 05-199/200) were adopted on October 6, 2005. Subsequently, the Zoning Hearing Examiner heard this case on October 7, 2005. On October 26, 2005, the decision of the Zoning Hearing Examiner was filed with the District Council. On February 13, 2006, the District Council approved Basic Plans A-9965 and A-9966 subject to three conditions. The conditions of approval that are pertinent to the review of the Preliminary Plan of Subdivision are listed as follows. The three conditions were identical for both applications. The following is the list of conditions; staff comments have been provided as appropriate to the preliminary plan of subdivision:

**The basic plan for Application No. A-9965-C was approved, as amended, subject to the following conditions:**

**1. The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

**A. Land use types and quantities:**

- **Total area: 757± acres\***
- **Land in the 100-year floodplain: 105 acres**
- **Adjusted Gross Area (757 less half the floodplain): 704± acres**

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***

**Of which residential use: 572.4 acres**

**Mixed Retirement Development: 154.6 acres**

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- Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac
- Permitted dwelling unit range: 1,877 to 2,973 dwellings

• Proposed Residential Development: 2,124 Units

- Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac

• Permitted dwelling unit range: 551 to 1,224 Units

• Proposed Residential Development: 1,224 Units

L-A-C Zone Proposed Land Use Types and Quantities:

- Total area: 30± acres\*  
Of which Theoretical Commercial/Retail: 10.7 acres  
Theoretical residential use: 19.3 acres

• Residential density permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac

• Permitted dwelling unit range: 193 to 386 Units

• Proposed Residential Development: 300 Units

• Commercial density permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68 FAR

• Permitted gross floor area range: 93,218 to 316,943 Square Feet

• Proposed Commercial Development: 140,000 Square Feet

• Public accessible active open space: 75± acres

• Passive open space: 185± acres

\*Note: The actual acreage may vary to an incremental degree with more detailed survey information available in the future.

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- B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).**
- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line and shall be further expanded northward to connect to the Blythewood site and its environmental setting.**
- D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.**
- E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.**

Comment: The proposed preliminary plan conforms to land use types and quantities because the District Council approved a subsequent amendment to the Basic Plan to allow for a total gross floor area of the retail/commercial to be 170,000 square feet.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

**A. At time of Comprehensive Design Plan, the Applicant shall:**

- 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.**
- 2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.**
- 3. If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:**
  - (a) A fire station site**
  - (b) A middle school site**
  - (c) A library site**
  - (d) A police office complex site**

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- 4. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.**
- 5. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19<sup>th</sup>/early 20<sup>th</sup>-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.**
- 6. Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.**
- 7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**
- 8. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.**
- 9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**
- 10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.**

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- 11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.**
- C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.**
- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).**
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**
- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia "Park Club." The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.**
- G. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.**
- H. At the time of the first Specific Design Plan, the Applicant shall:**

  - 1. Provide a comprehensive trail and sidewalk map for the entire site.**

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**2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**

**I. At time of Comprehensive Design Plan, the Transportation Planning staff shall make recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision.**

Note: Zoning Ordinance No. 5-2005 published by the District Council for the approval of A-9966-C does not contain a subpart “J” in this condition and the sequence is from “P” to “K”.

**K. At time of preliminary plan of subdivision,**

**1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.**

Comment: This condition is addressed in the Transportation Section of this resolution.

**2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.**

Comment: This condition is addressed in the Historic Section of this resolution.

**L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

**M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

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**N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

**O. No woodland conservation shall be provided on any residential lots.**

Comment: Conditions L thru O are addressed in the Environmental Section of this resolution

**P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

Comment: An appropriate condition is contained in this resolution.

**Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”**

Comment: An appropriate condition is contained in this resolution.

**3. Before approval of the first Specific Design Plan, staff and Planning Board shall review and evaluate the buffers between this development project and the adjoining properties, to determine appropriate buffering between the subject property and existing development on adjacent properties.**

**Comprehensive Design Plan CDP-0501**

The Comprehensive Design Plan (CDP) for this property was approved by the Planning Board on February 23, 2006, subject to 30 conditions. The District Council approved the CDP on May 22, 2006. Additional comments are provided where the conditions are not restated elsewhere in this resolution.

**1. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:**

**a. Provide a comprehensive phasing plan for the proposed development.**

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- b. Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.**
- c. Revise the development standard chart pursuant to the staff's recommendations as shown in Condition 16.**
- d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.**
- e. Document the Moore farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19<sup>th</sup>/early 20<sup>th</sup>-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.**
- f. Revise the layout of the two pods located east of the five-acre parkland in the northern boundary area. The revised layout shall be reviewed and approved by the Planning Board, or its designee.**

Note: The Notice of Final Decision published by the District Council does not contain a subpart “g” in this condition and the sequence is from “f” to “h”.

- h. Revise the CDP to indicate the following:**
  - (1) The impact of A-66 in the area proposed for Stage I-A, with a determination of right-of-way width and location to be made at the time of preliminary plan.**
  - (2) A secondary external connection shall be provided at the terminus of the cul-de-sac to the north of Ryon Road.**
- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland**

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**Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.**

- j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.**
- k. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be implemented and documented by semiannual reports to the historic preservation staff, until such time as the final plan for this area is implemented.**
- l. Provide a revised plan showing the dedicated parkland to be reviewed and approved by Department of Parks and Recreation (DPR) staff as designee of the Planning Board.**
- m. Submit a concept plan for the central park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the central park.**
- n. Revise the Type I Tree Conservation Plan (TCP I) as follows:**
  - (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;**
  - (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for “off-site impacts” and the label for the column shall be revised to read “PMA and off-site impacts.”**
  - (3) No woodland conservation shall be provided on any residential lots;**
  - (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**
  - (5) Include the following note: “The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features.”**
  - (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;**

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- (7) Clearly show the limits of each proposed afforestation/reforestation area by using a different symbol;**
- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;**
- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;**
- (10) Eliminate all woodland conservation areas less than 35 feet wide;**
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;**
- (12) Show all lot lines of all proposed lots;**
- (13) Show clearing only for those areas that are necessary for development;**
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;**
- (15) Revise the TCPI worksheet as necessary;**
- (16) Replace the standard notes with the following:**
  - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.**
  - (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.**

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- (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
- (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
- (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
- (17) Have the plans signed and dated by the qualified professional who prepared them.
- o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
- p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings.
- q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.

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**r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.**

**2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.**

Comment: An appropriate condition is contained in this resolution.

**3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.**

Comment: An appropriate condition is contained in this resolution.

**4. At time of preliminary plan of subdivision, the applicant shall:**

**a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**

**b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**

**c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**

**d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

Comments: Conditions a through d are addressed in the Environmental Section of this resolution.

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- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.**

Comment: This condition is addressed in the Historic Section of this resolution, and appropriate conditions are contained in this resolution.

- f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.**

Comment: This condition is addressed in the Environmental Section of this resolution.

- g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.**

Comment: This condition is addressed in the Trails Section of this resolution. A trails map has been required prior to signature approval of the preliminary plan, after the certificate of the CDP occurs.

- 5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.**

Comment: This condition is addressed in the Transportation Section of this resolution.

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**6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.**

Comment: Melwood Road along the east side of C-632 is to be retained as a pedestrian connection.

**7. Prior to acceptance of the applicable SDPs,**

**a. The following shall be shown on or submitted with the plans:**

**(1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**

**(2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.**

**8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.**

**9. At time of the applicable SDP, the following areas shall be carefully reviewed:**

**a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.**

**b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.**

**c. The design of the condominiums and parking garage to maximize the application of solar energy.**

**d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian**

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network map connecting all major destinations and open spaces shall be submitted with the first SDP.

e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that

(1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;

(2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;

(3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;

f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.

g. A trailhead facility for the Cabin Branch Trail.

h. The architectural design around the central park and the view sheds and vistas from the central park.

i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.

10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:

a. \$100,000.00 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.

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- b. \$200,000.00 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50<sup>th</sup> building permit.**
- c. \$200,000.00 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100<sup>th</sup> building permit.**
- d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).**
- e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.**

**DPR staff shall review the actual expenditures associated with each phase described above.**

- 11. Per the applicant's offer, the recreation facilities shall be bonded and constructed in accordance with the following schedule:**

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| <b><u>PHASING OF AMENITIES</u></b>  |  |  |
|---|--|--|
| <b><u>FACILITY</u></b>  | <b><u>BOND</u></b>   | <b><u>FINISH CONSTRUCTION</u></b>  |
| <b><u>Central Park-Passive Areas</u></b>  | <b><u>Prior to the issuance of any building permits</u></b>                | <b><u>Complete by 300th building permit overall</u></b>                            |
| <b><u>Private Recreation center<br/>Outdoor recreation facilities</u></b>   | <b><u>Prior to the issuance of the 200th building permit overall</u></b>   | <b><u>Complete by 400th building permit overall</u></b>                            |
| <b><u>Central Park-Public Facilities</u></b>  | <b><u>Prior to the issuance of the 400th permit overall</u></b>            | <b><u>To be determined with the applicable SDP for central park</u></b>            |
| <b><u>Pocket Parks (including Playgrounds) within each phase</u></b>  | <b><u>Prior to the issuance of any building permits for that phase</u></b> | <b><u>Complete before 50% of the building permits are issued in that phase</u></b> |
| <b><u>Trail system<br/>Within each phase</u></b>  | <b><u>Prior to the issuance of any building permits for that phase</u></b> | <b><u>Complete before 50% of the building permits are issued in that phase</u></b> |
| <b><u>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</u></b> |  |  |

- 12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.**
- 13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.**
- 14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.**

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**15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.**

Comment: Appropriate conditions are contained in this resolution to address Conditions 14 and 15 of CDP-0501.

**16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of SDP if circumstances warrant.)**

**R-M ZONE**

|   | <u>Condominiums</u> | <u>Single-family Attached</u> | <u>Single-family Detached</u> |
|---|---------------------|-------------------------------|-------------------------------|
| <u>Minimum Lot size:</u>                            | <u>N/A</u>          | <u>1,800 sf</u>               | <u>6,000 sf</u>               |
| <u>Minimum frontage at street R.O.W.:</u>           | <u>N/A</u>          | <u>N/A</u>                    | <u>45*</u>                    |
| <u>Minimum frontage at Front B.R.L.</u>             | <u>N/A</u>          | <u>N/A</u>                    | <u>60**</u>                   |
| <u>Maximum Lot Coverage</u>                         | <u>N/A</u>          | <u>N/A</u>                    | <u>75%</u>                    |
| <u>Minimum front setback from R.O.W.</u>            | <u>10'***</u>       | <u>10'***</u>                 | <u>10'***</u>                 |
| <u>Minimum side setback:</u>                        | <u>N/A</u>          | <u>N/A</u>                    | <u>0'-12'***</u>              |
| <u>Minimum rear setback:</u>                        | <u>N/A</u>          | <u>10'</u>                    | <u>15'</u>                    |
| <u>Minimum corner setback to side street R-O-W.</u> | <u>10'</u>          | <u>10'</u>                    | <u>10'</u>                    |
| <u>Maximum residential building height:</u>         | <u>50'****</u>      | <u>40'</u>                    | <u>35'</u>                    |

**\* For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.**

**\*\* See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.**

**\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

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**\*\*\*\* Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.**

| <b><u>R-M MRD</u></b>                                      | <b><u>Condominiums</u></b> | <b><u>Single-family attached</u></b> | <b><u>Single-family detached</u></b> |
|--|----------------------------|--------------------------------------|--------------------------------------|
| <b><u>Minimum Lot size:</u></b>                            | <b><u>N/A</u></b>          | <b><u>1300 sf</u></b>                | <b><u>N/A</u></b>                    |
| <b><u>Minimum frontage at street R.O.W.:</u></b>           | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>N/A</u></b>                    |
| <b><u>Minimum frontage at Front B.R.L.</u></b>             | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>N/A</u></b>                    |
| <b><u>Maximum Lot Coverage</u></b>                         | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>N/A</u></b>                    |
| <b><u>Minimum front setback from R.O.W.</u></b>            | <b><u>10'*</u></b>         | <b><u>10'*</u></b>                   | <b><u>N/A</u></b>                    |
| <b><u>Minimum side setback:</u></b>                        | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>N/A</u></b>                    |
| <b><u>Minimum rear setback:</u></b>                        | <b><u>N/A</u></b>          | <b><u>N/A</u></b>                    | <b><u>N/A</u></b>                    |
| <b><u>Minimum corner setback to side street R.O.W.</u></b> | <b><u>10'</u></b>          | <b><u>10'</u></b>                    | <b><u>N/A</u></b>                    |
| <b><u>Maximum residential building height:</u></b>         | <b><u>50' **</u></b>       | <b><u>40'</u></b>                    | <b><u>N/A</u></b>                    |

**\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

**\*\* Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.**

Comment: The preliminary plan must be revised to demonstrate conformance with all of the conditions of the CDP prior to signature approval. The preliminary plan is in general conformance with the design standards approved on May 22, 2006, except the dwelling unit type allowable percentages.

**17. The following note shall be placed on the final plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights.**

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**This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**

Comment: An appropriate condition is contained in this resolution.

**18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.**

**19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

Comment: An appropriate condition is contained in the resolution.

**20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A” dated 6/07/06.**

Comment: The preliminary plan should be revised to conform to DPR Exhibit A.

**21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:**

- a. **An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.**
- b. **M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**
- c. **The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- d. **The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General**

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Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.

Comment: The applicant has proposed stormwater management on land to be conveyed to M-NCPPC as delineated on DPR Exhibit A (6/7/06), and the SWM should be removed in accordance with this condition. DPR has not granted authorization to the applicant to place SWM on proposed parkland, with the exception of the central park lake.

22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and administered by DPR. The applicant may make a contribution

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into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

- 23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for Westphalia Area by the District Council whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**
- 24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

Comment: An appropriate condition is contained in this resolution.

- 25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.**
- 26. Prior to issuance of the 2,000<sup>th</sup> building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor areas in the L-A-C Zone shall be constructed.**
- 27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.**
- 28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.**

Comment: An appropriate condition is contained in this resolution.

- 29. At time of Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.**

Comment: An appropriate condition is contained in this resolution.

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**30. At the time of Preliminary Plan approval, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property, including but not limit to, designating it as Other Public Road and putting up signage such as “Local Traffic Only.”**

Comment: The preliminary plan proposed two cul-de-sac streets to serve these residences. It is not clear if these roads are public or private. Staff is recommending that DPW&T approve these streets prior to signature approval and the preliminary plan be revised to clearly label these rights-of-way.

**Landscape Manual**

The application is subject to provisions of the Landscape Manual. The subject site’s compliance with the requirements of other sections such as Section 4.1, Residential Requirements, and Section 4.3, Parking Lot Requirements, will be reviewed by the Urban Design Section at time of SDP approval when the detailed landscaping information becomes available.

The approved basic plans (Condition 3) and comprehensive design plan (Condition 30) have a specific condition to require the technical staff to review, evaluate and determine a bufferyard between the proposed development and the adjacent existing subdivisions at time of SDP approval. The subject site is also subject to Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. Thus, the subdivision review should make sure that enough space has been preserved along the boundary area adjacent to the existing subdivisions to allow a bufferyards to be installed in the future without encumbering each individual lot. The SDPs should maintain substantial conformance with the approved preliminary plan of subdivision.

**Other Design Issues**

Prior to signature approval, the preliminary plan should be revised to address the following issues:

- a. The Preliminary Plan shows a wide application of private alleys. Pursuant to Section 24-128, Private Roads and Easements, the minimum width of private alleys is allowed at 18 feet. The applicant has proposed 20-foot-wide alleys, and will be provided at this width. But many alleys are cul-de-sac streets and are more than 100 feet long without any special turning treatment that will allow an emergency vehicle larger than a passenger car to negotiate a turn.
- b. The approved basic plans and comprehensive design plan call for the preservation of the existing Melwood Road to the extent possible. The preliminary plan shows that part of the Melwood Road will be preserved as a pedestrian/trail path.

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- c. The approved CDP has two conditions that prescribe development standards for the proposed development in the regular R-M Zone and in the R-M Mixed Retirement Development Section.
- d. At time of CDP review, the applicant requested 170,000 square feet for the L-A-C Center and provided additional amenities to justify the requested increase. However, Condition 1 of Basic Plan A-9966-C for the L-A-C Zone permits no more than 140,000 square feet of commercial development for Smith Home Farm. The comprehensive design plan, therefore, approves a density increment of 50.2 percent, or 46,782 square feet for a maximum of 140,000 square feet of commercial use in the L-A-C Zone.
5. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, received on May 25, 2006. The Environmental Planning Section recommends approval of 4-05080 and TCPI/38/05-01 subject to conditions.

### **Background**

The Environmental Planning Section previously reviewed this property as an application for a water and sewer system area change request, 04/W-10. This property was also reviewed as an application for rezoning from R-A to R-M and L-A-C, A-9965 and A-9966, and as Comprehensive Design Plan CDP-0501 and TCPI/38/05, which were all approved with conditions. The CDP has not yet been certified.

### **Site Description**

The site is approximately 20 percent wooded with a mixture of mature hardwood forests, coniferous forests, and forests that contain a mixture of the two. Fields currently used for agricultural production dominate the remaining area. This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. Other than TCPI/38/05, there are no previously approved tree conservation plans or exemptions. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Adelpia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Mellwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program.

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### **Previous Conditions of Approval**

The text below in **bold** is the text from the approved conditions for the basic plan. The plain text provides a discussion of how the current plans meet the approved conditions.

### **A-9965 and A-9966**

**2.L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation ponds within the regulated areas.**

The TCPI and preliminary plan show several road crossings that are not perpendicular to the streams. Impacts are discussed further in the Environmental Review section of this memo. The road configuration associated with impacts K and L are consistent with Preliminary decisions made by the District Council regarding the Westphalia Master Plan.

The roads associated with crossings A and B are configured is such a way that the impacts are increased over previous designs. To provide access to these two pods for development, two stream crossings are necessary. The eastern pod has a sanitary sewer connection to the trunk line to the south, which causes a stream impact in this area. This is where the road connection to this pod should occur. A previous design for road crossing A showed a perpendicular crossing in this location.

The TCPI shows at least two ponds impacting the regulated area of the site. Stormwater management pond 10 and an unidentified pond, both on sheet 5, have been designed with significant impacts to the PMA. As noted below, the TCPI and preliminary plan should be revised to redesign these and all ponds with no impacts to any regulated area, except for the impacts associated with the necessary pond outfalls.

Many other revisions are required with regard to the proposed ponds. The TCPI shows unidentified ponds, such as the one shown on sheet 5, and the pond near preservation area P on sheet 8. Some of the ponds show footprints that are inconsistent with the proposed grading. This includes ponds 10 and 17, which show the footprints for large ponds, but only shows grading for much smaller ponds. Other ponds that are shown do not show any grading at all. This includes ponds 1, 4, 6, 8, 9, 11, and 19 among several other proposed ponds that are not identified by a number.

Road crossings A and B should be revised to make crossing A perpendicular to the stream and crossing B should be relocated and combined with the stream impact for the sanitary sewer connection and should also be designed to be perpendicular to the stream.

**2.M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

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This condition has been addressed. The worksheet correctly calculates the woodland conservation threshold in accordance with the above condition. According to the TCPI worksheet, it appears as though the threshold has been met on-site; however, it is not clear how approximately ten acres of land previously shown as floodplain is shown on the most recent worksheet to be outside the floodplain. This recent change results in a higher threshold amount than shown on previous worksheets. These numbers need additional analysis and explanation as detailed in the Environmental Review section below.

**2.N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

This condition has been addressed.

**2.O. No woodland conservation shall be provided on any residential lots.**

This condition has been addressed on the plans currently under review. All previous submissions showed woodland conservation on lots that are too small to support conservation and development. Because so many previous submissions showed the conservation on lots, it is appropriate to provide a condition to ensure that all future submissions also address this issue appropriately. All tree conservation plans should not show woodland conservation on any single-family residential detached or attached lot.

**2.P. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

Comment: An appropriate condition is contained in this resolution.

**2.Q. The following note shall be placed on the Final Plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”**

Comment: An appropriate condition is contained in this resolution.

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**CDP-0501 and TCPI/38/05**

The CDP for this site contains numerous environmental conditions of approval that relate to the current application. The text below in **bold** is the text from the Planning Board's approved conditions for the CDP. The plain text below provides a discussion of how the preliminary plan addresses the conditions of approval contained in PBPGC Resolution No. 06-56.

Prior to signature approval of the preliminary plan, all plans will be evaluated for conformance with the final decision of the District Council on the CDP approval and all conditions associated with the District Council's final decision shall be addressed.

**1b. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:**

**Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.**

This condition has not been fully addressed. The first stream corridor assessment (SCA) that was submitted only covered the northern portion of the site. A new SCA has been submitted that covers the entire site.

Submitted with the SCA was a list of proposed project sites with expenditures for each proposed project. The list does not indicate in detail where these project sites would be located and there was no map to identify these areas. Based on the location description and review of the SCA report, it appears that there are several areas that are more in need of restoration than the areas described in the report. It does not appear that some of the most degraded areas of the site have been included in this evaluation.

The applicant requested that this issue be addressed at time of SDP review and has committed to providing a separate specific design plan that will contain all of the stream areas and show how the most critical areas will be restored. This SDP will need to address the timing and placement of the restoration in relation to the other development proposed on the site and the site work will need to be phased. The plan must be developed prior to the development of the first phase of the project, so that the timing of the restoration is appropriate. Because the stream restoration work will include areas within the central park area of the site, the SDP for stream restoration should be coordinated with the SDP for the central park. This does not mean that the stream restoration SDP cannot move forward until the SDP for the central park area is completed.

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Prior to the Planning Board hearing for the SDP for the first phase of development, excluding the SDP that is currently under review for infrastructure (SDP-0506), the SDP for stream restoration should have received certificate approval. The SDP for stream restoration should be coordinated with the design of the central park area and the timing of restoration in this area should be compatible with the development of the park. The stream restoration plan should consider the stormwater management facilities proposed and should include all adjacent lots or parcels where grading will occur. It will address all of the stream systems on the site and should provide a detailed phasing schedule that is coordinated with the phases of development of the site. It should be developed using engineering methods that ensure that the future development of the site, and the addition of large expanses of impervious surfaces, do not adversely affect the stream systems on-site and off-site.

**1d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.**

This condition has not been fully addressed on the TCPI. The TCPI shows one area on Sheet 9 near woodland preservation area Z where the PMA is shown incorrectly because the 50-foot stream buffer in that area was not included in the PMA. All sensitive environmental features in accordance with the NRI must be shown on the plan.

An additional issue arose with the latest submission of the TCPI. The amount of woodland in the 100-year floodplain has been reduced by approximately ten acres. It is not possible to determine where this change occurred; however, it potentially impacts the natural resource inventory and the TCPI calculations for woodland conservation.

Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) should be delineated clearly and correctly on all plans in conformance with the staff-signed NRI. A written explanation should be provided regarding how the floodplain woodland acreage was reduced by approximately ten acres from previous submissions. The text shall be accompanied by a plan at 1 inch = 300 feet scale that shows where the floodplain woodland limits changed. The NRI should be revised as appropriate to reflect the changes.

**1j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.**

This condition has been addressed.

**1n. Revise the Type I Tree Conservation Plan (TCP I) as follows:**

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- (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;**

This condition has been addressed on the TCPI submitted with this application.

- (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for “off-site impacts” and the label for the column shall be revised to read “PMA and off-site impacts.”**

This condition has been addressed on the TCPI submitted with this application.

- (3) No woodland conservation shall be provided on any residential lots;**

This condition has been addressed on the TCPI submitted with this application.

- (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**

This condition has been addressed.

- (5) Include the following note: “The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features.”**

This condition has been addressed.

- (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;**

This condition has been addressed.

- (7) Clearly show the limits of each proposed afforestation/reforestation areas by using a different symbol;**

This condition has been addressed.

- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;**

This condition has been addressed.

- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;**

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This condition has been addressed; however, the TCPI shows afforestation in areas where existing woodland is to remain. These areas should be revised to show woodland afforestation outside areas where existing woodland already exists. The existing woodland may be counted as preservation if the additional afforestation results in the area meeting the minimum size requirements for woodland conservation.

Prior to signature approval of the preliminary plan, the TCPI should be revised to eliminate woodland afforestation/reforestation where existing woodland already exists.

**(10) Eliminate all woodland conservation areas less than 35 feet wide;**

This condition has been addressed.

**(11) Identify all off-site clearing areas with a separate label showing the acreage for each;**

This condition has been addressed.

**(12) Show all lot lines of all proposed lots;**

This condition has been addressed; however, all lots and parcel are not identified on the TCPI. Sheet 8 shows all lots without the proper lot identification. Prior to signature approval of the preliminary plan, the TCPI should be revised to show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan. The lot and parcel numbers should match the preliminary plan.

**(13) Show clearing only for those areas that are necessary for development;**

This condition has not been addressed. The plan shows several areas with proposed clearing where no development is proposed, such as the area proposed for clearing on Parcel 9 of Sheet 2, and it shows disturbed areas that are not necessary for development, such as the area around the historic site. Although at a minimum the woodland conservation threshold must be met on site, the plan should exhaust every opportunity to meet the full requirement on-site and the plans should not show any area to be disturbed without showing what development is proposed in that area, if any.

Prior to signature approval of the preliminary plan, the TCPI should be revised to show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance should be shown.

**(14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;**

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This condition has been addressed.

**(15) Revise the TCPI worksheet as necessary;**

The worksheet requires revisions to be in conformance with the Woodland Conservation Ordinance and the previously approved conditions. This condition is addressed in the Environmental Review section below.

**(16) Replace the standard notes with the following:**

- (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.**
- (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.**
- (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.**
- (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.**
- (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the**

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**owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.**

This condition has been addressed.

**(17) Have the plans signed and dated by the qualified professional who prepared them.**

This condition has been addressed.

**4a. At time of preliminary plan of subdivision, the applicant shall submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**

This condition has been addressed. The areas of Marlboro clay on this site are generally limited to areas that are otherwise regulated and will not be disturbed for the development of buildings. Where the layer is close to buildings, the issue has been addressed (see below). Some areas of Marlboro clay will likely be disturbed for the stream restoration projects and these will be evaluated with the SDP for stream restoration.

**4b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**

This condition is discussed above in condition 2L of the basic plan.

**4c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**

This condition has been addressed. The plans show the mitigated 1.5 safety factor line, designated as "SSL" on the plans. The preliminary plan and TCPI do not show proposed structures, so it is not possible to determine if all structures will be outside the 1.5 safety factor line or impacts by a 25-foot BRL. A condition is recommended to address this previous condition on future plans.

The SDPs and Type II tree conservation plans should show the 1.5 safety factor line and a 25-foot building restriction line in relation to all proposed structures. The final plat should show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines should be reviewed and approved by the

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M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat should contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”

**4d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

This condition has been addressed.

**4f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.**

This condition should be addressed at the time of specific design plan. It should be noted that the Maryland Department of the Environment has stated that the stream restoration may not be allowed to be counted toward mitigation requirements. See condition 1b above and the recommended condition.

**17. The following note shall be placed on the final plat: “Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**

This condition will be carried over to this preliminary plan application. The noise contours associated with Andrews Air Force Base have not been shown on the plans.

The following note should be placed on the final plat: “Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”

Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI should be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.

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**18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.**

This condition is standard when the design of the site has been finalized and there is no indication from state and federal review agencies that the impacts proposed will be problematic. At this time, the US Army Corps of Engineers and the Maryland Department of the Environment have expressed concerns about the impacts shown and have identified some of the road crossings as impacts they will not support at time of permit issuance. This raises concerns about proceeding with the approval and platting of land in a manner that could cause problems with the required approvals of state and federal agencies. As a result of the lack of certainty at this time regarding the future approvals of state and federal agencies, staff is recommending a condition that prohibits the platting of land until the final layout of the road network and development pods has been determined.

Prior to the approval of final plats by the Planning Board, written confirmation should be provided from the US Army Corps of Engineers and the Maryland Department of the Environment providing guidance on the road network and development pod layout and the associated areas of proposed impacts.

Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

**19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition will be carried over to this preliminary plan application and should be modified to address other potential residential areas. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis should be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

Environmental Review

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved conceptual Type I Tree Conservation Plan (TCPI/38/05) that was approved with conditions as part of Conceptual Design Plan CDP-0501. A Type I Tree Conservation Plan (TCPI/38/05-01) was submitted with the preliminary plan application.

The Type I Tree Conservation Plan, TCPI/38/05-01, has been reviewed and was found to require revisions. The worksheet states that the site has a gross acreage of 758.77 acres, of which 109.34 is within the 100-year floodplain. According to the worksheet, the site contains 145.84 acres of

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woodland on the net tract and 26.12 acres of woodland in the floodplain. As discussed above, this is a change from previous submissions and the drop in the amount of woodland in the floodplain needs to be verified. The woodland conservation threshold has been correctly calculated at 159.52 acres because the site has a mandatory 25 percent threshold requirement due to a previous condition of approval.

The sheet layout for the TCPI and preliminary plan are different. The TCPI must be revised so that all plans show the same sheet configuration. Having a different configuration adds significantly to the review time. The sheet sections of future SDPs and the TCPII should also be similar. It appears likely that the proposed project will be done in phases. At the time of SDP the TCPII should show a phased worksheet for each phase of development.

Revisions to the symbols shown on the TCPI are required. The background shading for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted is not necessary and it makes other symbols within these areas, such as the existing contours, unreadable. The background shading for these symbols should be removed and the hatching kept for each symbol. The font identifying the existing contour elevations is too small to be legible. Revise the font so that the numbers are more readable.

The limit of disturbance (LOD) for Clearing Area 11 (Sheet 11) does not reflect the area shown as cleared. The LOD should be revised to accurately reflect the area to be disturbed for the proposed structure. There are several areas proposed for afforestation where woodland already exists, such as areas 2, 4, and 5 on Sheet 3. Where woodland already exists, proposed afforestation should be eliminated. Woodland areas adjacent to the afforestation areas may be counted as preservation if the afforestation brings the area into conformance with the size requirements for a conservation area. The TCPI also shows afforestation within the right-of-way of Melwood Road, an existing road to be preserved as a rural roadway and greenway in accordance with the Westphalia Master Plan. Afforestation within this area should be eliminated.

There are several areas where the LOD is close to the PMA such that it appears that there will be disturbance within the PMA. There should be a clear distinction between the LOD and the PMA boundary. With the exception of approved impacts, the PMA should be revised so that no portion of the LOD encumbers the PMA.

Staff recommended a number of revisions to the Type I tree conservation plan, as contained in the conditions section of this resolution. At the time of the specific design plan, the TCPII should contain a phased worksheet for each phase of development and the sheet layout of the TCPII should be the same as the SDP for all phases. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01).

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)10 of the Subdivision Ordinance, which defines the Patuxent River primary

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management area (PMA), and Section 24-130(b)(5) of the Subdivision Ordinance, which provides for the protection of streams and the associated buffers comprising the PMA. The PMA is required to be preserved to the fullest extent possible.

It should be noted that staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. If impacts cannot be avoided for essential development activities such as road crossings and the installation of public utilities, then a letter of justification is required at the time of preliminary plan submittal.

The TCPI shows multiple (43) impacts to the PMA for the installation of road crossings, sewer outfalls, stormwater outfalls and trail crossings, which are necessary for development. The plan also shows impacts associated with stormwater management ponds, road grading, and grading for areas where no development is proposed. These types of impacts are not supported.

A letter of justification was received on May 25, 2006, for the total of 43 impacts. Some of the road crossings as shown on the TCPI can be minimized further to exclude areas graded for residential lots. There are also impacts that can be minimized by relocating structures to the location of other nearby proposed impacts.

The letter of justification states that "...the impacts to the PMA will not be detrimental to the environment since the greatest possible effort has been made to prevent adverse impacts with the use of "Con-Span" or "Bridge-Tek" bridges where appropriate to facilitate maximum restoration of the natural stream system." A plan has not been provided showing where this bridge type will be used and how it serves to reduce the impacts to the PMA. No text was provided making a commitment to the use of this type of crossing. A detail showing the type of structures proposed was not provided and this type of crossing was not previously discussed. It is not clear from the description whether or not these types of crossings can be constructed in the limits of disturbance shown on the plans. A revised letter of justification is need to explain how these structures reduce impacts and provide a detail showing the types of crossings proposed and their proposed locations. The plan should be revised to realistically show the LOD at all road crossings with the proposed bridge design.

As previously discussed, the TCPI shows some stormwater management ponds with no identification, no associated outfall, footprints inconsistent with the proposed grading; some ponds show no conceptual grading at all and some show no footprint or grading.

Sheet 6 of the TCPI shows a symbol to the east of the trail crossing of the stream (Impact 2) that is not in the legend and does not have a limit of disturbance associated with it and should be removed from the plans.

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The TCPI shows several PMA impacts not part of the variation request and not necessary for development. These impacts should also be eliminated.

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The following is a summary of the proposed PMA impacts for road crossings and associated grading.

| <u>Impact Number</u> | <u>Comments</u>   | <u>Quantity of Impact</u> | <u>Staff Recommendation</u>                                      |
|----------------------|---|---------------------------|--|
| <u>A</u>             | <u>This impact is necessary for access to an isolated area. The impact area can be minimized by eliminating the roundabout and making the road more perpendicular to the stream.</u>  | <u>24,394 square feet</u> | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>B</u>             | <u>This impact is necessary for access to an isolated area. The plan shows an adjacent stream crossing where the installation of a sewer line is proposed. Impact B impact should be relocated to the same location as the proposed sewer line, minimizing both impacts to the fullest extent possible.</u> | <u>28,750 square feet</u> | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>C</u>             | <u>This impact is necessary for access to an isolated area. The impact as designed results in disturbance to areas where no development is proposed. Narrowing the area to be disturbed can minimize this impact further.</u>   | <u>33,106 square feet</u> | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>D</u>             | <u>This impact is necessary to provide access to the community center from a master plan collector. The impact has been minimized to the fullest extent possible.</u>   | <u>14,375 square feet</u> | <u>Supported</u>   |
| <u>E</u>             | <u>This impact is for the crossing of the stream to connect to a collector roadway. If the collector (C-627) were moved to the east, impact E would be reduced and impact V would be eliminated.</u>  | <u>60,984 square feet</u> | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>F</u>             | <u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>   | <u>40,075 square feet</u> | <u>Supported</u>   |
| <u>G</u>             | <u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>   | <u>36,590 square feet</u> | <u>Supported</u>   |
| <u>H</u>             | <u>This impact is necessary for a crossing associated with a Master Plan collector (C-632).</u>   | <u>85,813 square feet</u> | <u>Supported</u>   |
| <u>I</u>             | <u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>   | <u>67,082 square feet</u> | <u>Supported</u>   |

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|-------------------|--|----------------------------|--|
| <u>J</u>          | <u>This impact is necessary for a crossing associated with a Master Plan collector (C-631). The exhibit shows unnecessary grading into a wetland for an area not associated with the stream crossing. Disturbance to this area should be eliminated.</u>   | <u>87,557 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u>                                     |
| <u>K and L</u>    | <u>These impacts are associated with two stream crossings for a Master Plan collector (C-631).</u>   | <u>124,146 square feet</u> | <u>Supported</u>   |
| <u>M</u>          | <u>This impact is necessary for a road crossing for an internal street. The exhibit also shows impacts associated with an outfall for stormwater management pond 7 which appears to be designed to be in the same location as a building (see the grading on sheet 8 of the TCPI). The additional grading in the PMA for the pond should be eliminated and the outfall should be relocated farther south to minimize the impacts to the fullest extent possible.</u> | <u>38,768 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u>                                     |
| <u>N</u>          | <u>This impact is for a crossing to connect the eastern and western portions of the site. This impact can be minimized by eliminating the adjacent grading west of Lots 5 and 6.</u>   | <u>30,928 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u>                                     |
| <u>N1</u>         | <u>This impact was not requested in the letter of justification. It is needed to connect to the site to the north in this location, in conformance with the master plan. It will be located in the vicinity of "Private Road DD" and will extend from Road C north to the edge of the property.</u>  | <u>unknown</u>             | <u>Supported with a condition for a design that preserves the PMA to the fullest extent possible</u> |
| <u>O</u>          | <u>This impact is necessary to provide access to an isolated portion of the site.</u>  | <u>23,958 square feet</u>  | <u>Supported</u>   |
| <u>P</u>          | <u>This impact is necessary for provide access to an isolated portion of the site.</u>   | <u>17,424 square feet</u>  | <u>Supported</u>   |
| <u>Q, R, T, U</u> | <u>These impacts are for grading associated with roadways and are not necessary for the development of the site. These impacts can be completely avoided through a minor redesign of the road network.</u>   | <u>27,443 square feet</u>  | <u>Not supported</u>   |

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Thirteen impacts associated with stormwater management were requested in the letter of justification. Below is a summary of the impacts requested in the current application. It should be noted that most of the impacts requested are for stormwater management pond outfalls and that the master plan recommends that stormwater be handled without the use of ponds. It should also be noted that the exhibits for the stormwater impacts do not show proposed grading and as such may not reflect the required areas of disturbance associated with the requested impacts.

| <u>Impact Number</u>        | <u>Comments</u>   | <u>Quantity of Impact</u> | <u>Staff Recommendation</u>                                      |
|-----------------------------|---|---------------------------|--|
| <u>1</u>                    | <u>This impact is necessary for a stormwater outfall. Eliminating the secondary impact for grading that is not associated with the outfall will minimize this impact.</u>   | <u>436 square feet</u>    | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>2, 4-6, 8-11, and 13</u> | <u>These impacts are necessary for an outfall to provide safe conveyance of stormwater runoff to the stream. The impacts have been minimized to the fullest extent possible. Note that Impact 10 shows an impact to the PMA for pond grading that was not requested and is not supported.</u> | <u>7,840 square feet</u>  | <u>Supported</u>   |
| <u>3</u>                    | <u>This impact is located in the same area as impact K, which staff does not support. If any revisions are required with regard to the relocation of the road, the pond shall be redesigned and the associated impacts shall be minimized to the fullest extent possible.</u>                 | <u>1,307 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>7</u>                    | <u>Redesigning the pond and relocating the stormwater outfall to the area where Road X crosses the stream could minimize this impact. The stream crossing (Impact A) is recommended to be redesigned. As part of that redesign, Impact 7 for the pond outfall should be reevaluated.</u>      | <u>1,306 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>12</u>                   | <u>The pond outfall is shown north of a proposed road crossing. Combining the two areas of impact will reduce this impact.</u>  | <u>2,004 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u> |

Eight impacts associated with sanitary sewer line connections were requested in the letter of justification. An existing WSSC sewer right-of-way exists on the property. Below is a summary of the impacts requested in the current application.

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| <u>Impact Number</u> | <u>Comments</u>  | <u>Quantity of Impact</u> | <u>Staff Recommendation</u>                                      |
|----------------------|--|---------------------------|--|
| <u>1, 2, 5-8</u>     | <u>These impacts are necessary to connect to an existing sewer line within the stream valley. The impact has been minimized to the fullest extent possible.</u>  | <u>17,380 square feet</u> | <u>Supported</u>   |
| <u>3</u>             | <u>This impact is for a sanitary sewer connection from one part of the residential portion of the site to the another. A road crossing is proposed 300 feet to the south. Because the conceptual grading provided does not reflect the actual grading to be conducted on the site, it is not possible for staff to evaluate whether or not moving the sanitary sewer crossing to the south is feasible. The letter of justification does not discuss whether this design was considered. This redesign should be evaluated further in a revised letter of justification.</u> | <u>1,699 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>4</u>             | <u>This impact is necessary to connect to an existing sewer line within the stream valley.</u>   | <u>1,307 square feet</u>  | <u>Supported</u>   |

Eight impacts associated with trail crossings were requested in the letter of justification. Neither the TCPI nor letter of justification states what types of surface are proposed for the trails. Trails with a natural surface can be field located to avoid trees; trails with hard surfaces may require extensive grading to cross steep slopes of the PMA. The trails as shown on the TCPI are not readable because the shading is too light and too similar to other symbols. The symbol should be revised to change weight of the shading so that is readable when reproduced in black and white. Below is a summary of the impacts requested in the current application.

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| <u>Impact Number</u>     | <u>Comments</u>  | <u>Quantity of Impact</u> | <u>Staff Recommendation</u>                                      |
|--------------------------|--|---------------------------|--|
| <u>1</u>                 | <u>This impact consists of two trail crossings; a 6-foot-wide crossing and a 10-foot-wide crossing that both connect to the same general area north of the stream valley. The 6-foot-wide crossing is associated with a proposed impact for a sewer line (Impact 8). The 10-foot-wide crossing uses an existing stream crossing. One of the two stream crossings for the trail can be eliminated through the use of another impact that is not shown on Exhibit 1 (sanitary sewer Impact 1). The trail configuration in this area must be revised to reduce impacts.</u> | <u>9,640 square feet</u>  | <u>Supported with a condition for redesign to reduce impacts</u> |
| <u>2, 3, 5, 6, and 7</u> | <u>These impacts are for 6-foot and 10-foot-wide trail crossings. They are located at existing stream crossings and have been minimized to the fullest extent possible.</u>  | <u>13,092 square feet</u> | <u>Supported</u>   |
| <u>4</u>                 | <u>This impact is for a 10-foot-wide trail crossing and has been minimized to the fullest extent possible.</u>   | <u>1,464 square feet</u>  | <u>Supported</u>   |

No part of the Patuxent River primary management area should be placed on any single-family detached or attached lot. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan should be revised to eliminate all impacts not essential to the overall development of the site such as impacts for the construction of lots, adjacent road grading not associated with road crossings, and stormwater management ponds.

Prior to signature approval of the preliminary plan, the preliminary plan and TCPI should be revised to reduce the impacts associated with impacts for road crossings identified on exhibits A, B, C, E, J, M, N, and N1; for stormwater management identified on exhibits 1, 3, 7, 12; and the sanitary sewer connection identified on exhibit 3; and a trail crossing identified on exhibit 1. Impacts identified on exhibits Q, R, T and U for road impacts should be eliminated. The required redesigns may result in a loss of lots.

Each specific design plan that contains trails should show the field identified location for all trails and the associated grading.

Prior to signature approval of the preliminary plan, the letter of justification should be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the “Con-Span” or “Bridge-Tek” bridges;” to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a

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discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI should be revised as necessary to show where the bridge structures will be used.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River PMA and all adjacent areas of preservation and afforestation/reforestation except for areas of approved impacts, and should be reviewed by the Environmental Planning Section prior to approval of the final plat.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits adjacent to the area of afforestation. The easement language for PMA protection has been modified to include the afforestation areas.

All afforestation/reforestation and associated fencing should be installed prior to the issuance of the building permits adjacent to the afforestation/reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

A stormwater concept plan was submitted; however, it is not an approved plan. A copy of the concept approval letter was submitted that contains multiple conditions of approval. These conditions are not addressed on the plans as submitted. The conditions of approval may result in a significant redesign of the site.

Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan should be submitted. All conditions contained in the concept approval letter should be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan should be revised to conform to the Planning Board's approval.

The Environmental Planning Section recommends approval of 4-05080 and TCPI/38/05-01 subject to conditions.

### **Water and Sewer Categories**

Pursuant to CR-7-2006, approved by the County Council on February 28, 2006, the water and sewer service categories are W-4 and S-4. The property will be served by public systems.

6. **Community Planning**—These following findings update the previous memorandum on this application dated February 27, 2006.

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The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The application conforms to the land use recommendations in the 1994 Melwood-Westphalia Master Plan and the 2005 Westphalia Comprehensive Concept Plan (WCCP) for residential and commercial development in the R-M and L-A-C Comprehensive Design Zones, as approved by zoning applications A-9965 and A-9966 and comprehensive design plan CDP-0501.

The application conforms to the mixed residential and commercial land use recommendations in the 2006 preliminary Westphalia Sector Plan and SMA.

A determination of the application's conformity to the infrastructure element of the 2006 preliminary Westphalia Sector Plan/SMA (environmental infrastructure, transportation systems, public facilities and parks and recreation) cannot be determined at this time because the analysis recommended in the WCCP and preliminary plan has not been completed.

#### **GENERAL PLAN, MASTER PLAN AND SMA**

A 2006 preliminary Westphalia Sector Plan and SMA were published in April 2006 reflecting the planning concepts of the 2005 WCCP study. A public hearing on the sector plan/SMA was held on May 23, 2006, and it is anticipated that the District Council will approve the plan/SMA in fall 2006.

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| <b><u>2002 General Plan Designations</u></b>  | <b><u>Westphalia Sector Plan/SMA Recommendations</u></b>  |
|---|---|
| <b><u>Developing Tier</u></b> - a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable The General Plan also designates  |   |
| A Corridor (MD 4) and a possible future center to the south of the subject site   | General Plan Community Center or higher designation for the proposed Westphalia town center area  |
| <b><u>1994 Melwood-Westphalia Master Plan and SMA</u></b>   | <b><u>2006 Preliminary Westphalia Sector Plan/ SMA Recommendations</u></b>  |
| <b><u>Planning Area/Community—</u></b><br>PA 78 / Westphalia Planned Community  |   |
| <b><u>Land Use—</u></b><br>The subject site is located in the northern part of an area recommended for development of a planned residential community of various densities and different housing types. A core community activity center area is recommended to the south of this property near MD 4. The residential densities recommended for the planned community range from the minimum 0.5 dwelling unit per acre to the maximum 7.9 dwelling units per acre; higher densities are anticipated in the core activity center. The overall density of residential development is intended to decrease as the distance from the activity center at the core of the planned community increases. | A low-density residential land use, mixed residential and commercial uses in a village center and on the fringe and edge of the proposed Westphalia town center core, and public and private open space |
| <b><u>Environmental -</u></b><br>The subject property. Portions of the subject property are identified as a natural reserve area, which are areas that either (1) exhibit physical features that present severe constraints to development, or (2) are important to sensitive ecological systems. The master plan recommends preserving these areas in their natural state.   | There are streams, regulated areas evaluation areas, and network gaps on this site, as defined in the 2005 Countywide Green Infrastructure Plan   |

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| <p><b>Historic Resources</b><br/> <u>No historic sites or resources were identified. However, Blythewood (78-013) has subsequently been designated as a historic site on this property.</u></p>   | <p><u>Blythewood identified as historic site 78-013</u></p>   |
| <p><b>Transportation -</b><br/> <u>Access to and from the subject property will be via Westphalia Road (C-626), which the master plan recommends be upgraded to a four-lane collector roadway between Ritchie-Marlboro Road (A-39) and Suitland Parkway (F-7) via proposed road A-67. A number of new collector and primary roads are proposed across this site to serve development of the new planned community: C-627, C-631, C-632, and P-612.</u></p>  | <p><u>Recommends a revised road road network, based on the 2005 WCCP study; proposed new roads are MC-631, MC-632, MC-635, P-615, and P-616. The applicant has proposed to relocate P-612 to this site.</u></p>                   |
| <p><b>Public Facilities –</b><br/> <u>No master plan public facilities are indicated on this site.</u></p>  | <p><u>Does not show any master plan public facilities on this site. However, the applicant has proposed to relocate an elementary school on the southeast portion of the site for a site farther south.</u></p>                   |
| <p><b>Parks and Trails –</b><br/> <u>The master plan map indicates a floating symbol for a large community park on the northern portion of this site and stream valley park along Cabin Branch on the south part of the site. Trails or bikeways are proposed along the Cabin Branch stream valley, along existing Melwood Road, and along the proposed collector roads.</u></p>  | <p><u>Recommends a number of park facilities on this site: the Cabin Branch Greenway, a central park including a community center, expansion of the Westphalia Estates Neighborhood Park, and the Melwood Greenway Trail.</u></p> |
| <p><b>SMA/Zoning -</b><br/> <u>Retained in the R-A Zone. On February 13, 2006, the District Council approved two rezoning applications for the subject property: (1) A-9965-C for the R-M Zone on 727 acres, and (2) A-9966-C for the L-A-C Zone on 30 acres. On May 22, 2006, the District Council voted to approve comprehensive design plan application CDP-0501-C for the subject property. Together, these applications propose development of 3,648 dwelling units in a variety of types and 170,000 square feet of commercial development.</u></p> | <p><u>Proposes to retain the existing R-M and L-A-C Zones</u></p>   |

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## **PLANNING ISSUES**

### **2005 Westphalia Comprehensive Concept Plan**

The approved zoning cases and comprehensive design plan for the L-A-C and R-M Zones on this property are based on a comprehensive planning study, the Westphalia Comprehensive Concept Plan (WCCP), which further examined the recommendations of the 1994 Melwood-Westphalia Master Plan and the 2002 General Plan for this area. This study further refined the planned community concept specifically advocated by the master plan for this area and by the general plan for large properties in the Developed Tier. The WCCP study calls for primarily residential use of various densities with a mixed-use retail center and a central park on the subject site that serves the entire Westphalia area. Preliminary Plan of Subdivision 4-05080 should be evaluated based primarily on the findings and conditions of the approved comprehensive design zone applications (A-9965 and A-9966) and the approved comprehensive design plan (CDP-0501), which establish the maximum and minimum land use types, quantities and relationships and the conceptual site design for this site.

The 2005 Westphalia Comprehensive Concept Plan (WCCP) study addressed the numerous key issues, hopes and concerns identified during the planning process that are now being addressed in the 2006 preliminary Westphalia Sector Plan and SMA.

### **2006 Preliminary Westphalia Sector Plan and SMA**

The 2006 preliminary Westphalia Sector Plan and SMA was initiated in January 2006 for the area encompassing this application and is intended to translate the recommendations of the WCCP into a preliminary sector plan and SMA for public hearings, evaluation and approval by the Planning Board and the District Council. It has been produced on an accelerated schedule in order to enable review by the County Council for approval prior to the end of the current legislative term. A public hearing on the preliminary sector plan/SMA was held on May 23, 2006. It is anticipated that the Planning Board will transmit a recommended plan to the District Council during the summer for final action by the Council in fall 2006.

A consequence of the accelerated processing schedule is that many of the analyses referenced in the WCCP study are still ongoing or remain to be completed while the master plan is being publicly reviewed and as development applications such as this one are being processed. Key analysis regarding the second round of transportation studies to assess peak-hour traffic capacity, special level of service and road design standards for the Westphalia area, identification of roads and facilities in existing communities that need to be upgraded, and finalization of a public amenities and fair share contribution package (all referenced in the WCCP study) are either in progress in conjunction with the master plan or remain to be done.

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This application is partially based on the 2005 WCCP's planned community recommended in the 1994 master plan, albeit at approximately twice the density anticipated by the 1994 master plan. Until the additional studies recommended by the WCCP are completed, it is premature to specify the additional criteria that should apply to this application being processed in advance of completing the sector plan.

7. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements of the Basic Plans A-9965 and A-9966, Comprehensive Design Plan CDP-0501, and the recommendations of the approved Prince George's County General Plan, approved Master Plan and Sectional Map Amendment for the Melwood-Westphalia Planning Area, and the current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

**The Basic Plan 9965 and 66 Conditions 1h, 2, 3, 6 and 7 State:**

- 1h. Provide multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Parks and Recreation Facilities Guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.
2. At the time of preliminary plan of subdivision, the applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch stream valley to M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the Department of Parks and Recreation (DPR). The applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to M-NCPPC, at the time of comprehensive design plan. The acreage may be provided on-site or off-site and shall conform to the final Westphalia Comprehensive Concept Plan. CDP. The need for additional acreage of parkland shall be determined by DPR and the Development Review Division prior to approval of the comprehensive design plan.
3. The land to be conveyed to M-NCPPC shall be subject to the conditions of attached Exhibit "B."
6. The applicant shall construct recreational facilities on the dedicated parkland. The recreational facility packages shall be reviewed and approved by DPR and the Planning Department prior to comprehensive design plan approval.
7. The public recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.

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**The Comprehensive Design Plan CDP-0504 was approved with the following Conditions 10, 22, 23, 24, 25, 27 and 28:**

10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:
- a. \$100,000.00 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the central park. DPR staff shall review and approve the master plan for the central park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
  - b. \$200,000.00 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50<sup>th</sup> building permit.
  - c. \$200,000.00 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
  - d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
  - e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.

DPR staff shall review the actual expenditures associated with each phase described above.

22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the sector plan and sectional map amendment for the Westphalia area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club"

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shall be established and administered by DPR. The applicant may make a contribution into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop an SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the sector plan and sectional map amendment for Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. The Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George’s County, Upper Marlboro, Maryland.
25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.

The Department of Parks and Recreation staff has reviewed the plan and made the following findings, as the preliminary plan relates to the conditions of the rezoning and CDP, relating to M-NCPPC parkland issues:

The applicant proposes that more than 148 acres of open space be dedicated to M-NCPPC for use as public parkland. The dedicated parkland is primarily centrally located and will be accessible to the surrounding residential communities by roads and trails. Five acres of the dedicated parkland is recommended for the expansion of Westphalia Neighborhood Playground Park located to the north of the development.

According to Condition 2 of A-9965-66, 75 acres of dedicated parkland is required and should be developable land suitable for active recreation. The applicant and DPR staff have mutually agreed that developable area of the parkland should not be used for the stormwater management ponds. DPR staff has agreed that a lake may be constructed in

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the main park parcel as a recreational amenity, as part of a stormwater management concept. The applicant shows a concept for a stream valley trail along the Cabin Branch. The final location of the master planned trail will be determined during consideration of the SDP plans. That portion of the master plan trail located on homeowners land shall be placed in a public use easement, unless with the review of the SDP additional parkland dedication is agreed to by DPR.

The applicant's proposal includes private recreational facilities including an active adult recreation center with tennis courts, trails, open play areas, sitting areas, trails in Cabin Branch Stream Valley, water features, five playgrounds, a private community recreation center with a swimming pool, and plaza.

The applicant has agreed to contribute \$2,500 to \$3,000 per dwelling unit into a "park club." The applicant will provide in-kind services in the amount of \$5,000,000 toward the design and phase-one construction of the central park.

DPR staff finds that, subject to conditions, the applicant will satisfy the conditions of approval of Basic Plans A-996/66 and Comprehensive Design Plan CDP-0501, the requirements and recommendations of the approved Prince George's County General Plan, approved master plan and sectional map amendment for the Melwood-Westphalia planning area, and the Subdivision Regulations if the preliminary plan is revised after the certificate of approval of CDP-0501 to conform to that plan, and DPR Exhibit A (dated 6/7/06) and conditions of the conveyance.

8. **Trails**—Staff supports the modification of the plans to preserve an additional segment of Old Melwood Road as a trail corridor. The importance of the trail along Suitland Parkway extended (MC-631) has also been reiterated.

Extensive community input went into the development of the Westphalia Comprehensive Concept Plan (WCCP) study, which includes the subject site. This study was a facilitated effort to coordinate the many development proposals in the Westphalia area to ensure that development in the area is done in a compatible manner and that adequate roads, public facilities, parkland and other amenities are provided to support this development. The WCCP study was the basis for the preliminary Westphalia Sector Plan. Trails and pedestrian accessibility were also addressed during this process, and pedestrian accessibility was been identified by the community as a priority for the area, particularly within the core. Some of the recommended pedestrian and trail facilities noted during the WCCP study and included in the preliminary Westphalia Sector Plan that impact the subject application include:

- A multiuse stream valley trail along Cabin Branch
- Preservation of segments of Melwood Road as a pedestrian/trail corridor
- Bicycle- and pedestrian-compatible roadways

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- Standard or wide sidewalks within the community core
- Trail along Suitland Parkway extended (MC-631)

Trail and pedestrian connectivity between sites within the study area is also encouraged. Neighborhood sidewalks and trail connections, both within and between sites, will greatly assist in providing a walkable community and the ability to make some trips by walking or biking. Pedestrian and trail connections should be provided to the proposed L-A-C from the surrounding residential areas, as well as to the core. The revised preliminary plan accommodates all trails on M-NCCPC land, HOA land, or within public rights-of-way. This addresses staff's earlier concern that no trails be shown on private lots.

An extensive network of trails is proposed in the subject application, and the applicant has expressed the intent to implement the recommendations of the preliminary sector plan. In order to more fully implement the trail network proposed in the sector plan and provide additional connectivity with the subject site, staff recommends the following additional feeder trails, as well as the additional trail segments and improvements along the Cabin Branch Trail and Melwood Legacy Trail discussed below. Sidewalk widths and neighborhood trail connections will be evaluated more fully at the time of SDP.

Proposed Additional Connector Trails (six-foot-wide bike/pedestrian trails):

- Trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- Trail connector from Road YY to the Cabin Branch Trail. This connection can be placed between Lots 33 and 34 within a 30-foot-wide HOA access strip. The Cabin Branch trail is located immediately behind the previously noted lots.

**Cabin Branch Stream Valley Trail:**

The Cabin Branch Stream Valley Trail is one of the primary trail recommendations included in the preliminary Westphalia Master Plan. This stream valley trail will provide bicycle, pedestrian, and equestrian access throughout the area, as well as connecting adjoining residential communities with the planned central park. A trail was also recommended along the entirety of the Cabin Branch stream valley in the 1994 adopted and approved Melwood-Westphalia Master Plan. A continuous trail is important for the overall connectivity of the planned trail network in the Westphalia area, as well as to provide longer continuous trails and loop trail opportunities for bicyclists, hikers, and equestrians.

The revised plans show a continuous trail along the portion of Cabin Branch east of P-615. A trail is also shown north of Road W that loops around Road RR. However, there is a gap in the Cabin Branch Trail immediately to the south of P-615. Staff recommends that the Cabin Branch Trail be provided south of P-615. This connection will extend the Cabin Branch Trail to the

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already planned trail just east of Road RR, thereby extending the stream valley trail all the way to Road W, as envisioned on earlier preliminary plan and CDP submittals. This additional segment of trail would require one stream and PMA crossing of a feeder creek of Cabin Branch, and this crossing should be located in the area of minimum impact and/or the shortest crossing of the PMA.

**Cabin Branch Trail at MC-632:**

During earlier discussions with the applicant regarding the Cabin Branch Trail, the need for safely accommodating trail users where MC-632 crosses the stream valley was noted. A traditional at-grade crossing is not desirable for several reasons at this location. MC-632 is a planned major collector with a 100-foot right-of-way. As noted above, the Cabin Branch Trail is one of the major recreational trails in the Westphalia area. It will provide recreational opportunities for hikers, bicyclists, and equestrians, will connect to the planned central park, and will provide an extended trail for residents of the Marlboro riding equestrian community into the larger Westphalia area. Due to the large number of trail users anticipated along the master plan trail, the equestrian heritage of the Westphalia community, and the continued equestrian use fostered by the adjacent Marlboro riding community, staff recommends that the MC-632 bridge over Cabin Branch be designed to safely and attractively accommodate trail users along the Cabin Branch Trail underneath the roadway, thereby avoiding the at-grade crossing. The Department of Parks and Recreation has done similar work with DPW&T for bridges over the Henson Creek Trail to ensure that the trail accommodates trail users without having to cross major roads. A similar treatment is warranted here due to the nature of the master plan trail, the need to provide safe trail access to the central park, and the anticipated traffic traveling on MC-632 coming to and from the town center.

**Suitland Parkway Extended:**

Another road that will require special attention is the planned extension of Suitland Parkway (MC-631) through the subject site. MC-631 will be a major collector running through the subject site and the entire Westphalia study Area. It is planned to extend from the current terminus of Suitland Parkway at MD 4 to Harry S Truman Drive at White House Road. The National Park Service is currently evaluating the feasibility of the extension of the Suitland Parkway Trail into Prince George's County along the portion of the road between Washington D.C. and the Capital Beltway.

Although there are environmental constraints and design challenges that must be considered, it appears that this trail will be feasible and that planning for a trail along the Suitland Parkway will continue. Consequently, staff recommends that MC-631 be designed so that an asphalt side path can be provided parallel to this planned extension of Suitland Parkway.

**Trail Network Overview:**

The trail network shown on the subject site is extensive, with major segments of several master plan facilities being provided. The major trails include the Cabin Branch Trail, which runs east to

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west through the subject site, the Suitland Parkway Extended Trail, and the Melwood Legacy Trail, which incorporates segments of old Melwood Road as a trail connection. Including trails along planned roads and feeder trail connections, the trail network provided in Smith Homes Farm will be extensive and will complement the overall vision for trails and bikeways promoted in the Westphalia Sector Plan. Staff estimates that over seven miles of trails are being provided within the subject application. Staff supports the network proposed with the changes. Approximate distances of the major trails provided include the following. These distances include the additional trail segments recommended below for the Cabin Branch Trail, Melwood Legacy Trail, and connector trails.

Cabin Branch Stream Valley Trail: 9,960 linear feet

Melwood Legacy Trail: 2,580 linear feet (not including portion along MC-632)

Suitland Parkway Extended Trail (MC-631): 7,410 linear feet

Trail along MC-632: 2,550 linear feet

Trail along P-616: 1,140 linear feet

Trail along MC-635: 3,960 linear feet

Trail along P-615: 1,470 linear feet

Stream valley feeder trail (north of Cabin Branch): 990 linear feet

Six-foot bike/pedestrian trails: 8,970 linear feet

Trail along Road C and Road OO: 1,230 linear feet

TOTAL: 40,260 linear feet (7.6 miles)

Complementing the trail network will be bicycle and pedestrian compatible roadways. Roads should include standard sidewalks, and wide sidewalks may be warranted within the core or leading to the LAC. A comprehensive network of sidewalks will help to ensure that a pedestrian-friendly, walkable community is provided. Similarly, new road construction should accommodate bicycle traffic in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*. Major roads through the subject site should include either standard or wide sidewalks with on-road bike facilities, or the provision of a side path or trail to accommodate pedestrians and bicyclists.

**Melwood Road Legacy Trail:**

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The preliminary Westphalia Sector Plan recommends that segments of Melwood Road “be preserved along with a green buffer on either side as an integral part of the community’s trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail/lane that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result.” (page 28, preliminary Westphalia Sector Plan).

The revised preliminary plan includes the preservation of long segments of Melwood Road as a trail corridor in both HOA and M-NCPPC land. This trail will be relocated along C-632 to the south of Cabin Branch. South of the subject property, the old road may again be utilized as a trail to the east of C-632. The amount of Melwood Road preserved as a trail has been greatly increased from the earlier preliminary plan submittal and the CDP. Staff supports the current proposal to preserve Melwood Road within HOA and M-NCPPC land as indicated on the revised preliminary plan. Much of the road has been preserved as intended in the sector plan, and the trail connection is made through the subject site as envisioned in last year’s charrette for the Westphalia area. Where the trail is adjacent to C-632, it should be a minimum of eight feet wide, asphalt, and separated from the curb by a planting strip. Approximately 2,580 linear feet of old Melwood Road has been preserved as the Melwood Legacy Trail on the subject site, while approximately 2,010 linear feet of the trail will be provided along C-632 (where this improved road replaces the current Old Melwood Road).

Staff is concerned about the width of the corridor being preserved as the trail/greenway for the segment of Old Melwood Road being preserved to the north of Road M (see sheet 3). Current plans reflect a corridor being preserved in HOA land that is 20 feet wide. This appears to be adequate to retain the existing portion of the roadway, but leaves little or no land along either side of the road to be preserved as a “green buffer” as recommended on page 28 of the preliminary Westphalia Sector Plan. Staff recommends that a minimum of five feet of green space be preserved along both sides of the planned trail to serve as the green corridor envisioned in the sector plan (30 feet wide total HOA parcel). This green space would also serve to buffer the trail from the adjacent residential lot and would ensure that the actual trail would not be immediately on the lot line of the adjacent lot. This green space would allow for suitable plantings, pedestrian amenities, lighting, and the preservation of any existing specimen trees adjacent to the roadway. This recommendation impacts Lots 18, 19, 34 and 35 of Block L; Lots 13, 14, 26, and 27 of Block P; and Lots 6, 7, 23, and 24 of Block R.

Crosswalks and other pedestrian safety features can be considered at the time of specific design plan. These types of treatments may be warranted along the trail where it intersects with Road M, Road T, Road S, and Road Q. Roads M and Q perhaps require the most attention as they include 70- and 60-foot wide rights-of-ways, respectively. The crossing at MC-631 will also have to be evaluated and appropriate pedestrian safety features will be recommended. MC-631 is a major collector and includes a 100-foot wide right-of-way, making the pedestrian crossing more difficult.

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The segment of Old Melwood Road on Parcel 25 is eliminated due to the proposed building, parking lot, extensive areas of PMA, and several stormwater management ponds. However, long segments of the road are preserved both to the north and the south of Parcel 25. Staff recommends that the connection through this parcel be accommodate through the provision of wide sidewalks along Road Z and Road M and/or trail connections through the HOA open space. Appropriate sidewalk widths or trail connections should be determined at the time of SDP.

9. **Transportation**—The property is located generally between MD 4 and Westphalia Road and along both sides of Mellwood Road. The applicant has recently received the current zoning, and currently has the comprehensive design plan CDP-0501 approved by the Planning Board and the District Council. The applicant proposes 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Also, † [~~170,000~~] [140,000] square feet of commercial retail space is proposed on the preliminary plan within the L-A-C Zone.

The applicant prepared a traffic impact study dated September 2005, along with an additional analysis dated November 2005 covering intersections internal to the overall site and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the guidelines.

#### **Growth Policy—Service Level Standards**

The subject property is located within the developing tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 4 and Westphalia Road (signalized)

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- MD 4 and Suitland Parkway/Presidential Parkway (signalized)
- MD 4 and Dower House Road (signalized)
- MD 223 and MD 4 westbound ramps (unsignalized)
- MD 223 and MD 4 eastbound ramps (unsignalized)

Existing conditions in the vicinity of the subject property are summarized below:

| <b><u>EXISTING TRAFFIC CONDITIONS</u></b>   |   |              |   |           |
|---|---|--------------|---|-----------|
| <u>Intersection</u>   | <u>Critical Lane Volume<br/>(AM &amp; PM)</u> |              | <u>Level of Service<br/>(AM &amp; PM)</u> |           |
| <u>MD 4 and Westphalia Road</u>   | <u>1,425</u>                                  | <u>1,554</u> | <u>D</u>                                  | <u>E</u>  |
| <u>MD 4 and Suitland Parkway/Presidential Parkway</u>   | <u>1,740</u>                                  | <u>1,731</u> | <u>F</u>                                  | <u>F</u>  |
| <u>MD 4 and Dower House Road</u>  | <u>2,236</u>                                  | <u>1,922</u> | <u>F</u>                                  | <u>F</u>  |
| <u>MD 223 and MD 4 westbound ramps</u>  | <u>16.8*</u>                                  | <u>16.1*</u> | <u>--</u>                                 | <u>--</u> |
| <u>MD 223 and MD 4 eastbound ramps</u>  | <u>34.4*</u>                                  | <u>27.7*</u> | <u>--</u>                                 | <u>--</u> |
| <p><u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u></p> |   |              |   |           |

A review of background development was conducted by the applicant. The area of background development includes over 20 sites encompassing over 2,150 approved residences and over two million square feet of employment-related uses. The traffic study also includes a growth rate of 2.0 percent per year along MD 4 and 1.0 percent per year along the other facilities within the study area to account for growth in through traffic.

It is further noted that all computations for background and total traffic assume full funding of the planned interchanges at MD 4/Westphalia Road, MD 4/Suitland Parkway, and MD 4/Dower House Road. Although the MD 4/Suitland Parkway interchange is fully funded for construction in the current state Consolidated Transportation Program (CTP), neither of the other interchanges is currently programmed for construction. While this applicant has committed to † [major] [participate in the PFFIP] improvements at MD 4 and Westphalia Road, no such commitment currently exists for MD 4 and Dower House Road; while this intersection will be discussed further below, it is not appropriate to assume that it will soon become an interchange and report the results thusly. Therefore, the results at MD 4 and Dower House Road will be reported as they would be for an at-grade signalized intersection. There are improvements in the county Capital Improvement Program (CIP) that have been factored into the analysis.

Background traffic is summarized below:

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| <b>BACKGROUND TRAFFIC CONDITIONS</b>                 |   |               |   |          |
|--|---|---------------|---|----------|
| <u>Intersection</u>                                  | <u>Critical Lane Volume<br/>(AM &amp; PM)</u> |               | <u>Level of Service<br/>(AM &amp; PM)</u> |          |
| <u>MD 4 westbound ramps and Westphalia Road</u>      | <u>621</u>                                    | <u>940</u>    | <u>A</u>                                  | <u>A</u> |
| <u>MD 4 eastbound ramps and Old Marlboro Pike</u>    | <u>813</u>                                    | <u>1,063</u>  | <u>A</u>                                  | <u>B</u> |
| <u>MD 4 westbound ramps and Presidential Parkway</u> | <u>349</u>                                    | <u>389</u>    | <u>A</u>                                  | <u>A</u> |
| <u>MD 4 eastbound ramps and Suitland Parkway</u>     | <u>334</u>                                    | <u>171</u>    | <u>A</u>                                  | <u>A</u> |
| <u>MD 4 and Dower House Road</u>                     | <u>1,865</u>                                  | <u>1,647</u>  | <u>F</u>                                  | <u>F</u> |
| <u>MD 223 and MD 4 westbound ramps</u>               | <u>28.8*</u>                                  | <u>29.4*</u>  | --  | --       |
| <u>MD 223 and MD 4 eastbound ramps</u>               | <u>69.4*</u>                                  | <u>123.5*</u> | --  | --       |

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The site is proposed for development with 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Additionally, † [170,000] [140,000] square feet of commercial retail space is planned within the L-A-C Zone. Of the conventional housing, a mix of 319 detached, 531 townhouse, and 1,574 multifamily residences are proposed. The proposal is currently estimated to generate 1,847 AM (404 in, 1,443 out) and 1,726 PM (1,194 in, 532 out) peak-hour vehicle trips. This considers that approximately 75 percent of the trips utilizing the retail component are internal to the site, and given the quantity of housing versus the quantity of commercial space, along with the location of the retail space internal to the development, this would seem a reasonable assumption.

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Total traffic (for the three sites, including the subject site) is summarized below:

| <b>TOTAL TRAFFIC CONDITIONS</b>   |   |              |   |           |
|---|---|--------------|---|-----------|
| <u>Intersection</u>   | <u>Critical Lane Volume<br/>(AM &amp; PM)</u> |              | <u>Level of Service<br/>(AM &amp; PM)</u> |           |
| <u>MD 4 westbound ramps and Westphalia Road</u>   | <u>822</u>                                    | <u>999</u>   | <u>A</u>                                  | <u>A</u>  |
| <u>MD 4 eastbound ramps and Old Marlboro Pike</u>   | <u>813</u>                                    | <u>1,063</u> | <u>A</u>                                  | <u>B</u>  |
| <u>MD 4 westbound ramps and Presidential Parkway</u>  | <u>524</u>                                    | <u>470</u>   | <u>A</u>                                  | <u>A</u>  |
| <u>MD 4 eastbound ramps and Suitland Parkway</u>  | <u>425</u>                                    | <u>415</u>   | <u>A</u>                                  | <u>A</u>  |
| <u>MD 4 and Dower House Road</u>  | <u>2,014</u>                                  | <u>1,835</u> | <u>F</u>                                  | <u>F</u>  |
| <u>MD 223 and MD 4 westbound ramps</u>  | <u>154.3*</u>                                 | <u>70.5*</u> | <u>--</u>                                 | <u>--</u> |
| <u>MD 223 and MD 4 eastbound ramps</u>  | <u>+999*</u>                                  | <u>+999*</u> | <u>--</u>                                 | <u>--</u> |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |   |              |   |           |

Traffic Impacts: The traffic analysis makes the following determinations:

1. Signalized intersections of all ramp junctions with the minor roadways will operate acceptably with the development of the site.
2. The unsignalized ramp junctions along MD 223 are analyzed in the traffic study as signalized intersections. They are not; they are currently unsignalized, and the appropriate means of analysis has been employed in this memorandum. The analysis indicates that both intersections would operate unacceptably as unsignalized intersections. It is recommended that signal warrants be studied prior to specific design plan in consideration that the signal warrant study is a better and more detailed study of the adequacy of intersection operations. This is actually recommended in the traffic study as Exhibit 12 labels the traffic signals at these locations as "new." Each intersection would operate acceptably with the development of the site if signalized.
3. The traffic study states that the site is not making a direct connection to Dower House Road and notes that traffic using eastbound MD 4 or southbound MD 223 will utilize the MD 4/MD 223 junction, while westbound traffic will use either the MD 4/Suitland Parkway or the MD 4/Westphalia Road intersections. Although the traffic study does not state this, because there are no recommendations for this failing intersection, it would be presumed that the applicant believes this intersection to be noncritical. This is partially

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correct, as traffic headed southbound from the site would utilize this intersection. The intersection does serve ten percent of site traffic, but there are no turning movements at the intersection, only through (north/south) movements. Therefore, it is agreed that the MD 4/Dower House Road intersection is not critical to the development of this site.

4. The traffic study states that “it is essential that MD 4 be upgraded to a controlled access facility” in the area of the subject site. Furthermore, the traffic study recommends that “a fair share contribution to this regional transportation problem [will] be addressed by a public/private partnership whereby the developer of the Smith Home Farm Property would build the Westphalia Road interchange as a condition of approval” of the subject plan. Given that this proffer is a major part of the overall determination of adequacy, it is advisable that this be made a condition of approval for the subject property.

The basic plan was approved by the Planning Board with a condition that CDP review would include “recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision.” A list of intersections was determined during review of the CDP and these intersections were reviewed in the November 2005 supplemental study. The following intersections are included in this review:

1. Westphalia Road and west access point (in original plan but deleted from current plan)
2. Westphalia Road and MC-635
3. Presidential Parkway and MC-631
4. MC-631 and MC-635/P-615
5. MC-632 and P-615
6. MC-631 and MC-632/P-616
7. MC-632 and P-612/Road C
8. MC-635 and Road J
9. MC-631 and Road M
10. MC-631 and Road RR
11. MC-635 and Road A
12. P-616 and Road M

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It is noted that two of the intersections are analyzed as roundabouts, while the remaining ten intersections are analyzed as signalized intersections. It has been stated on many occasions in memoranda that if a potentially unsignalized intersection has a CLV reported, then it is presumed that the applicant will study signalization at that location. Nonetheless, transportation staff has taken the step of computing the delay by means of the *Highway Capacity Manual* for all intersections involving roadways of a primary or commercial classification. CLVs will be reported for each intersection involving two master plan roadways (except where a roundabout is assumed). Total traffic (for the three sites, including the subject site) is summarized below:

| <b>TOTAL TRAFFIC CONDITIONS</b>  |   |                |   |          |
|--|---|----------------|---|----------|
| <u>Intersection</u>  | <u>Critical Lane Volume<br/>(AM &amp; PM)</u> |                | <u>Level of Service<br/>(AM &amp; PM)</u> |          |
| <u>Westphalia Road and east access point/MC-635</u>  | <u>429</u>                                    | <u>435</u>     | <u>A</u>                                  | <u>A</u> |
| <u>Presidential Parkway and MC-631</u>   | <u>13.7**</u>                                 | <u>13.2**</u>  | <u>B</u>                                  | <u>B</u> |
| <u>MC-631 and MC-635/P-615</u>   | <u>842</u>                                    | <u>681</u>     | <u>A</u>                                  | <u>A</u> |
| <u>MC-632 and P-615</u>  | <u>0.65***</u>                                | <u>0.48***</u> | <u>C</u>                                  | <u>B</u> |
| <u>MC-631 and MC-632/P616</u>  | <u>1,013</u>                                  | <u>1,014</u>   | <u>B</u>                                  | <u>B</u> |
| <u>MC-632 and Road C</u>   | <u>30.7*</u>                                  | <u>21.9*</u>   | --  | --       |
| <u>MC-635 and Road J</u>   | <u>0.25***</u>                                | <u>0.28***</u> | <u>A</u>                                  | <u>B</u> |
| <u>MC-631 and Road M</u>   | <u>12.3*</u>                                  | <u>15.2*</u>   | --  | --       |
| <u>MC-631 and Road RR</u>  | <u>41.7*</u>                                  | <u>33.6*</u>   | --  | --       |
| <u>MC-635 and Road A</u>   | <u>8.7*</u>                                   | <u>8.5*</u>    | --  | --       |
| <u>P-616 and Road M</u>  | <u>0.24***</u>                                | <u>0.45***</u> | <u>A</u>                                  | <u>B</u> |
| <p><u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u></p> <p><u>**The multilane roundabout is evaluated using SIDRA (Signalized and Unsignalized Intersection Design and Research Aid). Average delay for various movements through the roundabout is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. Delay exceeding 50.0 seconds indicates inadequate traffic operations.</u></p> <p><u>***The roundabout is evaluated using the <i>Highway Capacity Manual</i> software. The measurement is expressed as a ratio of volume through the roundabout to capacity of the roundabout. A ratio of 0.80 is the upper limit of LOS D.</u></p> |   |                |   |          |

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The supplemental analysis was intended to answer two questions regarding internal intersections: what type of traffic would be needed, and what lane configuration would be needed. Staff would offer the following determinations:

Regarding traffic control:

- At the MC-631/Presidential Parkway intersection, a two-lane roundabout was shown to be acceptable at this time. However, DPW&T has indicated that a roundabout would not be an acceptable traffic control device at this location. Given the master plan recommendations for Presidential Parkway, there indeed may be a future need for something more significant than a two-lane roundabout at this location as other sites (with no pending applications) in the subarea develop. Therefore, a traffic signal warrant study should be conducted at this location, and a traffic signal should be installed if warranted. Such study may be waived by DPW&T in the event that affirmative approval of DPW&T for the use of the roundabout and its conceptual design is received.
- At the intersection of Westphalia Road and MC-635, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for the age-restricted portion of the development. Also, the MC-635 facility should be aligned to provide a direct connection opposite to D'Arcy Road.
- At the intersection of MC-631 and MC-635/P-615, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- At the intersection of MC-631 and MC-632/P-616, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for the L-A-C portion of the development.
- At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, it is recommended that the intended one-lane roundabout be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T must be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T should determine whether a one-lane or a two-lane roundabout will be implemented at this location; however, such determination should, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.
- At the intersection of MC-635 and Road M, in accordance with the master plan recommendation for a four-lane major collector, it is recommended that the roundabout be designed for a two-lane roundabout in order that sufficient right-of-way for the

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ultimate facility is obtained. Affirmative approval of DPW&T must be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.

Regarding lane configuration:

- It is recommended that intersections along the major collector (MC) facilities include exclusive left-turn lanes. DPW&T should reasonably determine all construction within dedicated rights-of-way. Nonetheless, the recommendations for major collectors assume that four travel lanes and a median will be available, and for safety reasons left-turning traffic should be separated from through traffic to the extent possible.

### **Plan Comments**

During 2005, the Prince George's County Planning Department worked with a consultant team on the Westphalia Comprehensive Concept Plan. The purpose of the plan was to refine policies contained in the 1994 Melwood-Westphalia Master Plan and the 2002 General Plan for Prince George's County and to provide an updated vision and detailed guidance for several major development proposals within the Westphalia planning area, including the subject property. As a part of the preparation of that plan, the recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. The plan proposed a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.

Nonetheless, †[previously] the approved transportation plan in the 1994 Melwood-Westphalia Master Plan and the proposed network in the WCCP are quite different—and the 1994 plan †[currently] govern[s][ed] as policy. During review of the comprehensive design plan, it was determined by the transportation planning staff that, within the subject property, the transportation network proposed under the WCCP was indeed equivalent to the existing master plan.

† [At this time, staff is in the midst of finalizing][The] roadway recommendations for the Westphalia Sector Plan and Sectional Map Amendment †[. While these recommendations do not yet carry the power of law, they] are †[made] consistent with the WCCP study—which was done in response to the subject applications and other applications in the area that are either pending or planned. † [Furthermore, given the timeframe for t][T]he processing and review of the Westphalia Sector Plan and Sectional Map Amendment, †[it is very likely that the recommendations in that plan will be][the plan is] applicable †[when this site is subjected to further review]. It should be noted that these alignments may be modified through further environmental study associated with †[completion of] the sector plan and where specific issues currently exist they are explained further below. Findings at time of specific design plan should include comments on the degree of conformity with the Westphalia Sector Plan † [ , at whatever

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state of approval exists at the time of review]. Therefore, the following proposed facilities on the Westphalia Sector Plan affect the subject site:

1. MC-635 is shown on the sector plan within a 100-foot right-of-way. During review of this plan, DPW&T has agreed to a modified 80-foot right-of-way along MC-635, as shown on the submitted plan.
2. MC-632 is shown on the sector plan within a 100-foot right-of-way, and this is consistent with the submitted plan.
3. P-616 is shown on the sector plan within a 60-foot right-of-way (70 feet from C-631 to Road M), consistent with the submitted plan.
4. P-615 is shown on the sector plan within a 60-foot right-of-way, and this is consistent with the submitted plan.
5. C-626, Westphalia Road, is shown on the sector plan within a 80-foot right-of-way, and the plan reflects 40 feet from centerline along existing Westphalia Road.
6. MC-631 is shown on the sector plan within a 100-foot right-of-way. The location shown on the preliminary plan is not consistent with the sector plan over the westernmost 1,000 feet. The sector plan aligns the roadway slightly north of the location on the preliminary plan to form a direct link with the MD 4/Suitland Parkway interchange. The preliminary plan location appears to involve greater environmental impacts and would create a “T” intersection with the existing Presidential Parkway. Creating this “T” intersection is not optimal; Presidential Parkway is intended to continue northward along a new alignment in the sector plan and in order to effectuate this recommendation under the applicant’s proposal, a second “T” intersection would need to be implemented 400 feet north of the applicant’s proposed “T” intersection. Figure 1 is attached to show this arrangement. As a means of achieving the sector plan’s vision for the transportation network in this area, it is recommended that the sector plan alignment, and not the alignment shown on the preliminary plan, be utilized to the west of Road RR. Details of this alignment must be finalized prior to signature approval of the preliminary plan. Consistency with the sector plan should be verified at the time of specific design plan.
7. MC-634 is shown on the sector plan within a 100-foot right-of-way as an extension of the existing Presidential Parkway. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts MC-634 coincident to and west of Ryon Road. Given the function of this facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The subject subdivision shows this right-of-way.
8. P-612 is shown on the sector plan within a 60-foot right-of-way (note: Map 7 in the preliminary sector plan erroneously labels this facility as P-615, but the text on page 27

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identifies it correctly) in a location that would not affect the subject plan. As a means of minimizing impacts to the community along Mellwood Road, the sector plan is being revised to move this roadway north. It would be coincident with Road C and Road EE within the subject property. However, the current plan shows this roadway to end at Road FF approximately 200 feet short of the Claggett Property, with the extension of the roadway to potentially occur through Parcel 62, which is labeled for dedication to the homeowners association. It is recommended that this parcel be reconfigured to align with Road EE and include the fillets needed at an intersection, and be dedicated for the future P-612 facility.

Transportation staff determines that the plan, as currently submitted, is largely acceptable for circulation within the overall community. However, adequate connections to existing dedicated public streets are not provided around the perimeter of the property. Prior to the approval of each final plat adequate public street connections should be required. These connections will be the responsibility of the applicant to secure. All roadways are adequately sized with clear distinctions between public and private roadways. There remain a few outstanding issues, and these issues are described below:

1. The plan should show a primary street connection between the adjacent Woodside Village site (A-9973) across the Cabin Branch. This street should connect to Road C near private road DDD. This connection is needed to connect the subject property to park and school facilities that will be located within Woodside Village. It will also provide a connection between Woodside Village and a school site on the subject property, as well as providing a more direct connection for Woodside Village to the town center area. Finally, it will provide a secondary connection for a large portion of Woodside Village.
2. A plan entitled “Smith Home Farm Traffic Calming” has been received. All proposed traffic calming devices shown on this plan should be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
3. A plan entitled “Transit Plan—Smith Farm” has been received. Transportation staff remains concerned that the bus circulation plan provided by the applicant is based upon straight-line distances of 0.45 miles. The transit staff at DPW&T clearly indicated that most of the development should be transit-serviceable within one-quarter mile, and the applicant indicated that the plan would be based upon walking distance, not straight-line distance. Nonetheless, all proposed transit facilities shown on this plan should be reflected on the appropriate specific design plans and verified by transportation staff.

Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.

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4. The environmental impacts of Road M and its stream crossing have become an issue. The transportation staff believes that Road M provides a major entrance to the mixed retirement residential component of the development. It is the primary entrance to the recreational facility serving the mixed retirement community. This roadway will be a secondary entrance to the multifamily residential components in and around the L-A-C portion of the site. This roadway should not be deleted from the plan.

Prior plans have a number of conditions that require review. The status of the transportation-related conditions is summarized below:

**A-9966:**

Condition 2(A)(9): This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. It is important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, shall be determined by transportation staff in conjunction with the review of the specific design plan that includes the portion of Road C between MC-632 and Mellwood Road.

Condition 2(I): This condition was met during review of the comprehensive design plan, and was fulfilled with the submittal of the November 2005 supplemental traffic study.

Condition 2(K)(1): This condition requires that the timing for the construction of the MD 4/Westphalia Road interchange be determined at the time of preliminary plan. The applicant has generously proffered to construct this interchange and has agreed to a schedule that would involve bonding and finalization of design prior to the initial building permit, and completion prior to issuance of permits for the 1,001<sup>st</sup> residential unit.

**CDP-0501:**

Condition 1(h)(1): This condition requires the right-of-way required for A-66 be determined at the time of subdivision. Through determination of the right-of-way for MC-634, this has been done.

Condition 1(h)(2): This condition requires the provision of a secondary external connection near the northern end of Ryon Road. The plan reflects a connection to MC-634; this is acceptable.

Condition 2: This condition establishes a trip cap for the subject site. The trip cap in this plan is identical to that reviewed at the time of CDP; therefore, the trip cap is not an issue and will be carried forward in the preliminary plan approval.

Condition 3: This condition requires the construction of the MD 4/Westphalia Road interchange. As modified under the discussion of A-9966, this condition will be carried forward.

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Condition 5: This condition requires that the applicant propose rights-of-way consistent with the WCCP in consideration of the needs shown and county standards. This condition is addressed in this resolution.

Condition 8: This condition requires the submitted of traffic signal warrant studies at two locations. This condition will be carried over as a part of this approval and enforced at the time of the initial specific design plan proposing development.

### **Surplus Capacity Reimbursement**

This Finding is provided as a supplement to the June 6, 2006 memorandum. A transportation facilities financing plan is being prepared as a part of the Westphalia Sector Plan. As a part of the transportation needs for the area, the applicant for the subject property has made a significant proffer to construct an interchange at the intersection of MD 4 and Westphalia Road. In order to facilitate the approval of other smaller sites in the area until the approval of the financing plan and the sector plan, † ~~[the transportation staff believes that the]~~ Planning Board † ~~[should]~~ make[s] additional findings so that the MD 4/Westphalia Road interchange can be treated as a Surplus Capacity Reimbursement (SCR) improvement pursuant to the *Guidelines* and Section 24-124(b).

It is determined that the MD 4/Westphalia Road interchange meets the criteria for consideration as an SCR improvement. The *Guidelines* indicate four separate criteria to be met for such consideration:

- a. This improvement is needed solely to satisfy the Planning Board's finding of adequate transportation facilities. This improvement is not access-related or frontage-related, and it is not otherwise required pursuant to other County or State regulations.
- b. The total estimated cost to complete this improvement is greater than \$500,000. Estimated costs for this improvement exceed \$20,000,000.
- c. The current Maryland Department of Transportation Consolidated Transportation Program (CTP) shows this improvement with funding for planning. While the planning phase is a small part of the total cost to complete the improvement, it is a part of the cost. Therefore, it is determined that this improvement is shown with funding of greater than zero percent but less than one hundred percent of the total cost to complete the improvement.
- d. Upon completion of the interchange, the intersection of the westbound MD 4 ramps and Westphalia Road will operate at LOS A in both peak hours. The intersection of the eastbound MD 4 ramps and Old Marlboro Pike will operate at LOS A in the AM peak hour and LOS A in the PM peak hour. Therefore, in accordance with the *Guidelines* it is determined that this improvement will create substantial surplus capacity beyond that required by the applicant to satisfy the adequacy finding.

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Given that the MD 4/Westphalia Road interchange meets the necessary criteria for consideration as an SCR improvement, it is determined that the interchange is appropriate for treatment as an SCR improvement. By this determination, Section 24-124(b) allows for the developer to be reimbursed in part by other developers for the creation of excess capacity. Conversely, Section 24-124(b) allows other developers to receive a requirement to pay a pro-rata share of the MD 4/Westphalia Road interchange rather than receiving a condition requiring the construction of the interchange. The subject applicant has accepted a condition to construct the interchange, and must bond it, obtain permits for it, and schedule it for construction prior to the release of the initial building permit. At this point, the Planning Board would be able to formally pass a resolution establishing the SCR (Surplus Capacity Reimbursement Procedure) for the MD 4/Westphalia Road interchange. In order to ensure compliance with Section 24-124(b), it will be necessary for this to occur prior to other developments paying the pro-rata share and moving into the building permit stage of development. Despite repeated requests, however, the applicant has provided no firm timetable for completing the needed bonding so that the SCR can be formally established.

The following information will be needed to establish the SCR:

- a. Engineering and construction plans for the transportation improvement sufficient to provide detailed cost estimates for completion, including right-of-way acquisition, utility relocation, design and construction costs.
- b. A certification with SHA of the total estimated cost.

The subject application has proffered to construct the SCR improvement. While the *Guidelines* provide detailed guidance for computations involving simple intersection or link improvements, there is no guidance for the interchange that is proposed. Therefore, the following methodology will be used to compute the SCR fee for each succeeding development:

**Base: SCR Improvement:**

The traffic study computations have been reviewed in great detail, and a number of issues have arisen:

- The MD 4/Westphalia Road interchange is represented as two intersections connecting to ramps. Actually, the interchange involves three intersections: Westphalia Road/service road; Old Marlboro Pike/MD 4 EB ramps; and service road/MD 4 WB ramps. It is proposed that the AM and PM critical lane volumes of the three intersections be averaged in order to determine a traffic statistic for the interchange. While this statistic is roughly analogous to the critical lane volume, it is termed the “traffic statistic” in order to differentiate it from the commonly-used critical lane volume measure.

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- The traffic study assumes that all traffic can use the MD 4/Westphalia Road interchange. In fact, the general westbound on-ramp is restricted to use by emergency and public safety vehicles only due to the potential weaving conflicts between this ramp and the ramp to the outer loop of the Capital Beltway. A ramp allows general traffic to access the Beltway ramp
- only; other traffic must utilize another interchange to reach the inner loop of the Capital Beltway or continue inbound on MD 4. Staff's analysis has rerouted traffic away from this interchange as needed.
- A number of approved background developments are mislocated on the locator map, and hence are misassigned to the area roadway network. Staff's analysis has taken note of these problems and has reassigned the traffic accordingly.

With the changes as outlined above, the following results are determined, not including the subject property, as shown on Attachment A to this memorandum:

|   |  |                             |
|---|--|-----------------------------|
| <u>Westphalia Road/service road:</u>    | <u>AM CLV – 584; PM CLV – 578</u>          | <u>. Average 581</u>        |
| <u>Old Marlboro Pike/MD 4 EB ramps:</u> | <u>AM CLV – 683; PM CLV – 831.</u>         | <u>Average 757</u>          |
| <u>Service road/MD 4 WB ramps:</u>      | <u>AM CLV – 682; PM CLV – 589.</u>         | <u>Average 635.5</u>        |
|   | <u>Base interchange traffic statistic:</u> | <u>657.83</u>               |
|   | <u>Created Capacity:</u>                   | <u>1450-657.83 = 792.17</u> |

**SCR Improvement Cost:**

A concept and a cost for the MD 4/Westphalia Road interchange have been provided by the applicant. These are shown as Attachments B through D. Through discussions, the costs have been refined as follows:

- Contingency is a factor that is normally applied to construction cost estimates as a means of accounting for any number of unforeseen costs. A higher contingency factor suggests the level of design that has been completed, with a lower factor used for a more advanced design. Given that the design plans are 30 percent complete, and furthermore given that the cost estimate made no allowance for right-of-way acquisition, a 35 percent contingency factor is recommended. Increasing this factor adds \$1,072,500 to the overall cost estimate.
- The cost estimate assumed the installation of traffic signals at two locations. Given that all ramps are very short in length, it is believed likely that signals will be needed at all three intersections within the interchange, and the cost estimate is corrected to add \$150,000 to include a third signal.
- Aside from traffic control, paving, and structures, other signage will also be needed. An additional \$200,000 is added to the cost estimate to account for additional signage.

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- The unit costs utilized cause the greatest concern. The roadway unit cost of \$250 per lane-foot covers paving only and not needed shoulders, barriers, drainage structures, or medians, and should be increased by one-third. This factor would increase the cost to \$332.50 per lane-foot.

With these changes, the overall cost of the interchange to be allocated would be \$25,840,000.

**Pro-Rata Share for Smith Home Farm:**

Using the information in the traffic study, trips are assigned as shown on Attachment E (keeping in mind that south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic with Smith Home Farm is shown on Attachment F. The following results are determined:

|   |   |
|---|---|
| <u>Westphalia Road/service road:</u>    | <u>AM CLV – 782; PM CLV – 731</u>               |
| <u>Average 756.5</u>                    |   |
| <u>Old Marlboro Pike/MD 4 EB ramps:</u> | <u>AM CLV – 683; PM CLV – 831. Average 757</u>  |
| <u>Service road/MD 4 WB ramps:</u>      | <u>AM CLV – 682; PM CLV – 758. Average 720</u>  |
|   | <u>SHF interchange traffic statistic: 744.5</u> |

Change in traffic statistic = SHF – Base  
Change in traffic statistic = 744.5 – 657.83 = 86.67

Share = Change/Created Capacity  
Share = 86.67/792.17 = 0.1094

Allocated Cost = Allocable Cost \* Share  
Allocated Cost = 25,840,000 \* 0.1094 = \$2,830,000

**Pro-Rata Share for Subsequent Development:**

As an example, a Development X consisting of 712 townhouses and 344 condominiums is proposed within the area of the SCR improvement. It is determined that 42.5 percent of site traffic would use the MD 4/Westphalia Road intersection, with 25 percent destined for the Beltway south of MD 4, 5 percent for MD 4 inside the Beltway, 10 percent for Old Marlboro Pike, and 2.5 percent for MD 4 outbound. Trips are assigned as shown on Attachment G (keeping in mind that traffic heading south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic is shown on Attachment H. The following results are determined:

|   |  |
|---|--|
| <u>Westphalia Road/service road:</u>    | <u>AM CLV – 851; PM CLV – 829</u>              |
| <u>Average 840</u>                      |  |
| <u>Old Marlboro Pike/MD 4 EB ramps:</u> | <u>AM CLV – 710; PM CLV – 890. Average 800</u> |
| <u>Service road/MD 4 WB ramps:</u>      | <u>AM CLV – 784; PM CLV – 771. Average 778</u> |

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Dev X interchange traffic statistic: 805.83

Change in traffic statistic = Dev X – SHF  
Change in traffic statistic = 805.83 – 744.5 = 61.33

Share = Change/Created Capacity  
Share = 61.33/792.17 = 0.0774

Allocated Cost = Allocable Cost \* Share  
Allocated Cost = 25,840,000 \* 0.0774 = \$2,000,000

**Summary:**

It is recommended that, † [if the subject case is approved, that] (a) the proposed interchange at MD 4/Westphalia Road – which has been proffered for construction by the subject applicant – be considered as a SCR improvement in accordance with Section 24-124; and (b) a methodology for computing the pro-rata payment associated with this improvement be approved in conjunction with the above finding. Subsequent developments could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

In making this recommendation, all parties must be aware that subsequent action will be needed by the Planning Board to establish a SCR at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCR prior to the passage of the resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCR prior to building permit.

†[By letter dated March 21, 2012, Marva Jo Camp, Esq. representing all of the property owners of the land which is the subject of this application requested a waiver of the Planning Board’s Rules of Procedures and a reconsideration of Condition 42 and Finding 9 relating solely to the construction of the Pennsylvania Avenue (MD 4)/ Westphalia Road interchange and the funding for the improvement. The Planning Board granted the waiver and request for reconsideration for good cause in furtherance of substantial public interest (Rules of Procedure, Section 10(e)) on April 19, 2012.

†[The Subdivision Regulations require that the Planning Board find adequate transportation facilities pursuant to Section 24-124 prior to approval of the preliminary plan. The Planning Board finds that under total traffic conditions the critical intersection of MD 4 and Westphalia Road failed to meet the adequate level of service required in accordance with the Planning Board’s “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The Planning Board placed the following condition for the construction of the MD 4/Westphalia Road interchange on this project:

**†[42. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:**

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- †[a. **Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.**
- †[b. **Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units; the MD 4/Westphalia Road interchange shall be open to traffic.**

†[Subsequent to the Planning Board’s approval of the preliminary plan, the District Council approved the 2007 *Westphalia Sector Plan and Sectional Map Amendment* by resolution (CR-2-2007) on February 6, 2007. The Smith Home Farm project (4-05080) is within the limits of the Westphalia Sector Plan. In order to “ensure the timely provision of adequate public facilities,” the District Council adopted CR-66-2010 on October 26, 2010, establishing the Public Facilities Financing and Implementation Program (PFFIP) District for Westphalia Center.

†[Prior to the adoption of CR-66-2010, the Prince George’s County Council amended Section 24-124 of the Subdivision Regulations, on July 23, 2008 (CB-25-2008), relating to adequate roads required in anticipation of the creation of the PFFIP as follows (emphasis added):

†[Section 24-124. Adequate roads required.

†[(a) **Before any preliminary plat may be approved, the Planning Board shall find that:**

- †[(1) **There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1);**

†[Section 27-107.01(186.1) of the Zoning Ordinance, which defines the Public Facilities Financing and Implementation Program (PFFIP), provides (in part) that “[t]his program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding ‘clubs,’ and the Surplus Capacity Reimbursement Procedures provided in Section 24-124 of the County Code, and other methods to ensure equity.”

†[Subsequent to the amendment of Section 24-124(a)(1), which provided for the PFFIP, the County Council adopted CR-66-2010 which established the Public Facilities Financing and

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Implementation Program (PFFIP) District for Westphalia Center. Council Resolution CR-66-2010 includes three exhibits, in general, the exhibits are:

- †[• **Exhibit A** is a map which generally sets forth the Westphalia PFFIP District and “shall consist of the property described in Attached Exhibit A of this Resolution and any additional owner/developer, its heirs, successors and/or assigns that are required to construct the MD 4/Westphalia Road Interchange and Interim Improvements” This exhibit includes the Smith Home Farm project.
  
- †[• **Exhibit B** sets forth the planning, engineering, construction, and administrative cost of the interchange at MD 4/Westphalia. The fee (\$79,990,000) will be paid into the Westphalia PFFIP District Fund (Fund) at the time of issuance of each building permit for the projects which are conditioned on building the interchange to meet the adequate transportation facilities at the time of preliminary plan of subdivision. The Fund “shall be established prior to the collection of any fees and all revenue collected for the Fund shall only be used for the cost of the improvements listed on Exhibit B and for customary administrative cost associated with the planning, engineering and construction of the MD 4 at Westphalia Road Interchange and Interim Improvements.” The fee is based on the average daily trips (ADT) for each project as a proportional share. In addition, Exhibit B includes a schedule and milestones.
  
- †[• **Exhibit C** is a draft Memorandum of Understanding (MOU) that is required to be executed by the owner/developer with the county, which sets forth the terms and conditions for the payment of fees. Council Resolution CR-66-2010 requires that the MOU be executed and recorded in Land Records and the liber/folio reflected on the record plats for the project. The MOU contains the fee to be paid with each permit. A provision does exist in CR-66-2010 for the county to establish a Tax Increment Financing District (Westphalia TIF District), excluding the Moore Property. The TIF funds will be used to offset costs related to the interchange construction associated with the commercial development within the Westphalia Town Center. The TIF fund has not yet been established and, therefore, the mechanics of how it would be operated are not understood.

†[This legislation provided the specific financing strategy under which owners/developers in the Westphalia Center would meet the adequate public facilities (APF) requirement when conditioned on the construction of the MD 4/Westphalia Road interchange. As adopted, the PFFIP District consists of all current and future projects, which are required to construct the MD 4/Westphalia Road interchange and interim improvements in order to “[m]eet a finding of adequacy of transportation facilities for an approved preliminary plan of subdivision pursuant to Section 24-124 of the Regulations.” The adoption of CR-66-2010 specifically provided for a pay-as-you-go financing mechanism to fund the Westphalia interchange and interim improvements.

†[Council Resolution CR-66-2010, Section 7, provides that “[a]ny Owner/Developer, their heirs, successors and/or assigns that have approved plans of subdivision that include a requirement for

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the construction of MD 4 at Westphalia Road Interchange and Interim Improvements to meet a finding of adequacy of transportation facilities shall be subject to the provisions of the Resolution.”

†[The original Condition 42 for Smith Home Farm was approved prior to the adoption of Council Resolution CR-66-2010 and, therefore, did not provide for the use of the PFFIP. Condition 42(a) required that the applicant provide full financial assurances that the interchange at MD 4/Westphalia would be constructed prior to building permits beyond those ADTs grandfathered with this project. The reconsideration was necessary to amend Condition 42 to provide for the participation in the PFFIP, which is not a full financial assurance, and to establish conditions consistent with the requirements of CR-66-2010.

**†[Additional Background**

†[At a public hearing on December 1, 2011, regarding Comprehensive Design Plan CDP-0501/01 for Smith Home Farms, the Planning Board heard evidence presented by the applicant regarding a revision to Condition 3 of the previously approved CDP-0501. The language of Condition 3 was as follows:

*†[“The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.”*

†[Specifically, the applicant proposed the following replacement condition:

*†[“Prior to the issuance of each building permit for the Smith Home Farm development, the applicant and the applicant’s heirs, successors, and/or assigns shall, pursuant to the provisions of CR-66-2010, pay to Prince George’s County (or its designee) a fee per dwelling unit. Evidence of payment must be provided to the Planning Department with each building permit application.”*

†[Given the provisions of CR-66-2010 and in light of the fact that the Planning Board has taken similar action on at least three previous applications, staff supported the revision of Condition 42, with an exception.

**†[Westphalia Public Facility Financing and Improvement Program (PFFIP) District Cost Allocation Table per CR-66-2010 (Revised 10/14/2011)**

†[On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP District for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010, staff has created a cost allocation table that allocates the estimated \$79,990,000 cost of the

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interchange to all of the properties within the PFFIP District. The allocation is based on the proportion of average daily traffic contributed by each development, to the total contributed by all of the developments in the District.

†[In the preparation of that table, staff had originally assigned 9,377 average daily trips (ADT) from the residential component of the proposed Smith Home Farm Development through the MD 4/Westphalia Road intersection. However, based on the PGCPB No. 06-64(A), the approved preliminary plan for the subject development was approved for a mix of dwelling units totaling ‡[3,628] 3,648. Consequently, staff is adjusted the cost allocation table to reflect the number of dwelling units approved in the preliminary plan of subdivision.

#### †[PFFIP Cost Allocation Update

†[As a result of the revised ADTs attributed to the subject property, the fee associated with the subject development is computed on a per dwelling unit bases and will be reflected in the MOU required by CR-66-2010. This cost is based on the fact that the residential component of the subject property accounts for ‡[11.30] 7.57 percent of the total trips allocated through the MD 4/Westphalia Road intersection. Similarly, the commercial component (‡[170,000] 140,000 square feet) accounts for ‡[1.22] 0.96 percent of the assigned trips through the subject intersection. A copy of the table (as amended by the Planning Board) was provided to the PB at the public hearing for this reconsideration as approved on May 24, 2012.

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†[Based on the current design of the proposed interchange at MD 4 and Westphalia Road, and given its close proximity to the existing interchange at MD 4 and the Capital Beltway (I-95/I-495), it is quite likely that traffic operation between both interchanges could be affected. To that end, the Federal Highway Administration (FHWA) is requiring that an Interstate Access Point Approval (IAPA) application be filed by the applicant working through the Maryland State

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Highway Administration (SHA). As part of the IAPA process, detailed engineering drawings of the proposed interchange must be produced, from which a final cost estimate will be derived. It is this cost estimate (up to a maximum of \$79,990,000.00) that will determine the share of each property owner within the PFFIP District. Information provided by the applicant and SHA has indicated that the IAPA process is likely to last for approximately one year. Consequently, the final cost estimate is not likely to be available before the IAPA process is completed. Since the final cost estimate is not known as of this writing, all development costs shown in the previous and current cost allocation tables are based on an assumed estimate of \$79,990,000.00. Applicants seeking building permits will pay an amount based on what was assumed at the time the cost allocation table was previously revised and as reflected in the recorded MOU that the applicant will enter into with Prince George's County prior to the approval of final plats. Pursuant to Section 4 of CR-66-2010, applicants who paid more than the amount based on the final cost estimate will be eligible for a credit refund of the overpayment.

†[**CR-66-2010, Section 11 - Memorandum of Understanding (“MOU”)**]

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

†[*“BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation shall execute a Memorandum of Understanding (“MOU”) with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assigns pursuant to the PFFIP substantially in the form set forth in Attached Exhibit C, attached hereto and made a part hereof as if fully expressed herein. The MOU for each project shall be executed prior to Planning Board approval of any final plat for that Project. Upon approval by the County, the MOU shall be recorded among the County land records and noted on the final plat of subdivision. Failure of the Owner/Developer or its heirs, successors and/or assigns to execute and record the MOU shall preclude the issuance of any building permit to any Owner/Developer, heirs, successors and/or assigns that are subject to the provisions of the legislation.”*]

†[In light of this provision, all preliminary plans of subdivision subject to CR-66-2010 shall be conditioned on providing a copy of the recorded MOU and the liber/folio reflected on the record plat.

†[**CR-66-2010, Section 12 – Management Consortium**]

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

†[*“BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation and have a project with more than five hundred seventy-five (575) projected units or one hundred thousand (100,000) projected square footage shall join a Management Consortium (“Consortium”). The Consortium shall be formed by the owners/developers, their heirs, successors and/or assigns six months following the adoption of this Resolution but not later than the date of submission of construction plans and*

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*specifications for any part of the MD 4 at Westphalia Road Interchange and Interim Improvements to SHA and/or DPW&T for review specifically for the purpose of administering the planning, design and construction of the MD 4 at Westphalia Road Interchange and Interim Improvements.”*

†[Information provided to staff by the applicant has indicated that on May 17, 2011, a filing to establish the Westphalia Sector Management Consortium, LLC (“Consortium”) was made. Staff was further advised by the applicant’s attorney that acknowledgement of said filing was received on July 6, 2011. Staff has also been provided with electronic evidence (e-mail) of correspondence between the applicant and SHA, indicating that the IAPA process began in April 2011.]

**\*Transportation Staff Conclusions**

Based on the preceding findings, † [the Transportation Planning Section concludes that] adequate transportation facilities †[would][will] exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code † [if the application is approved with conditions].

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for the impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

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**Residential**

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 4 | Middle School Cluster 2 | High School Cluster 2 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units             | 3648 sfd                    | 3648 sfd                | 3648 sfd              |
| Pupil Yield Factor         | 0.24                        | 0.06                    | 0.12                  |
| Subdivision Enrollment     | 875.52                      | 218.88                  | 437.76                |
| Actual Enrollment          | 3965                        | 7218                    | 10839                 |
| Completion Enrollment      | 176                         | 112                     | 223                   |
| Cumulative Enrollment      | 63.12                       | 17.04                   | 35.16                 |
| Total Enrollment           | 5079.64                     | 7565.92                 | 11534.92              |
| State Rated Capacity       | 4140                        | 6569                    | 8920                  |
| Percent Capacity           | 122.70%                     | 115.18%                 | 129.32%               |

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

**Proposed School Site**

The subject site is located in an area recommended by the 1994 approved and adopted Melwood Westphalia master plan with a proposed floating elementary school and library symbols.

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The application shows a proposed school site located south of the Blythwood Historic site, east of road C-632, currently outside of the limits of the Blythwood Historic Site and its environmental setting. It appears that the applicant is proposing to provide for the stormwater management for the school site on private homeowners association land, or public parkland if conveyed to M-NCPPC. Staff would not recommend that the public institution utilize land privately owned by the homeowners association, or M-NCPPC. The Department of Environmental Resources does not manage or take maintenance responsibilities for stormwater management facilities on private lands. DER only requires a maintenance schedule and agreement, which would require that the BOE and the HOA or M-NCPPC enter into an agreement for responsibility of the SWM facility, staff believes inappropriately requiring a contractual arrangement between these entities.

The Board of Education typically needs 12–15 acres to construct a school and playfields in a suburban environment. The preliminary plan currently indicated 3.9 acres of land for a future school site and this should be increased to ensure that onsite stormwater management, parking and recreational facilities can be provided. Staff recommends a minimum of seven acres, to be dedicated concurrent with the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, in the vicinity of the BOE school site. Prior to signature approval of the preliminary plan the BOE property as delineated on the preliminary plan should be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle. The BOE is aware that this additional acreage is within the environmental setting for the historic site. Historic Preservation staff has indicated that the HPC would generally concur with the use of that portion of the property which is lawn area, be utilized for recreation purposes such as ball fields. The BOE property should not suffer the disposition of improvements necessary to support the Smith Home Farm development.

The Historic Preservation and Public Facilities Planning Section staff have evaluated this project for conformance to the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

### **Commercial**

The portion of the subdivision that is developed with commercial and retail uses is not subject to review for its impact on schools clusters.

11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. This preliminary plan was accepted for processing by the Planning Department on October 14, 2006.

### **Residential**

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Forestville, Company 23,

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using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

### **Commercial**

The existing fire engine service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service travel time of 11.32 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service travel time of 8.43 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic services located at Kentland Station, Company 46, are beyond the recommended travel time guideline. The nearest fire station Forestville, Company 23 is located at 8311 Old Marlboro Pike, which is 4.20 minutes from the development for commercial. This facility would be within the recommended travel time for paramedic services. If an operational decision to locate this service at that facility is made by the county.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II-Bowie. The preliminary plan was accepted for processing by the Planning Department on October 14, 2005.

### **Residential**

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The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

| <b>Reporting Cycle</b> | <b>Date</b>              | <b>Emergency Calls</b> | <b>Nonemergency</b> |
|------------------------|--------------------------|------------------------|---------------------|
| Acceptance Date        | <u>01/05/05-09/05/05</u> | <u>11.00</u>           | <u>24.00</u>        |
| Cycle 1                | <u>01/05/05-10/05/06</u> | <u>11.00</u>           | <u>24.00</u>        |
| Cycle 2                | <u>01/05/05-11/05/05</u> | <u>10.00</u>           | <u>24.00</u>        |
| Cycle 3                |                          |                        |                     |

The Police Chief has reported that the then current staff complement of the Police Department is 1302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005, for an application filed prior to January 1, 2006.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on November 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

**Commercial**

The proposed development is within the service area for Police District II-Bowie. The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420, for an application filed prior to January 1, 2006.

13. **Health Department**—The Health Department has reviewed the preliminary plan and offers the following comments:

All existing/abandoned shallow and deep wells found within the confines of the above-referenced property should be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit.

The location of the wells should be located on the preliminary plan. The applicant should be advised that the wells serving occupied houses should not be disconnected/abandoned until the houses are vacated. Once all the existing houses within the confines of the above-referenced property are vacated, all abandoned septic systems serving said houses must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems should be located on the preliminary plan.

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The 2-hole privy serving the bunkhouse near the barn/stable associated with 4101 Melwood Road must be removed. To abandon the privy, the contents should be removed, if possible, by a licensed scavenger and the excavation limed prior to backfilling. If the contents cannot be removed, the materials should be limed and then backfilled.

Numerous above/below ground fuel storage tanks (oil, transmission fluid, fuel) as well as containers of fertilizers/pesticides were noted on-site. These tanks must be removed as part of the raze permits and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department should evaluate the soils for possible contamination once the tanks are removed prior to grading permit approval.

Prior to the approval of a final plat that contains existing structures to be razed, those structures should be razed, and the well and septic systems properly abandoned. A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed.

The German Orphan Home is located to the south of the site. The Home is currently served by well and septic systems. The Health Department recommends that upon availability that public water and sewer connection be provided to the adjacent German Orphan Home at 4620 Melwood Road.

14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #36059-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The preliminary plan and Type I Tree Conservation plan should be revised to conform to the conditions of the SWM approval.

15. **Historic-** This Preliminary Plan of Subdivision surrounds Blythewood and its 33-acre environmental setting. The Historic Preservation Commission reviewed this plan at the February 21, 2006 meeting. Subsequent to that meeting, the M-NCPPC archeologist clarified that the pit feature at archeological site, 18PR766, is not within the environmental setting for Blythewood but to the northwest at Road I and Road X of Block M. This memo carries forward their recommendations as well as staff recommendations on further information submitted with this preliminary plan under reconsideration.

The District Council approved the re-zoning of Smith Home Farm (A-9965/6) with conditions on February 14, 2006. The plans submitted with this preliminary plan of subdivision match the plans submitted with CDP-0501 (referred April 19, 2006). The environmental setting for Blythewood (33 acres) was determined by the Historic Preservation Commission (HPC) at its

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October 18, 2005, meeting. This proposal does not delineate the Blythewood Complex within the 33-acre environmental setting. The boundary of the Environmental setting shown on the preliminary plan is slightly different from what was approved by the HPC and is only 29.2 acres. In addition, a 5.5-acre area containing the Blythewood house and domestic and agricultural outbuildings is shown. The two tenant houses are not included in 5.5 acres.

The plans submitted delineate the approximate location of modern gravesites, directly south of the Blythewood on the top of the knoll and within the environmental setting. In order to comply with Section 106 review and the Planning Board directive concerning archeological investigation, the applicant has conducted a Phase I archeological investigation to determine whether or not the property contains important evidence of Native American and African American habitation and burials.

Further archeological investigation should be required. Additional information about African-Americans on-site in the eighteenth and nineteenth centuries is needed to document their presence. Wills and inventories of past owners of the Smith property should be searched for the transfer of land and material property including slaves. The 1864 Slave Statistics show that 39 slaves are recorded for William F. Berry. Analysis of earlier sources may provide information about African-Americans on the Smith property prior to William F. Berry. Review of recent archaeological reports on plantation sites from Prince George's County may provide information useful to determining the location of structures not located on historic maps.

Twelve archaeological sites were discovered during the survey of the Smith property. At one site, 18PR766, a pit feature was discovered. It is stated that shovel test pits at 18PR766 did not determine the depth and nature of the pit feature. Phase II investigations to determine the depth and nature of the pit feature should be conducted. In addition, a more detailed examination of primary historic documents may determine if a household was established in the area prior to the nineteenth century and if the structure was associated with either of the two earlier tracts, Free School or Lucky Discovery, which pre-dated Blythewood and the tenure of William F. Berry.

An archaeological survey was conducted around the two Blythewood tenant houses. Three low-density artifact scatters from the mid-nineteenth to the twentieth century were recovered but no artifact patterning was identified. It is stated that the two circa 1860 tenant structures were identified in a 1924 deed of sale. Further research into the material property owned by Berry may determine if the two tenant houses were slave quarters and if additional slave quarters were on the property. The proposed development of the Smith property shows a Stormwater Management Pond located where the two tenant structures are located, within the environmental setting. This will result in the destruction of these two structures, which would require the approval of an historic work area permit. Phase II investigations should be conducted to determine the construction dates and to look for features associated with free and enslaved African-American occupation. The limit of disturbance should be revised to relocate the pond outside of the environmental setting.

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The Moore Farmhouse (78-035), part of this preliminary plan of subdivision, to the west of Mellwood Road, is not eligible for the National Register, and has not been designated as a historic site or resource.

The Blythewood House, outbuilding complex and fields are associated with the agricultural history of Prince George's County during the nineteenth and twentieth centuries. The environmental setting for the Blythewood complex includes all the associated buildings, as well as the view shed of the existing fields and is not accurately reflected on the preliminary plan. The good physical condition of the buildings will assist in their adaptive reuse as a focal point of the development. The opportunity to showcase this unique property in Prince George's County and promote the county's agrarian past through historical interpretation should be capitalized upon. The applicant should demonstrate how these buildings would be maintained and restored, through further phases of development.

Further Phase I investigations should be conducted to determine whether or not the property contains important evidence of Native American and African American habitation and burials. In addition, Phase II investigations should be conducted if the proposed development of the Smith property results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation. Phase II investigations are being conducted at the pit feature known as 18PR766, and additional modifications to layout and improvement locations may result through the development review process in order to ensure protection of historic features.

The "Historic Blythewood Homesite Parcel" is proposed for adaptive reuse to be retained at this time by the applicant. A plan for the maintenance of the tobacco barn and tenant houses should be submitted to Historic Preservation staff. The 5.9-acre parcel should include the tree-lined lane leading to the house and outbuildings. The tree-lined access appears to be approximately 15 feet wide and is not adequate to serve as vehicular access to a commercial or office use. To ensure that it remains, staff believe that options including the conversion of the tree lined driveway to a pedestrian path connecting may be appropriate. Prior to signature approval, the parcel should be revised to provide a minimum 22-foot-wide stem to the proposed traffic circle, to provide direct vehicular access on to the circle.

16. **Cemeteries**—The property contain one known cemetery, to the north of the Blythewood Historic House within the 33-acre environmental setting, and within the 5.5 acre "homesite parcel."

Section 24-135.02 of the Subdivision Regulations establishes that when a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

“(a)(1) The corners of the cemetery shall be staked in the field prior to preliminary plat submittal. The stakes shall be maintained by the applicant until preliminary plat approval.

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(2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plat application.

(3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.

(4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.

(5) If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other agreements shall include a determination of the following:

(A) Current and proposed property ownership;

(B) Responsibility for maintenance;

(C) A maintenance plan and schedule;

(D) Adequate access; and

(E) Any other specifications deemed necessary by the Planning Board.

(b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.

(c) The Planning Board, or its designee, shall maintain a registry of cemeteries identified during the subdivision review process.

(d) Upon approval of a preliminary plat of subdivision, any cemetery approved in accordance with this Section which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.”

The cemetery site on the Blythewood knoll is just to the south of the house and contains four headstones. There are three graves, the fourth headstone is a marker for a future interment. This

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is a modern family cemetery for the Smith Family. The cemetery is completely within the environmental setting for Blythewood.

Staff notes the following that relates to the review of the preliminary plan for conformance to this Section 24-135(02):

- (a) (1) The boundary of the four modern graves is discrete and staking prior to preliminary plan approval should not be necessary.
  - (2) An inventory of all cemetery elements should be submitted.
  - (3) The lot lines for the environmental setting for Blythewood will promote the long term maintenance and protection.
  - (4) The cemetery is within the environmental setting for Blythewood and adding a fence is not appropriate at this site.
  - (5) The plan proposes that M-NCPPC will be the owner of this property.
- (b) The cemetery will be protected by being within the environmental setting of Blythewood.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

†Denotes Secondary Amendment  
[Brackets] and † indicates new language  
~~[Brackets]~~ indicate deleted language

\*Denotes Primary Amendment  
Underlining indicates new language  
~~[Brackets]~~ indicate deleted language

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 27, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2006.

†[This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 24, 2012, in Upper Marlboro, Maryland.]

†[Adopted by the Prince George's County Planning Board this 14<sup>th</sup> day of June 2012] ‡and was corrected administratively on February 19, 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:WC:arj

‡ Denotes Correction  
Underlining indicates new language  
~~[Brackets]~~ indicate deleted language

† Denotes Secondary Amendment  
[Brackets] and † indicates new language  
~~[Brackets]~~ indicate deleted language

\* Denotes Primary Amendment  
Underlining indicates new language  
~~[Brackets]~~ indicate deleted language



14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.mncppc.org/pgco](http://www.mncppc.org/pgco)

October 16, 2018

Chadsworth Homes Inc  
1010 Rockville Pike, Suite 300  
Rockville, MD 20852

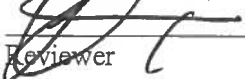
Re: Notification of Planning Board Action on  
**Preliminary Plan of Subdivision 4-16001**  
**Parkside, Section 5 & 6**

Dear Applicant:

This is to advise you that, on **October 11, 2018**, the above-referenced Preliminary Plan of Subdivision was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g), of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within 30 calendar days after the date of the final notice **October 16, 2018**.

Sincerely,  
James Hunt, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. 18-91

cc: Persons of Record



RESOLUTION

WHEREAS, SHF Project Owner, LLC is the owner of a 121.68-acre parcel of land known as Parcels 151, 122, 160, and 219, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Residential Medium Development (R-M), within the Military Installation Overlay (M-I-O) Zone; and

WHEREAS, on May 1, 2018, SHF Project Owner, LLC filed an application for approval of a Preliminary Plan of Subdivision for four hundred forty-one lots and eighty-one parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16001 for Parkside, Sections 5 & 6 was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 13, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 13, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-038-05-02, and DISAPPROVED a Variation from Section 24-122(b), and further APPROVED Preliminary Plan of Subdivision 4-16001, Parkside, Sections 5 & 6, for four hundred forty-one lots and eighty-one parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plans shall be revised to:
  - a. Show the right-of-way for C-636, with the right-of-way width labeled. The right-of-way should be realigned to intersect P-615 at an approximate 90-degree angle, and Lots 68-75 within Block B shall be revised to accommodate this right-of-way. At that time, these rights-of-way shall be verified by the Transportation Planning Section. These facilities shall be dedicated at the time of final plat.
  - b. Delineate a 10-foot-wide public utility easement along both sides of all public rights-of-way and at least one side of all private rights-of-way.



- c. Provide alleys which are a minimum of 22 feet wide, where alleys provide the sole frontage and access to a lot.
- d. Remove reference on the plans that Rock Spring Drive is to be vacated.
- e. Add the following general note:

“Pursuant to Section 24-128(b)(7)(A), the Planning Board may approve a subdivision within the R-M Zone with alleys that serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. There are several lots within the subject site that do not have frontage on a public street and are served by alleys. This relationship was reviewed with the preliminary plan, however the applicant did not submit a variation from Section 24-128 (b)(7)(A). Therefore, the layout will be further reviewed at SDP and if the current layout is supported, a variation will be required prior to final plat.”

- 2. Total development within the subject property shall be limited to uses which generate no more than a net total of 341 AM and 273 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- 3. Prior to issuance of each building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George’s County Council Resolution CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George’s County (or its designee) a fee of \$1,660.29 per dwelling unit, pursuant to the Memorandum of Understanding required by CR-66-2010. These unit costs will be adjusted based on an inflation cost index factor, to be determined by the Prince George’s County Department of Permitting, Inspections and Enforcement at the time of issuance of each permit.
- 4. Prior to approval of any final plat for this project, pursuant to Prince George’s County Council Resolution CR-66-2012, the owner/developer, its heirs, successors, and/or assignees shall execute a new Memorandum of Understanding (MOU) or revise the MOU recorded in Liber 34592 folio 003 among the Prince George’s County Land Records that sets forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the MD 4/Westphalia Road Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the County Land Records and the liber/folio noted on the final plat of subdivision. The MOU shall specifically be revised with the consent of all parties to indicate that building permits approved under this preliminary plan of subdivision 4-16001 are subject to the MOU, to include a revised Westphalia PFFIP Cost Allocation Table which lists this preliminary plan of subdivision, and to include a land area exhibit which reflects the total acreage and dwelling units to be developed by the Applicant within the Parkside project.

5. The final plats shall reflect dedication of the following rights-of-way, in accordance with the recommendations shown in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, as shown on the subject preliminary plan of subdivision:
  - a. 96 feet along MC-637
  - b. 100 feet along MC-632
  - c. A minimum of 60 feet along P-615
6. Prior to the approval of each final plat, the applicant shall demonstrate that adequate public streets are dedicated to connect this development to the external public street system.
7. The following road improvements shall be addressed as specific design plans (SDPs) proposing development are reviewed:
  - a. All intersections along the major collector facilities shall include exclusive left-turn lanes, where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes, unless specifically waived by the Prince George's County Department of Public Works and Transportation. Any road improvements required shall be verified at the time of SDP review for the appropriate sections of roadway and constructed through the permit process for the County.
  - b. All proposed transit facilities, as shown on the plan "Transit Plan- Smith Farm," shall be reflected on the appropriate SDPs and verified by the Transportation Planning Section. Installation of such facilities must have specific approval of the Prince George's County Department of Public Works and Transportation prior to approval of the appropriate SDP.
8. Prior to approval of any specific design plans that include buildings in the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, the applicant shall provide viewshed studies that demonstrate the extent to which proposed new construction will be visible.
9. Based on the findings of the required viewshed studies for the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, any proposed new construction determined to be visible from the historic site shall be subject to a limited specific design plan review for scale, mass, proportion, materials, architecture, landscaping, and lighting, as they would impact the character of the historic site.
10. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.

11. Prior to certification of the preliminary plan of subdivision, the table of impacts to regulated environmental features for the site shall be revised to include the permanent and temporary impacts resulting from the construction of stream restoration on Reach 3-4, and the area of impacts to the primary management area shall be included on the woodland conservation worksheet for mitigation at 1:1.
12. No part of the Patuxent River primary management area shall be placed on any single-family detached or attached lot.
13. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan and PPS shall be revised to eliminate all impacts not essential to the overall development of the site such as impacts for the construction of lots, adjacent road grading not associated with road crossings, and stormwater management ponds. These are identified as Impact 11, which affects Lots 105, 132, and 148, Section 6, and an impact identified by staff adjacent to Lot 70 in Section 6.
14. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River primary management area and all adjacent areas of preservation and afforestation/reforestation, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
15. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) and PPS shall be revised, as follows:
  - a. The table of woodland clearing off-site, in the primary management area, and in the floodplain shall be revised to correctly reflect clearing on the site, and the revised quantities shall be applied in the woodland conservation worksheet.
  - b. The quantities of woodland cleared and woodland preservation shall be verified and be applied in the woodland conservation worksheet.
  - c. The “Areas Total” table shall be replaced with a Woodland Conservation Summary Table.
  - d. The TCP1 approval block on all sheets shall be revised to include the TCP1 number in the correct format, “TCP1-038-05,” and include all previous approvals.

- e. On Sheet 9, Section 5:
  - (1) Adjacent to the two-over-two units, woodland conservation areas shall be set a minimum of 20 feet from the front of structures and adhere to other design guidelines contained in the Prince George's County Zoning Ordinance and the Environmental Technical Manual.
- f. The shaded area adjacent to Reach 3-4 restoration shall be placed under the layer showing the location of the primary management area and proposed afforestation/reforestation so it is legible.
- g. On Sheet 10, Section 6:
  - (1) Master-planned road C-636 shall be shown on the TCP1 on both Section 6 and the adjacent parkland, and no woodland conservation shall be shown with a master-planned right-of-way;
  - (2) Revise the limits of disturbance so that the primary management area is preserved where impacts are not approved.
- h. After all required revisions are made to the plan, revise the woodland and other tables on the site so that the quantities are reconciled; and
- i. Have the plans signed and dated by the qualified professional who prepared the plans.
- j. Revise the legend label for "Specimen, Champion, and/or Historic Tree to be removed under 1991 Ordinance, Subtitle 25. variance not required."
- k. Revise the Specimen Tree Tables for Sections 5 and 6, on Sheet 11, to add the following notes under the appropriate table:

"Note: The specimen trees indicated for removal in Section 5 are not subject to approval of a Subtitle 25 variance because of prior approval for removal under TCP2-020-13-02."

"Note: The specimen trees indicated for removal in Section 6 are not subject to approval of a Subtitle 25 variance because of prior approval for removal under TCP2-019-13-02."

- 16. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-038-05-02). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-038-05-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

17. All afforestation/reforestation and associated fencing shall be installed prior to issuance of the building permits adjacent to the afforestation/reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.
18. Prior to signature approval of the preliminary plan of subdivision, the approved limits of Marlboro clay, as shown on Type 1 Tree Conservation Plan TCP1-038-05 or as modified by an updated geotechnical study, shall be shown on the plan. Any lots within the 1.5 safety factor line shall be relocated outside of that line, unless a slope stability study to determine a new mitigated 1.5 safety factor line is submitted and approved by appropriate staff.
19. At the time of specific design plan for the subject property, a detail of the 10-foot-wide master plan trail connector to Westphalia Central Park, to be constructed within this subdivision, shall be coordinated with and approved by the Prince George’s County Department of Parks and Recreation.
20. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George’s County Department of Parks and Recreation, prior to construction, for trails located on Maryland-National Capital Park and Planning Commission parkland.
21. At the time of final plat, the final plat shall include:
  - a. Granting of a 10-foot-wide public utility easement along both sides of all public rights-of-way and one side of all private rights-of-way.
  - b. A note indicating that the property is subject to the Westphalia Park Club Contribution Agreement and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program agreement and provide the Liber and folio of the recorded documents.
22. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (14846-2006-02) and any subsequent revisions.

23. Prior to approval of building permits associated with residential development, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.
24. Prior to final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees and the Prince George's County Department of Parks and Recreation shall enter into a public recreational facilities agreement (RFA) for construction of the master-planned trail and any associated trail structures within the Public Use Trail and Maintenance Easement area within this preliminary plan of subdivision. The RFA shall establish the scope, bonding provisions, and schedule of construction for the master plan trail extension to the Westphalia Central Park.
25. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of public recreational facilities on park property prior to issuance of building permits.
26. Prior to issuance of grading permits, the applicant shall demonstrate, within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Prince George's County Health Department.
27. A note shall be provided on the preliminary plan of subdivision and the Type 1 tree conservation plan which states that no disturbance is permitted within the Blythewood Historic Site environmental setting including, but not limited to, stormwater management, grading for stormwater management, and public or private roads, without the approval of a Historic Area Work Permit.
28. The following note shall be placed on the final plat:

"Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses."
29. Prior to 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.
30. Prior to approval of any residential building permits within the 65 or higher dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.



31. In conformance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* the 2009 *Approved Countywide Master Plan of Transportation*, and approved specific design plans (SDPs), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Standard sidewalks along both sides of all internal roads, excluding alleys. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.
  - b. A multi-use, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the *Park and Recreation Facilities Guidelines*. Timing for the construction shall be determined with the appropriate SDP. Connector trails shall be provided from the stream valley trail to adjacent residential development.
  - c. A shared-use sidepath (or wide sidewalk) along the subject site's entire portion of MC-632. Within Sections 5 and 6 the shared-use sidepath will serve as a segment of the Melwood Legacy Trail.
  - d. A connector trail within the limits of this application from Dowerhouse Road to the adjacent Cabin Branch Stream Valley Trail, as indicated on the previously approved comprehensive trails plan.
  - e. Provide standard sidewalks and designate bike lanes with appropriate signage and pavement markings along both sides of C-635 and P-615, unless modified by DPW&T or DPIE.
  - f. Trails shall be constructed in conjunction with each section of development, with bonding prior to issuance of the first building permit, and completion prior to issuance of 50 percent of the building permits, as required in Condition 11 of Comprehensive Design Plan CDP-0501.
  - g. Each SDP that contains trails shall show the field-identified location for all trails and the associated grading.
32. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit an updated comprehensive trails map. All trails and trail connections shall be constructed within homeowners' association (HOA) or Maryland-National Capital Park and Planning Commission (M-NCPPC) land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the Transportation Planning Section and be utilized in the review of each SDP that contains trails.

33. Prior to approval of any building permit for the subject property within this application, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
  - a. Construct appropriate off-site improvements and amenities along the Melwood Legacy Trail. The improvements along the Melwood Legacy Trail shall be consistent with Section 24-124.01(d) and will be determined at the time of specific design plan (SDP). Cost estimates for the off-site improvements will be provided at the time of SDP and improvements are subject to the cost cap specified in Section 24-124.01(c). Improvements provided along the trail shall be above and beyond what is already required for standard trail construction and may include, but not be limited to, pedestrian safety features at road crossings, trail lighting, landscaping, pedestrian amenities, bike racks, bicycle repair stations, wayfinding, and interpretative signage.
  - b. At the time of specific design plan, provide an exhibit that illustrates the location, limits, and details of the off-site improvements proffered along the Melwood Legacy Trail, consistent with Section 24-124.01(f).
34. The applicant and the applicant's heirs, successors, and/or assignees shall preserve as much of Melwood Road, as feasible, for use as a pedestrian/trail corridor, in keeping with recommendations from the Westphalia Comprehensive Concept Plan study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of MC-632 at the time of specific design plan.
35. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan and PPS shall be revised to conceptually show the limits of disturbance for all proposed trails.
36. The property included in this application (as reflected in Applicant's Exhibit B) is subject to the Westphalia Park Club Contribution Agreement, originally recorded among the Prince George's County Land Records in Liber 34726 folio 202. The applicant and the applicant's heirs, successors, and/or assignees are subject to a monetary contribution into the Westphalia Park Club (Park Club) with the total value of a payment being \$3,500 per dwelling unit in 2006 dollars and adjusted for inflation on an annual basis using the Consumer Price Index. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the Central Park and/or the other parks that will serve the Westphalia Sector Plan area. Monetary contribution into the Park Club shall be payable by the applicant to the Maryland-National Capital Park and Planning Commission prior to issuance of each building permit for each dwelling unit.



37. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate to the Prince George's County Board of Education (BOE), upon their agreement, Parcel A19. Dedication of this parcel, upon the agreement of BOE, shall be concurrent with the dedication of MC-632. The BOE property shall not be utilized for improvements necessary to support the Parkside development, except upon specific agreement with the BOE. The Homeowners association land shall not be utilized to support development of the BOE property including, but not limited to, stormwater management.
38. Prior to signature approval of the preliminary plan of subdivision (PPS) for Parkside, Sections 5 & 6, the 10-foot-wide master plan trail connector shall be shown on the PPS and Type 1 tree conservation plan, as well as the corresponding boundaries of the Public Use Trail and Maintenance Easement, extending from and aligning with the Public Use Trail and Maintenance Easement located on adjacent property, and recorded among the Prince George's County Land Records in Liber 35222 folio 100.
39. The applicant shall amend the Public Use Trail and Maintenance Easement Agreement recorded among the Prince George's County Land Records in Liber 35222 folio 100 to include the master plan trail located within Preliminary Plan of Subdivision 4-16001.
40. Prior to issuance of a grading or building permit for the development pursuant to this application, a public safety mitigation fee shall be paid in the amount equivalent to \$1,320 x 115 dwelling units approved in this application. Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Prince George's County Planning Board and the total fee payment shall be determined by multiplying the total number of dwelling units that do not fall within the seven-minute travel time by the per unit factor noted above. The per unit factor of \$1,320 is subject to adjustment on an annual basis, in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued. Prior to certification of this preliminary plan, the Public Safety Mitigation Plan Commitment Form shall be revised to reflect the actual number of units outside of the seven-minute travel time boundary (and related mitigation fee total) approved in this application.
41. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners' association has been established. The draft covenants shall be submitted to the Subdivision Section for review and approval to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
42. The applicant must obtain approval of more than six dwelling units in a row at the time of specific design plan, pursuant to Section 27-480(d) of the Prince George's County Zoning Ordinance.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is 121.71 acres in size and is known as Parcels 151, 122, 160, and 219, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue). The site is zoned Residential Medium Development (R-M), within the Military Installation Overlay (M-I-O) Zone and is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The instant application is for the resubdivision of part of Sections 5 and 6, which are included within a larger project known as Parkside (formerly Smith Home Farm). The project is approximately 757 acres and was previously approved per PPS 4-05080 (PGCPB Resolution No. -04-64(A/2)(C)).

The overall Parkside project was zoned Residential-Agricultural (R-A) and rezoned to the R-M (727 acres) and Local Activity Center (L-A-C, 30 acres) Zones per Zoning Map Amendments (Basic Plans) A-9965-C and A-9966-C. The basic plans set the maximum allowable development at 3,648 residential dwelling units and 140,000 square feet of commercial development. More specifically, the basic plans approved the R-M zoned portion of the overall project for a total of 2,124 market-rate dwelling units and 1,224 mixed retirement dwelling units, and the L-A-C portion for 300 dwelling units and 140,000 square feet of commercial development. A Comprehensive Design Plan, CDP-0501, was subsequently approved for the entire 757 acres, and the overall project was approved for 1,506 lots, 355 parcels, and 140,000 square feet of commercial space per PPS 4-05080.

To date, 1,148 lots, 107 parcels and 1,288 dwelling units have been approved pursuant to various specific design plans (SDP), all attributed to market-rate dwellings in the R-M Zone. The lot sizes and dwelling unit types were revised, while maintaining the overall development envelope and general layout, through SDP approvals of Sections 1 through 3 of the Parkside project. These revisions resulted in the creation of additional lots in those areas. Because the addition of 441 lots would exceed the number of lots approved by PPS 4-05080, the applicant has filed this PPS for a portion of the overall Parkside development (part of Sections 5 and 6), to create an additional 441 lots and 81 parcels for the development of 32 single-family detached dwellings, 409 townhomes, and 86 two-family attached dwellings. The total dwelling units proposed with this application (527), together with the 1,288 dwelling units, which have been previously approved under the various SDPs, are within the overall 2,124 R-M-zoned market-rate dwelling units approved for the overall Parkside development and, therefore, the capacity established with PPS 4-05080. This PPS application is for the creation of additional lots with no net increase to the number of dwelling units previously approved.

The Type 1 Tree Conservation Plan (TCP1-038-05-02), identifies 77 specimen trees, 20 of which were proposed to be removed. However, during review, it was discovered that previous grandfathered tree conservation plan approvals for Parkside Sections 5 and 6 included the removal of the 20 specimen trees prior to the requirement for a variance. This fact was communicated to

the applicant who subsequently withdrew the variance request for removal of specimen trees on August 6, 2018 via email (Leitzinger to Onyebuchi). The variance application and previous approvals are discussed further in the Environmental finding.

The applicant requested two variations from the Subdivision Regulations with this application, one from the requirement to show master plan rights-of-way and the second from the requirement to dedicate or reserve the master plan rights-of-way. Both of these requirements were discussed with the applicant and the applicant was advised that a variation from required findings for master plan conformance could not be circumvented via a variation request. The variation requests are as follows:

The applicant requested a variation from Section 24-123(a)(1) of the Subdivision Regulations, which requires rights-of-way shown on the General Plan, functional master plans, and area master plans to be shown on a PPS. The applicant was informed that a variation from the required findings of Section 24-123, for conformance with the master plan, was not permissible. The PPS was subsequently revised to reflect the master plan rights-of-way. Master plan conformance was evaluated and dedication of all of the master plan rights-of-way that affect this portion of the property will not be required, as discussed further in the Transportation finding. Consequently, this variation was withdrawn by the applicant on July 18, 2018 via email (Antonetti to Conner).

Section 24-122(b) of the Subdivision Regulations requires that land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans be reserved, dedicated, or otherwise provided for. Although the master plan rights-of-way have been shown on the PPS, the applicant is requesting a variation from Section 24-122(b) in order to forgo dedication of the roadways. The Planning Board disapproves the variation request, as discussed further herein.

The site includes a master plan public school site, dedicated to Prince George's County for an elementary site, as set forth in the approval of PPS 4-05080. The requirement for the dedication is brought forward with this PPS, which is consistent with the Westphalia Sector Plan, as discussed further.

3. **Setting**—The property is located on Tax Map 90, Grids D-3 and F-3 in Planning Area 78. The site is bounded by to the north by the Blythewood Historic Site and Rock Spring Drive with the Westphalia Central Park beyond, all in the R-M Zone; to the east by single-family detached lots, part of the Marlboro Ridge development, in the Rural Residential (R-R) Zone; to the west by single-family attached and detached development, within Section 1A of the Parkside development, in the R-M Zone; and to the south by vacant land in the Mixed Use-Transportation Oriented (M-X-T) Zone, which has obtained PPS approval for single-family attached development as part of the Moore Property and Westphalia Center developments.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

| Zone<br>Use(s)               | EXISTING            | APPROVED   |
|------------------------------|---------------------|--|
|                              | R-M/M-I-O<br>Vacant | R-M/M-I-O<br>Single-Family Detached<br>Single-Family Attached (Townhomes)<br>Two-Family Attached Dwellings |
| Acreage                      | 121.71              | 121.71   |
| Lots                         | 0                   | 441  |
| Outlots                      | 0                   | 0  |
| Parcels                      | 4                   | 81   |
| Dwelling Units:              | 0                   | 527  |
| Public Safety Mitigation Fee | No                  | Yes  |
| Variance                     | No                  | No   |
| Variation                    | No                  | Yes  |

Section 24-122(b)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 18, 2018. The requested variations were accepted on May 1, 2018 and heard at the SDRC meeting on May 18, 2018 as required in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—On September 29, 2005, the Prince George’s County Planning Board approved Zoning Map Amendment applications A-9965-C and A-9966-C, which rezoned a 757-acre property from the R-A Zone to the L-A-C and the R-M Zones, subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner approved the zoning map amendment applications with 2 conditions, which included the 19 conditions of approval of the Planning Board as subconditions. The Prince George’s County District Council, on February 13, 2006, approved both zoning map amendment applications, subject to three conditions, with final conditional zoning becoming effective on March 9, 2006. The following conditions of approval are applicable to the instant PPS:

1. **The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

A. **Land use types and quantities:**

- **Total area: 757± acres\***
- **Land in the 100-year floodplain: 105 acres**
- **Adjusted Gross Area (757 less half the floodplain): 704± acres**

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**
- **Density permitted under the R-M (Residential Medium 3.6) Zone:**  
**3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 Units**
- **Proposed Residential Development: 1,224 Units**

**L-A-C Zone Proposed Land Use Types and Quantities:**

- **Total area: 30± acres\***  
**Of which Theoretical Commercial/Retail: 10.7 acres**  
**Theoretical residential use: 19.3 acres**
- **Residential density permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac**
- **Permitted dwelling unit range: 193 to 386 Units**
- **Proposed Residential Development: 300 Units**
- **Commercial density permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68 FAR**
- **Permitted gross floor area range: 93,218 to 316,943 Square Feet**
- **Proposed Commercial Development: 140,000 Square Feet**
- **Public accessible active open space: 75± acres**
- **Passive open space: 185± acres**

**\*Note: The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The instant PPS is for 441 lots and 81 parcels for the development of 527 dwelling units within the R-M Zone. To date 1,288 dwelling units have been approved. Specific design plan approval for the development of the L-A-C portion of the site has not yet occurred and an infrastructure only SDP-1601 for grading has been approved for the mixed retirement portion of the site. The addition of 527 dwelling units is within the permitted range for market rate development within the R-M Zone.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

**A. At time of Comprehensive Design Plan, the Applicant shall:**

- 9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**

Conditions 2(A)(9) and (10) are addressed further in the Trails finding.

- C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.**
- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).**
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The**



**private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**

- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia "Park Club." The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.**
- G. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.**

The parkland dedication in accordance with Conditions 2(C)-(G) has occurred with prior approvals and the applicant will be required to contribute to the Westphalia Park Club as part of this approval. These requirements are discussed further in the Parks finding.

- K. At time of preliminary plan of subdivision,**
  - 1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.**

Conformance to this condition is addressed via financial contribution, pursuant to a memorandum of understanding (MOU), for development of the interchange and is discussed further in the Transportation finding.
  - 2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.**

Conformance with this condition is discussed further in the Historic finding.

- L. **The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**
- M. **The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**
- N. **All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

- O. **No woodland conservation shall be provided on any residential lots.**

Conditions 2 (L)-(O) are discussed further in the Environmental finding.

- P. **Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**
- Q. **The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”**

The requirements of Conditions 2(P) and (Q) have been carried forward as conditions of approval of this application to ensure the appropriate notification is provided.

Comprehensive Design Plan CDP-0501 was approved by the Planning Board (PGCPB Resolution No. 06-56(C)) on February 23, 2006 and affirmed by the District Council on June 12, 2006, subject to 34 conditions. A reconsideration of CDP-0501 was approved by the District Council on March 28, 2016. The following conditions of approval are applicable to the instant PPS:

- 2. **Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater**



**than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.**

This condition is discussed further in the Transportation finding.

- 3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.**
  - a. Prior to the issuance of the first building permit, the above improvement shall have full financial assurances through private funding, full CIP funding, or both.**
  - b. Prior to the issuance of the 1,000th building permit for the residential units, the MD 4/Westphalia Road interchange must be open to traffic.**
  - c. The applicant has agreed to construct a flyover at Westphalia Road and MD 4. The construction timing shall be as follows:**
    - (1) The flyover shall be financially guaranteed prior to the initial building permit.**
    - (2) The flyover shall be open to traffic prior to issuance of the 1,000<sup>th</sup> building permit for the residences, or prior to use and occupancy of the commercial portion of the development.**

The requirements for improvement of the MD 4/Westphalia Road interchange are discussed further in the Transportation finding.

- 4. At time of preliminary plan of subdivision, the applicant shall:**
  - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
  - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**

- c. **Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**
- d. **Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

Conformance to Conditions 4(a)–(d) is discussed further in the Environmental finding.

- e. **Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994) and the Prince George’s County Planning Board’s Guidelines for Archeological Review (May 2005), and report preparation should follow MHT guidelines and the American Antiquity or the Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.**

Archeological investigation has occurred with prior approvals and no further investigations are necessary, as discussed further in the Historic Preservation finding.

- f. **Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.**

Stream restoration has been addressed through prior approvals and is discussed further in the Environmental finding.

- 5. **At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Melwood-Westphalia Master Plan in consideration of**

**the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.**

Conformance with Condition 5 is discussed further in the Transportation finding.

- 6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.**

The Blythewood environmental setting was reevaluated by the Historic Preservation Commission and is addressed in the Historic Preservation finding. The preservation of Melwood Road is discussed further in the Trails finding.

- 10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC) and its heirs, successors, and/or assignees shall perform design and construction work calculated to cost up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016), of which approximately \$6,500,000 shall be reimbursed from the applicant's generated park club permit fees, and the balance of \$7,400,000 shall be reimbursed from other developer-generated park club fees or other sources. The applicant's obligation to provide design and construction work for the Central Park is applicable only through the 1600th building permit. Beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the Central Park. DPR shall review and approve the master plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.**
- b. \$400,000 shall be used by the applicant for the schematic design and SDP for the Central Park. DPR shall review and approve the design plan. These actions shall occur prior to issuance of the 500th building permit.**
- c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase I (as shown in attached Exhibit A) of the Central Park. DPR shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase I of the Central Park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to issuance of the 700th building permit. DPR shall respond to the applicant in writing with**

any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.

- d. \$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase I (as shown in attached Exhibits B and C) of the Central Park prior to issuance of the 1600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.
- e. The applicant shall complete the pond construction and rough grading of Phase I of the Central Park prior to issuance of the 1000th building permit.
- f. In the event that sufficient funding is not available to fully construct Phase I at time of the 1400th permit, DPR and the applicant shall work together to determine how the available funding shall be used to construct portions of Phase I, as called for in Exhibits A and B. Prior to issuance of the 1400th building permit, the applicant and DPR shall enter into a recreational facilities agreement (RFA) establishing both scope and a schedule for construction of Phase I of the Central Park.

DPR shall review the actual expenditures associated with each phase described above. The applicant's obligation to provide services for the design, grading, and construction of the Central Park set forth in Condition 10 herein shall be limited to: (i) the amount of funds to be generated from 1600 of the applicant's building permits pursuant to Condition 22; OR (ii) the amount of funds available in the Westphalia Park Club Fund (which shall include amounts to be contributed by other developers in the Westphalia Sector) or other sources at the time of issuance of the applicant's 1599th building permit, whichever is greater, provided that the total amount of applicant's services does not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the Central Park beyond the limits of this Condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading, and construction of the Central Park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and/or construction of the Central Park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park

**Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis, as further defined in the revised Westphalia Park Club Contribution Agreement (dated May 15, 2013) and the Central Park Escrow Agreement (dated May 15, 2013, to be executed by the applicant and DPR. Thirty days prior to the start of construction of the Central Park, a performance bond equal to the amount of construction work agreed upon between DPR and the applicant for Phase I work shall be posted with DPR for the applicant's construction of the Central Park. The cost for such bond(s) will be included as part of the cost of construction of the Central Park. If Phase I (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant shall assign its current contracts to the Maryland-National Capital Park and Planning Commission (M-NCPPC) to complete the Phase I construction at M-NCPPC's request. In the event of such an assignment to M-NCPPC, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond shall be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and the Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.**

Conformance to Condition 10 is addressed by participation in the Westphalia Park Club and is discussed further in the Parks finding.

11. Per the applicant's offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:

| <b>PHASING OF AMENITIES</b>  |  |  |
|--|--|--|
| <b>FACILITY</b>  | <b>BOND</b>  | <b>FINISH CONSTRUCTION</b>                                     |
| Private Recreation Center Outdoor Recreation Facilities on HOA   | Prior to the issuance of the 200th building permit overall | Complete by 400th building permit                              |
| Pocket Parks (including Playgrounds) within each phase on HOA property   | Prior to the issuance of any building permits for that     | Complete before 50% of the building permits are issued in that |
| Trail system within each phase on HOA property   | Prior to the issuance of any building permits for that     | Complete before 50% of the building permits are issued in that |
| <p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p> |  |  |

Pocket parks within each phase of development shall be reviewed at the time of SDP, but are not a requirement of this PPS, and will therefore not be bonded or require a recreational facilities agreement. Trail connections are discussed further within the Trails finding.

13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.
14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.
15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.

17. **The following note shall be placed on the final plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**

18. **Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.**
19. **Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

The conditions above shall be addressed at the time of final plat or permitting, as appropriate.

20. **Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”**

The appropriate dedication has been provided with prior approvals and is discussed further in the Parks and Recreation finding.

22. **The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The “park club” shall be established and managed by DPR. The applicant may make a contribution into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.**

The applicant will be required to contribute to the Westphalia Park Club as part of this approval. This requirement is discussed further in the Parks and Recreation finding.

On December 12, 2011, the Planning Board approved an amendment to the Comprehensive Design Plan (CDP-0501-01), which was affirmed by the District Council on May 21, 2012, subject to conditions, which included revisions to Conditions 3, 7, and 16 of CDP-0501. The following conditions of approval are applicable to the instant PPS:

2. **The following three conditions attached to previously approved Comprehensive Design Plan CDP-0501 shall be revised as follows (underlined text is added/changed):**

- 3.<sup>1</sup> **Prior to issuance of each building permit for the Smith Home Farms, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD4/Westphalia interchange and interim improvements or, if determined, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farms, the applicant, its heirs, successors and/or assigns exceed the current or final cost estimate of \$80 million and any overpayment of the total per dwelling unit fees may be reimbursed to the applicant.**

Conformance to this condition is addressed via financial contribution, pursuant to an MOU, for development of the interchange and is discussed further in the Transportation finding.

16. **The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the specific design plan if circumstances warrant).**



| R-M ZONE                                     | Condominiums |                              | Single-family |
|--|--------------|------------------------------|---------------|
|  |              | Single-family Attached       | Detached      |
| Minimum Lot size:                            | N/A          | <u>1,300 sf</u> <sup>†</sup> | 6,000 sf      |
| Minimum frontage at street R.O.W:            | N/A          | N/A                          | 45*           |
| Minimum frontage at Front B.R.L.             | N/A          | N/A                          | 60**          |
| Maximum Lot Coverage                         | N/A          | N/A                          | 75%           |
| Minimum front setback from R.O.W.            | 10'****      | 10'****                      | 10'****       |
| Minimum side setback:                        | N/A          | N/A                          | 0'-12'****    |
| Minimum rear setback:                        | N/A          | 10'                          | 15'           |
| Minimum corner setback to side street R-O-W. | 10'          | 10'                          | 10'           |
| Maximum residential building height:         | 50'          | 40'                          | 35'           |

**Notes:**

\*For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.

\*\*See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.

\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.

†No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16-28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.

The subject PPS application demonstrates compliance with the lot standards established by this condition.

The Planning Board approved PPS 4-05080 (PGCPB Resolution No. 06-64(A)) on July 27, 2006, for 1,176 lots and 355 parcels for the development of 3,648 dwelling units and 140,000 square feet of retail development on 757 acres, subject to 77 conditions. The subject PPS application supersedes the approval of PPS 4-05080 for 121.68 acres included in this application. The conditions of approval of PPS 4-05080, which remain applicable to this site have been carried forward as conditions of approval of this application.

The 2007 Westphalia Sector Plan and SMA was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, in Amendment 1, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16), near Westphalia Town Center to be in the range from 1,300 to 1,800 square feet, and further in the resolution, established a minimum lot size for single-family attached dwellings in the R-M (market-rate) Zone, to be 1,300 square feet and Amendment 8 established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars). These revisions have been outlined above.

Specific Design Plan SDP-1302, including two subsequent revisions, has been approved for infrastructure, including grading, stormwater management, and afforestation, for the portion of Sections 5 and 6, which are included in this PPS. None of the conditions of the SDP-1302 approvals affect the instant PPS application.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designated the subject property in the Established Communities growth policy area. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development. (page 20)

#### **Master Plan**

The Westphalia Sector Plan recommends low-density residential land uses on the subject property. In addition, the sector plan also makes the following recommendations on residential development, that affects the subject property:

#### **Design Principles:**

1. **Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:**
  - a. **Feature the same quality design and treatments on the exposed façades as on the front façade of highly visible residences on corner lots and elsewhere.**
  - b. **Create varied architecture and avoid flat façades by using bays, balconies, porches, stoops, and other projecting elements.**

- c. **Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade:**
  - **Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.**
  - **Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.**
  - **Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.**
- d. **Incorporate a variety of housing types in single-family projects/subdivisions:**
  - **Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.**
  - **Allow the use of detached accessory dwelling units.**
- e. **Maximize the number of windows facing public streets.**

The subject application includes lots which will accommodate single-family detached, single-family attached, and two-family attached dwelling types. The review of architecture, including building placement, will be evaluated at the time of specific design plan review.

2. **Design residential developments that connect and appropriately transition to preexisting communities and neighboring commercial areas:**
  - a. **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
  - b. **Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.**
  - c. **Discourage use of walls, gates, and other barriers that separate residential neighborhoods from the surrounding community and commercial areas.**

This PPS includes a development pattern that provides connectivity and compatibility with the abutting existing/approved development.

3. **Design an efficient, safe, and interconnected residential street system:**
  - a. **Design or retrofit street systems to link individual subdivisions/projects to each other and the community.**
  - b. **Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources.**
  - c. **Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations, village centers, and local schools.**
  - d. **Clarify neighborhood roadway intersections through the use of special paving and landscaping.**

The PPS has been designed for interconnectivity to abutting roadways, except in areas where environmental features are prevalent. Additional discussion is provided in the Trails and Transportation findings.

4. **Create a system of open space and parks and preserve sensitive environmental features:**
  - a. **Cluster residences around shared amenities to form distinct neighborhoods with a sense of identity. Use green space to define and divide the clusters.**

The overall Parkside development is designed in sections that surround the Westphalia Central Park. Sections 5 and 6 are bisected by Melwood Road and separated from the abutting sections of the Parkside development by natural environmental features.

5. **Provide a variety of single-family attached residential lot sizes in and near the Westphalia town center.**

The instant PPS includes varying single-family attached lots, which will accommodate 20, 22 and 24-foot-wide attached dwelling units abutting Westphalia Center to the south. The proposed lots are consistent with the design principles.

#### **Aviation/ Military Installation Overlay (M-I-O) Zone**

This application is not located within an aviation policy area, but it is partially located within the 60 dB–74 dB Noise Intensity Zone, and within the height limits of Imaginary Surfaces E and D of the M-I-O Zone.

Properties within this subdivision have been identified as having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated

acceptable noise level for residential uses. A note shall be placed on the final plat that properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. Residential building materials shall be provided, which mitigate interior noise levels to 45 dBA Ldn or less, in accordance with Section 27-548.55 of the Zoning Ordinance.

#### **Sectional Map Amendment/Zoning**

The 2016 *Approved Military Installation Overlay Zoning Map Amendment* retained the subject property in the R-M Zone and applied the M-I-O Zone. Pursuant to Section 24-121(a)(5), this application conforms to the Westphalia Sector Plan and SMA.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Letter and Plan (14846-2006-02) was submitted with the subject application, which expires on May 25, 2020. The plan proposes that SWM will be provided using environmental site design. The Site/Road Plan Review Division of the Prince George's County Department of Permitting, Inspection and Enforcement will review the project for conformance with the current provisions of the Prince George's County Code that address the state regulations. Development must conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding do not occur.
8. **Parks and Recreation**—The mandatory dedication of parkland requirement for Parkside, Sections 5 and 6, per Section 24-134 of the Subdivision Regulations, requires that the applicant provide 8.09 acres of parkland dedication for the development of the subject property. The applicant previously met this requirement as a condition of approval with PPS 4-05080, in which 148 acres were dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for Westphalia Central Park. In addition, a contribution of \$3,500 (in 2006 dollars) per each residential building permit for the construction of Westphalia Central Park is required.

Pursuant to Section 24-124(a)(3)(D) of the Subdivision Regulations, for any resubdivision of a property in which land was previously dedicated, the applicant shall be credited to the extent that land dedication would otherwise be required upon such resubdivision. With the previous dedication as described above, the applicant has met the dedication for the area of land being resubdivided with this instant PPS. The total value of the contribution will remain at \$3,500 per dwelling unit in 2006 dollars but shall be adjusted for inflation using the Consumer Price Index.

#### **Westphalia Central Park**

The Westphalia Sector Plan and SMA introduced the concept of a "Central Park," a single major recreational complex serving the entire Westphalia area. The Westphalia Central Park is 257 acres of open space. Parkland dedication was provided by the developer of the Smith Home Farm project (currently known as Parkside) in accordance with PPS 4-05080 and 112 acres of additional parkland was acquired by M-NCPPC from the Suit Farm. In addition, M-NCPPC is actively pursuing additional parkland acquisition to the north in order to enlarge its original size and scope and expand the park to Westphalia Road to provide secondary access to this major park. Parkside Sections 5 and 6 are located south of the Westphalia Central Park. This Central Park will be

accessible to the residents of this community through a system of roads and hiker/biker trails. This large urban park will serve as a unifying community destination and an amenity for the entire Westphalia Sector Plan area.

The Westphalia Sector Plan recommends developing the Central Park with recreational amenities such as a recreational lake, active and passive recreational facilities, lawn areas, and bandstands suitable for public events, a trail system, group picnic areas, and tennis facilities. The developer of the Smith Home Farm (currently known as Parkside) project received approval of Specific Design Plan SDP-1101, for this park and provided in-kind services for construction of the Phase 1 recreational facilities in the Central Park.

Specific Design Plan SDP-1101 includes an array of active and passive recreational facilities within the park such as: a lake, open play areas, an amphitheater for large public events, a tennis center, an adventure playground, splash pad, multi-purpose open fields and courts, a dog park, group picnic areas, formal gardens and an extensive pedestrian, bicycle, and equestrian trail network providing recreational opportunities to all residents in Westphalia Sector Plan area, as well as establishing pedestrian and bicycle connectivity to the town centers and surrounding residential development.

In addition, the Smith Home Farm (Parkside) developer entered into an agreement for the development of construction documents, grading of the park and construction of the Phase 1 recreational amenities. The developer of Smith Home Farm (Parkside) is planning to grade the parkland and construct an amenity Pond in summer of 2018, and construct Phase 1 recreational amenities funded by developers of the Sector Plan area, managed through the Park Club account managed by DPR.

#### **Westphalia Park Club**

The Westphalia Sector Plan and SMA anticipated that major recreational needs of the residents of the sector plan will be addressed by contribution of the funds for the development of the Westphalia Central Park. The developers of Smith Home Farm (Parkside), Westphalia Town Center, Moore Property, Cambridge Place at Westphalia, and Cabin Branch Village are committed to implementation of the sector plan park system recommendations, as follows:

#### **Smith Home Farm/Parkside**

Dedication of 148 acres of parkland dedication. Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

#### **Westphalia Town Center**

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site. Private recreational facilities in the project area.

#### **Moore Property**

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

**Cambridge Place at Westphalia**

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

**Cabin Branch Village**

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

The Central Park site is suitable for providing major public recreational facilities as envisioned by the sector plan. The monetary contribution for the construction of the recreational facilities in the Central Park will provide the resources to create a unique focal area in the planned community with surrounding developments overlooking the parkland and the roads and trails connecting to the park.

**Master Plan Trails**

The Westphalia Sector Plan and SMA identifies a 10-foot-wide public master plan trail from Phase 1A of the Westphalia development to the northeast connecting to Westphalia Central Park. Although this master plan trail was modified by the Smith Home Farm Comprehensive Trail Plan Exhibit dated November 2012, the alignment of this proposed trail still traverses through Section 5 of the subject property's PPS. At the time of SDP for this property, details of this trail connection shall be coordinated with and approved by the Prince George's County Department of Parks and Recreation (DPR).

The previously approved conditions related to the public parks and recreation of the overall PPS 4-05080, which are applicable to this PPS 4-16001, have been brought forward as appropriate. Pursuant to Condition 10 of CDP-0501, the applicant was required to fulfill specific requirements related to the design and construction of Westphalia Central Park. To date, the applicant has completed Conditions 10(a), (b), and (c). Conditions 10(d), (e), and (f) therefore still remain in effect.

9. **Trails**—This PPS has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Westphalia Sector Plan and SMA (area master plan), in order to implement planned trails, bikeways, and pedestrian improvements.

Multiple trail and sidewalk issues impact the subject application and were addressed via prior conditions of approval. More specifically, these approvals determined the road cross sections for the master plan roads and the types of facilities that will be provided for bicyclists and pedestrians. Designated bicycle lanes and/or wide sidewalks were required along some master plan roads, consistent with the master plan. Appropriate conditions of approval are required for the subject application, consistent with these prior approvals. Because the site is located in the Westphalia Center, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2" at the time of PPS.



Several master plan trails/bikeways impact the subject site. Trails, sidewalks, and/or on-road bicycle facilities are required along the master plan roads that bisect the subject site, and the master plan trail along the Cabin Branch Stream Valley which is adjacent to both Sections 5 and 6. Conditions of approval of PPS 4-05080 addressed issues including the location and timing of trail construction, sidewalk construction, and road cross-section issues. Sections 5 and 6 will include a segment of the Westphalia Legacy Trail, which will be along MC-632, through the subject site. Prior conditions of approval related to the Westphalia Legacy Trail, sidewalks, and the comprehensive trails map are included as conditions of this PPS approval. Conditions or sub-conditions pertaining to trails beyond the scope of Sections 5 and 6 are not included in this analysis.

Basic Plan A-9965-C and A-9966-C recognized the importance of preserving the Melwood Road corridor with the sub-condition copied below.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

**A. At time of Comprehensive Design Plan, the Applicant shall:**

- 9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**
- 10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.**

The Melwood Legacy Trail will be accommodated along MC-632 through Sections 5 and 6. The previously approved Comprehensive Trails Plan indicates that designated bicycle lanes and a sidepath (for the legacy trail) will be provided along this road. Sidewalks are included along the internal roads, excluding alleys.

Condition 11 of CDP-0501 included the following timing for the construction of the trails. The trails constructed within Sections 5 and 6 shall be constructed in conformance with this timing.



- 11. Per the applicant’s offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:**

| PHASING OF AMENITIES  |  |  |
|---|--|--|
| FACILITY  | BOND   | FINISH CONSTRUCTION  |
| Private Recreation Center Outdoor Recreation Facilities on HOA property   | Prior to the issuance of the 200th building permit overall   | Complete by 400th building permit overall                            |
| Pocket Parks (including Playgrounds) within each phase on HOA property  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| Trail system within each phase on HOA property  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units. |  |  |

Approved PPS 4-05080 included the following conditions of approval related to trail, sidewalk, and bicycle facilities:

- 13. The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site’s portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.**

A portion of the Cabin Branch Trail extends through Section 5. Trail connections are required from both Sections 5 and 6 to the Cabin Branch Trail. The stream valley trail and the connector trail shall be provided in phase with development and determined with the SDP, as required by this condition.

- 14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin**

**Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**

This condition applies to the portion of the Melwood Legacy Trail that will be utilizing the historic road bed. These portions of the trail are beyond the limits of the subject site. Within Sections 5 and 6, the Melwood Legacy Trail will be accommodated with a shared-use sidepath along MC-632.

15. **The applicant, his heirs, successors and/or assignees shall provide:**
- a. **The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.**
  - b. **Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.**
  - c. **Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.**
  - d. **Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.**
  - e. **Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot-wide HOA access strip.**

A portion of the Cabin Branch Trail extends through Section 5. Trail connections are required from both Sections 5 and 6 to the Cabin Branch Trail. The trail along MC-631 is beyond the scope of the subject application and have either been addressed through prior

approvals or will be addressed in future applications. The Melwood Legacy Trail will be accommodated as a shared-use path along MC-632 through the subject site. The conditions of approval of this PPS incorporate the portions of Condition 15 that apply to Sections 5 and 6.

- 16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

Sidewalks are shown along both sides of all internal roads on the submitted plan, excluding alleys.

Conditions of approval from Specific Design Plan SDP-0506 (PGCPB Resolution No. 06-192) that addressed the improvements along MC-635 are copied below:

- 1. Prior to certificate approval of this SDP, the applicant shall**
  - c. The applicant shall demonstrate the following trail/sidewalk improvements on the plans:**
    - (1) Provide designated bike lanes with appropriate signage and pavement markings along both sides of C-635 and P-615, unless modified by DPW&T.**
    - (2) Provide standard sidewalks along both sides of C-635 and P-615, unless modified by DPW&T.**

Bicycle lanes and standard sidewalks shall be provided along both sides of MC-635 (Rock Spring Drive), which runs along the northern edge of Phase 5.

#### **Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements**

Due to the location of the subject site within the Westphalia Town Center, the application is subject to County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds**

**that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements.

The amount of the cost cap is determined pursuant to Section 24-124.01(c):

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on Subsection (c) and the 527 dwelling units proposed, the cost cap for PPS 4-16001 is \$158,100. Section 24-124.01 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  - 2. Installing or improving streetlights;**
  - 3. Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
  - 4. Providing sidewalks or designated walkways through large expanses of surface parking;**
  - 5. Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
  - 6. Installing street trees.**

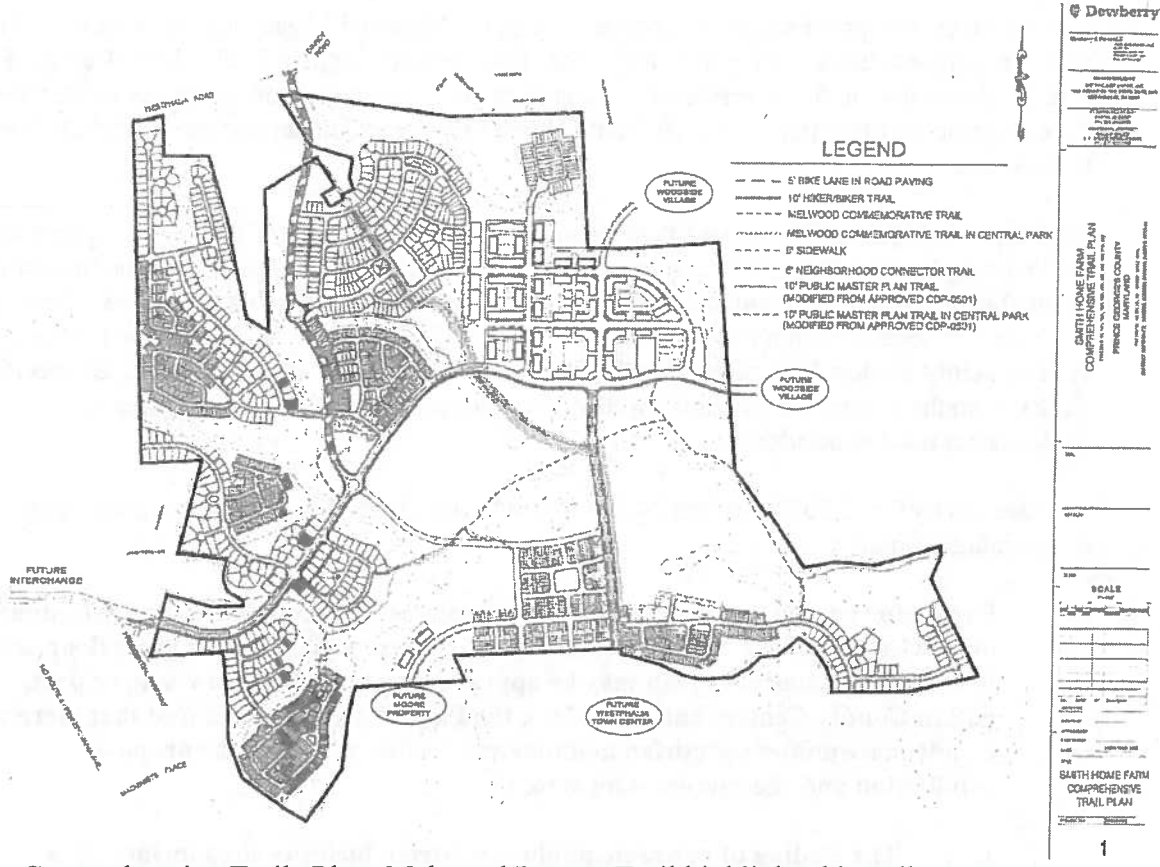
A scoping meeting was held with the applicant on November 3, 2017. The provisions and requirements of Section 24-124.01 were reviewed, and possible off-site improvements were identified. Improvements that were discussed that could serve as appropriate off-site improvements include possible safety, wayfinding, interpretive signage or amenities along the Melwood Legacy Trail. Subsequent meetings and phone conversations with the applicant have confirmed that the off-site dollars will be utilized to improve portions of

the Melwood Legacy Trail beyond the limits of the subject site. An exhibit of the proposed off-site improvements will be required with the SDP. This exhibit will indicate the location, limits, details and specifications of any and all improvements along the Melwood Legacy Trail. The specific improvements provided as part of the required off-site improvements shall be specified at the time of SDP and shown on the exhibit, in keeping with the provisions, requirements, and cost cap included in Section 24-124.01. It is noted that the Melwood Legacy Trail construction is planned in phase with adjacent development. Improvements for meeting the BPIS requirements with this application include improvements to the Melwood Legacy Trail that are in addition to the already planned/approved trail construction adjacent to this site. Appropriate improvements may include, but not be limited to, pedestrian safety features at road crossings, trail lighting, landscaping, pedestrian amenities, bike racks, bicycle repair stations, wayfinding and interpretative signage.

The sector plan includes the following text regarding the Melwood Legacy Trail:

**Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trail head at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.**

The alignment of the Melwood Trail (both on- and off-site) is highlighted on the map below:



Comprehensive Trails Plan: Melwood Legacy Trail highlighted in yellow.

**Demonstrated nexus between the subject application and the off-site improvements:**  
 Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.



The improvements proffered by the applicant along the Melwood Legacy will enhance one of the major recreational trails serving the subject site. The Melwood Legacy Trail bisects Sections 5 and 6 and will provide the future residents of the subject site with non-motorized access to the Central Park to the north, other portions of the Smith Home Farm development and the Westphalia Center to the south.

**Finding of Adequate Bicycle and Pedestrian Facilities:** Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. Council Bill CB-2-2012 is applicable to PPSs within designated centers and corridors. The subject application is located within the designated Westphalia Town Center, as depicted on the Adequate Public Facility Review Map of the General Plan. Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) include the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
    - a. **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
    - b. **The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - a. **The degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
  - b. **The presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
  - c. **The degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
  - d. **The availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Sidewalks are shown along both sides of all internal roads on the subject property, on-road bicycle facilities are included on master plan roads, and an extensive network of sidewalks, bicycle facilities, and trails, is planned in the communities and parkland surrounding the site. The applicant has proffered off-site improvements to the Melwood Legacy Trail that will enhance this master plan facility beyond what would ordinarily be required or expected. Possible improvements to the trail are outlined in Section 24-124.01(d) and may include pedestrian-oriented lighting, pedestrian safety improvements at intersections, landscaping and other trail-related amenities. The Melwood Legacy Trail is one of the major trails serving the site and the nearby Central Park, and these improvements will ensure that it is a high quality, safe and amenity-rich trail for the residents of the subject site and visitors to the Westphalia Center. Based on the improvements proposed on-and off-site, the Planning Board determines the public pedestrian and bikeway facilities to be adequate.

10. **Transportation**—Pursuant to PGCPB Resolution No. 06-64(A/2)(C), an approximate 757-acre parcel of land formerly known as Smith Home Farm, was the subject of an approved PPS (4-05080) on July 27, 2006, which included the subject property. The development was approved with multiple conditions, including the following pertaining to transportation:
  42. **Prior to issuance of each building permit for the residential component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU**



required by CR-66-2010, based on 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by 3,648 to determine the unit cost.

50. Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

**Traffic Impacts**

The subject development occupies approximately 121.68 acres of the original Smith Home Farm PPS area. Because the previous PPS was approved with a trip cap (Condition 50), a new traffic impact study (TIS) for the subject application is not necessary, provided that its trip generation does not exceed the original trip cap. To that end, on June 20, 2018, an internal traffic analysis was received. This analysis evaluated traffic flow within the area of the original Smith Home Farm, including all of the proposed development. It also included a breakdown of the overall trip cap and how it is being reapportioned through the various SDPs that are part of the original PPS. Table 1 below illustrates that breakdown.

| Table 1                            |                |                                 |                               |
|------------------------------------|----------------|---------------------------------|-------------------------------|
| Previous Approvals                 | Dwelling Units | Peak Hour Trips                 |                               |
|                                    |                | AM                              | PM                            |
| SDP-1003                           | 1129           | 740 (137 in, 603 out)           | 598 (439 in, 159 out )        |
| SDP-1302/02                        | 159            | 103 (19 in, 84 out)             | 82 (60 in, 22 out)            |
| SDP-1601/02                        | 297            | 112 (26 in, 86 out)             | 92 (66 in, 26 out)            |
| <i>PPS 4-16001 (Pending)</i>       | <i>527</i>     | <i>341 (63 in, 278 out)</i>     | <i>273 (200 in, 73 out)</i>   |
| <b>Total</b>                       | <b>2112</b>    | <b>1296 (245 in, 1051 out )</b> | <b>1045 (765 in, 280 out)</b> |
| Original Trip Cap (4-05080)        |                | 1847                            | 1726                          |
| <b>Remaining (Unused) Trip Cap</b> |                | <b>551</b>                      | <b>681</b>                    |

The analysis summarized in Table 1 indicates that Condition 50 of PGCPB Resolution No. 06-64(A/2)(C) has been met. Therefore, this resubdivision of a portion of PPS 4-05080 would generate no new net trips as a result of the resubdivision. A given number of trips is associated with the limits of this property, and that the entirety of the trip cap has not changed as a result of this application. Therefore, trips associated with the subject subdivision are not in addition to but are a rearrangement of the trips in Condition 50.

There are 527 dwelling units within the area of this application. Using trip generation rates from the "Transportation Review Guidelines, Part 1," the proposed development will have a net projected trip generation of 341 AM (63 in, 278 out) and 273 PM (200 in, 73 out).

All of the transportation facilities deemed critical to this development, will operate within the County's transportation adequacy thresholds, with the exception of the intersection of MD 4 and Westphalia Road. Because this development was part of the original Smith Home Farm development, and has opted not to submit a new traffic study, the provisions of Condition 42 pursuant to PGCPB Resolution No. 06-64(A/2)(C), still apply. Based on the April 8, 2013 MOU between the then-ownership of Smith Home Farm and Prince George's County, a fee of \$1,660.29 (indexed to October 2010) per dwelling unit shall be required by this applicant prior to release of any building permit.

The MOU recorded in Land Records in Liber 34592 folio 003 includes a description of the development and acreage covered by the MOU. It is not the entire Smith Home Farm site. Neither the acreage nor the development quantity match phasing or ownership records, and so it is not apparent which portions of PPS 4-05080 or PPS 4-16001 are covered under the current MOU. The applicant shall execute a new or amended MOU to reflect current and planned phasing.

#### **Master Plan, Right-of-Way Dedication**

The property is located in an area where the development policies are governed by the Westphalia Sector Plan and SMA, as well as the MPOT. There are five master plan roads whose locations are within the area of the subject application. Those roads are:

- MC-637
- MC-632
- P-615
- P-619
- C-636

MC-637, MC-632, and P-615 are all accurately reflected on the plan regarding the location and right-of-way widths. However, MC-635 is shown differently than the approved routing on the sector plan. Also, C-636 and P-619 are located towards the eastern end of the proposed development, and together form a north/south connection between Westphalia Road and the Westphalia Town Center. These two rights-of-way are delineated with dash lines and labeled with associated right-of-way widths on the proposed PPS.

#### **Variation Request**

Toward the goal of addressing MC-635 and P-619, the applicant has provided a variation request from Section 24-122(b) of the Subdivision Regulations. Section 24-122(b) requires that land for public facilities shown on the General Plan, functional master plans and/or areas master plans, and watershed plans be reserved, dedicated, or otherwise provided for. Both MC-635 and P-619 are shown in the Westphalia Sector Plan and SMA, as well as the MPOT. Maryland state law requires the County to adopt master plans as a vehicle to guide development and implement necessary infrastructure. Consequently, the Planning Board disapproves the variation request because the determination of master plan conformance is not limited to the findings of a variation and is a fundamental basis by which proposed development is evaluated. However, the requirement of

dedication or reservation is evaluated for each of the master plan roads, which impact the property, taking into consideration the applicant's original request, as discussed below:

The applicant must meet several legal requirements, pursuant to Section 24-113(a), for approval of a variation. Those requirements are shown in **boldface** type below, followed by the applicant's response to each:

**(1) The granting of the variation request would not be detrimental to public safety, health or welfare, or injurious to other property;**

The applicant submits that the granting of the instant variation request will not be detrimental to public safety, health, or welfare or be injurious to other property. The updated transportation analysis conducted on October 15, 2017 (Exhibit B), demonstrates that the master-planned roadways could be eliminated without creating unsatisfactory conditions along the remaining internal roadways within the development, and that all internal intersections and roadway segments within the development will operate at acceptable levels of service, in accordance with the transportation standards established by the Planning Board.

The master-planned alignments for both roadways cross wide sections of stream valley, jurisdictional wetlands and unnamed tributaries that drain into Cabin Branch making their full planned alignment unpractical for construction. During the evaluation of the project, the U.S. Army Corps of Engineers (USACE) identified alternatives that were less damaging to the aquatic environment and recommended that the applicant reduce wetland and stream impacts, to the minimum necessary, to meet access and safety requirements.

**(2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The applicant submits that the property has several conditions which are unique and are not applicable generally to other properties. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property, as well as Marlboro clay in and around the floodplain for Cabin Branch, a tributary of Western Branch. The two master-planned roadways would impact wide sections of stream valley and be detrimental to the aquatic environment both on-site and downstream.

USACE has only approved proposed road crossings that are aligned, along or close, to existing farm road crossings in order to minimize interruption in stream flow from construction and to minimize the length of the proposed culverts. There are no existing farm road crossings along the proposed master-planned alignments of MC-635 and P-619, and the permit that was issued by USACE does not include authorization for any new culverts along the two roadways.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulations;**

The applicant submits that the granting the variation will not be in violation of any law, ordinance, or regulation. To the contrary, the granting of the instant variation request would allow the Parkside project to create the "Residential Medium" development recommended within Plan 2035 and envisioned by CDP-0501 without requiring additional and extensive stream crossing impacts for roadways that are not required for the purposes of transportation adequacy and circulation. Further, the proposed development supports the design guidelines for residential areas set forth in the Westphalia Sector Plan.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The applicant submits that, because of the combination of factors stated above, the applicant would experience hardship/practical difficulties if the instant variation request is not granted. Again, the "practical difficulty" in this case results from the site constraints associated with a master-planned roadway alignment that would require extensive environmental impacts to implement. These impacts are not acceptable to USACE and the Maryland Department of the Environment (MDE) and are not required for the purposes of obtaining transportation adequacy. Due to the streams, wetlands, and floodplain associated with the property, the applicant is unable to obtain USACE and MDE approval to impact these sensitive features for the construction of the roadways. This presents a practical hardship to the applicant, and not a mere inconvenience. As such, the applicant cannot have the PPS drawn to conform to Sections 24-122(b).

There are significant environmental features on the subject property, which may preclude construction of the master-planned roadways. A letter from USACE to the applicant dated June 9, 2018 was reviewed, which indicated USACE's desire to reduce environmental impacts to Cabin Branch. However, the applicant is requesting the variation from the very portion of the regulations that require consistency with the master plans. Master plan roads are created through comprehensive transportation planning on a countywide basis. Analyses that are done on a small area do not provide a comparable set of results. Evaluation of master plan conformance is required and outlined further in the findings below. The applicant cannot obtain a variation from the requirement to conform to the master plan.

#### **Master Plan Rights-of-Way**

The five master plan rights-of-way which impact the property have been evaluated as follows:

Regarding the P-619 roadway, this roadway was placed on the plan for the purpose of serving the Woodside Village property to the north. This property has been substantially purchased by DPR as parkland. DPR has verbally stated that they have no interest in P-619 connecting to their property

from the south. Based on language in Section 24-121(a)(5), along with the preceding facts and those revealed through the variation request, the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate, and that the P-619 facility shall not be required to be dedicated or reserved with this PPS, and therefore not reflected on the submitted plan.

The **MC-635** facility was originally planned to traverse the western part of the subject site. In approving Comprehensive Design Plan CDP-0501-01, the District Council rerouted the roadway along the northern border of the subject property and downgraded it to a primary roadway, and the roadway is currently dedicated as such. With this action, combined with the facts revealed by means of the variation request, the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate regarding MC-635, and that this facility shall not be required to be dedicated or reserved, and therefore not shown on the submitted plan, as shown in the Westphalia Sector Plan. The PPS indicates an intention to vacate a portion of this roadway connection along the south side of the Central Park (“ring road”). Given that the area remains under development and the land uses and densities of properties in the area of this roadway, even the park property, are still not fully known, the Planning Board does not approve vacation of this portion of this right-of-way until the area is more fully built out. Any notation on the PPS that the dedicated public right-of-way on the south side of the Central Park is “to be vacated” shall be removed prior to certification.

Regarding the **C-636** facility, which was not addressed by the variation request, this facility provides a connection to Westphalia Town Center to the south. The applicant has provided no justification for the removal of this master plan roadway. In 2009, PPS 4-08002 for Westphalia Center was approved showing the C-636 facility to a point where it stubs into the subject property to the south. Pursuant to the comments made at SDRC, the C-636 roadway must be reflected on the plan, with the future right-of-way shown for dedication to public use. Given that this facility stops at P-615, however, the right-of-way must be realigned to intersect P-615 at approximately a 90-degree angle. Furthermore, C-636 impacts Lots 68–75 in Block B, and the lot layout shall be revised to accommodate this right-of-way prior to certification of the PPS.

The **MC-632 and MC-637** facilities are consistent with the master plan and shown on the PPS with the appropriate dedication.

### **Circulation**

An email referral from James V. Reilly, Office of the Fire Marshal for Prince George’s County, dated May 14, 2018 was reviewed. His comments include the following:

“With regard to fire access to the subdivision, preliminarily, all fire access roads must be built to DPW&T standards and not be less than 22’ wide at any point. Various alleys are shown as “16’ PAV.” While the Subtitle may allow alleys less than 22’ in width in certain arrangements, where alleys provide or facilitate general traffic circulation, intended or not, rather than solely rear access to an individual lot, it shall be the position of the Fire/EMS Department that those alleys be 22’ wide.”

The Transportation Planning Section developed internal standards regarding alleys on December 11, 2014, and these were further clarified on March 29, 2018, based on information received from the Prince George's County Fire/EMS Department. The second email included the following standard:

“TPS staff should consider access by fire equipment. Any alley of any length that would be used for fire equipment access may be deemed as such by TPS staff and must be a minimum of 22 feet in width. Any such determination must be by means of a Fire Department referral response.”

Several alleys provide sole access to the residences along them. Therefore, prior to signature approval of the PPS, any alley providing sole vehicular access to the townhouse units, with no adjacent public or private street on the opposite side of the units, shall be revised to show a minimum width of 22 feet in paving width.

**Prior Conditions and the Westphalia Public Facilities Financing and Implementation Program (PFFIP)**

On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation table was prepared that allocates the estimated \$79,990,000 cost of the interchange to all of the properties within the PFFIP district. Council Resolution CR-66-2010 also established \$79,990,000 (in 2010 dollars) as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average daily trips (ADT) contributed by each development passing through the intersection, to the total ADT contributed by all of the developments in the district passing through the same intersection. The ratio between the two sets of ADT becomes the basis on which each development's share of the overall cost is computed.

As a result of the reconsideration of the former Smith Home Farm PPS, the residential component of that development was allocated a total of \$6,056,728.68 towards the construction of the interchange at MD 4 and Westphalia Road. This was Condition 42 of the PPS. Based on an approval of 3,648 dwelling units, that fee structure amounts to a per dwelling unit cost of \$1,660.29. While the proposed development represents a total of 527 dwelling units, its unit cost will remain at \$1,660.29. Consequently, its total cost to the PFFIP will be  $527 \times \$1,660.29 = \$874,972.83$ , indexed to 2010. The revised cost allocation table reflects these totals.

All transportation conditions of the previous preliminary plan were evaluated as further outlined in the transportation memorandum dated August 9, 2018 (Masog to Onyebuchi). The conditions which remain relevant to Sections 5 and 6 have been brought forward as conditions of approval of this application. The status of these conditions, in part, are summarized below:



**Condition 18:** This condition requires, with each final plat, a demonstration that adequate existing streets needed to connect this development with the external public street system are in place. Given that connections from the site to external roadways are still under development, this condition must remain in place.

**Condition 39:** The condition requires that final plats that include portions of the Melwood Road right-of-way demonstrate approval of the road closure process. Melwood Road crosses a portion of this site, and so this condition must remain in place.

**Condition 48:** This condition requires a primary street connection to Woodside Village by extending Road DD, Block SS. Road DD actually was replaced on the master plan by P-619, which is discussed at length earlier in this finding. Per that discussion, this condition shall not be carried forward with the subject plan.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Section 24-124, with conditions.

Pursuant to Section 24-128(b)(7)(A) of the Subdivision Regulations, the Planning Board may approve a subdivision within the R-M Zone with alleys that serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. There are several lots within the subject site that do not have frontage on a public street and are served by alleys. This relationship was reviewed with the PPS; however, the applicant did not submit a variation from Section 24-128(b)(7)(A). Therefore, the layout shall be further reviewed at the time of SDP and, if the current layout is supported as adjusted in accordance with the Fire/EMS Department recommendations, a variation shall be required prior to final plat.

11. **Schools**—This PPS has been reviewed for impact on school facilities, which is outlined in a memorandum dated August 9, 2018 (Mangalvede to Onyebuchi) incorporated by reference herein.

**Board of Education (BOE) (Parcel A19)**

The instant PPS reflects a 6.75-acre parcel to be conveyed to the Prince George's County Board of Education (BOE), which has not yet been conveyed in accordance with the condition of the previous PPS. The dedication of land to the BOE is a result of the Westphalia Sector Plan recommendation for an elementary school on the subject site. The approved CDP and PPS discussed the dedication of land to the BOE, as noted below. The following discussion applies:

**CDP-0501 (PGCPB Resolution No. 06-56(C)(A))**

**“The Historic Preservation and Public Facilities Planning Section, in a memorandum dated January 18, 2006 (Izzo to Zhang), indicated that the staff of the Public Facilities Section has reviewed the proposed school site with the representatives of the Board of Education and endorses the site for a future elementary school south of the Blythewood historic site” (page7).**

**PPS 4-05080**

This PPS contained the following discussion concerning the parcel to be conveyed to the BOE:

**“The Board of Education typically needs 12–15 acres to construct a school and playfields in a suburban environment. The preliminary plan currently indicated 3.9 acres of land for a future school site and this should be increased to ensure that onsite stormwater management, parking and recreational facilities can be provided. Staff recommends a minimum of seven acres, to be dedicated concurrent with the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, in the vicinity of the BOE school site. Prior to signature approval of the preliminary plan the BOE property as delineated on the preliminary plan should be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle. The BOE is aware that this additional acreage is within the environmental setting for the historic site. Historic Preservation staff has indicated that the HPC would generally concur with the use of that portion of the property which is lawn area, be utilized for recreation purposes such as ball fields. The BOE property should not suffer the disposition of improvements necessary to support the Smith Home Farm development.”**

This instant PPS was referred to the BOE; however, at the time of the Planning Board hearing, a referral from the BOE had not been received. The subject PPS indicates the BOE parcel as Parcel A19. A condition for dedication of Parcel A19, concurrent with the dedication of MC-632, in the vicinity of the BOE site is included with this approval.

12. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station.

The proposed project is served by Forestville Fire/EMS, Company 823, which is located at 8321 Old Marlboro Pike, Forestville, Maryland.

The Fire Chief, as of May 15, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01(e).

The Assistant Fire Chief, James V. Reilly, Emergency Services Command of the Prince George’s County Fire/EMS Department, stated in writing that “as of May 15, 2018” *only a portion* (see Staff’s Exhibit 1) of the project is within a seven-minute travel time from the first due station.”

The Planning Board may not approve a PPS until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board, in accordance with the County Council’s adopted “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure.” If any portion of a proposed lot is beyond the response time, the entire lot will be considered as beyond the response time and mitigation will be required. Exhibit 2



shows 115 lots beyond the seven-minute response time. The mitigation fee consists of \$1,320 per dwelling unit; this fee is adjusted on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee was derived from the costs associated with building and equipping fire stations to house the fire/EMS personnel that are necessary to help meet the response times associated with CB-56-2005. The public safety mitigation fee is paid at the time of issuance of a grading permit for the development. However, because grading for this development has already commenced pursuant to previous approvals, the Planning Board has determined that the mitigation fee be required prior to issuance of a grading or building permit, subsequent to approval of this application. Council Resolution CR-078-2005 states the following:

**3. TEST PROCEDURES**

- B. The Fire Chief shall submit a statement that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time.**
- C. If an application for a preliminary plan is located in an area that fails either of the requirements mentioned above, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.**

**4. MITIGATION PLAN**

**Fire Service Areas**

- If an application for a preliminary plan fails in any of the fire service areas, an applicant may offer to mitigate as provided below.**

**The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with the Department of Environmental Resources.**

**A. Public Safety Mitigation Fee**

- ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.**
- iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.**

**Beginning in Fiscal Year 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.**

**B. In Kind Services**

**An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. Acceptance of in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.**

**C. Pooling Resources**

**Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.**

**D. Use of Funds**

**The Public Safety Mitigation Fee shall be used in the police districts or fire service areas that are failing the response time requirements of CB-56-2005. For example, guidance provided by the Approved Operating Expense and Capital Budgets, Tri Data Final Report dated May 2004, the Maryland-National Capital Park and Planning Commission, and the Approved Public Safety Master Plan will be considered.**

The applicant was provided a Public Safety Mitigation Agreement form for the development, which consists of 115 dwelling units, a development that is beyond the seven-minute response time, which they signed and submitted prior to approval of this application by the Planning Board.

**Capital Improvement Program (CIP)**

The Prince George's County FY 2018–2023 Approved CIP provides funding for replacing the existing Forestville Station with a new three-bay fire/EMS station.

13. **Police Facilities**—This PPS has been reviewed for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations.

The subject property is in Police District II, Bowie. The response time standards established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls. This PPS was accepted for processing by the Planning Department on May 1, 2018. Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls are met.

14. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in the Water and Sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act, for development on public sewer, and will therefore be served by public systems.

15. **Use Conversion**—The total development included in this PPS is 441 lots and 81 parcels for the development of 32 single-family detached dwellings, 409 single-family attached dwellings, and 86 two-family attached dwellings in the R-M and M-I-O-Zones. If a substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings is proposed, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The required PUE has been delineated along a portion of the public roads within and abutting the subject site; however, the plans shall be revised to demonstrate compliance with this requirement along both sides of all public roads prior to signature approval.

In accordance with Section 24-128(b)(12), a 10-foot-wide public PUE is required to be provided contiguous and adjacent to either right-of-way line of a private road. The required PUE has been delineated along a portion of the private roads within the subject site; however, the plans shall be revised to demonstrate compliance with this requirement along all private roads prior to signature approval.

17. **Historic**—The subject application was referred to the Historic Preservation Commission (HPC) for its review of potential effects on the Blythewood Historic Site (78-013) to the north and northeast of the subject property. HPC reviewed the subject application at its June 19, 2018 meeting. Historic Preservation section staff gave a presentation on the subject PPS, noting that a Phase I archeological survey was conducted on the property in 2005. One archeological Site, 18PR762, the Moore Farmhouse, was identified, but was disturbed and not recommended for further investigation.

Staff noted that the previous PPS 4-05080 approved for the site included three multifamily buildings and townhouses to the south of the Blythewood Historic Site. The subject application removed the multifamily buildings and replaced those with townhouse lots in approximately the same footprint as the previously approved plan. The previously approved townhouse lots faced the historic site, while in the current proposal the sides of the townhouses would be visible from the historic site. The HPC Chairman noted that, in years past, HPC worked with applicants to have buildings face the historic site, so that there was more of a feeling of inclusiveness of the historic site into the new development. Staff noted that HPC would have an opportunity to comment on the materials, lighting, landscaping, etc. associated with the new construction, with the submission of the SDP.

Commissioner Schneider moved that HPC recommend to the Planning Board approval of 4-16001, Parkside, Sections 5 and 6. The motion was seconded by Commissioner Davidson. HPC voted 7-0-1 (the Chairman voted “present”) to forward the following findings, conclusions, and recommendations to the Planning Board:

#### **HPC Findings**

- a. The Parkside development includes a Prince George’s County Historic Site, Blythewood (78-013). Built circa 1830, with later additions, Blythewood is a multi-section frame farmhouse, and the principal feature of a large farm complex. The two-story, side-gabled main block of the house was built circa 1830; a shed-roof kitchen wing was added circa 1860 at one end, and a one-story enclosed porch was built at the other end in the 1920s. The principal west façade of the main block is fronted by a two-story portico, also added in the 1920s. The house and domestic buildings stand on high ground overlooking a complex of agricultural outbuildings. Originally developed for William F. Berry, the Blythewood complex is an excellent example of a complete nineteenth and twentieth-century farm establishment. The area included within the boundaries of this PPS application is adjacent to the Blythewood Historic Site to the south.
- b. A Phase I archeology survey was conducted in February and March 2005 on the subject property to comply with Section 106 of the National Historic Preservation Act of 1966, as amended and with Sections 24-121 and 24-135.01 of the Prince George’s County Subdivision Regulations. Eleven historic archeological sites and one multi-component prehistoric and historic site were identified. One of these archeological sites, 18PR762 the Moore Farmhouse, is located within the boundaries of the subject application. Site

18PR762 comprised an early twentieth century dwelling with a small shed, barn, wagon shed, concrete silo and large livestock pen. A total of 16 artifacts were recovered in two shovel test pits to the south of the Moore farmhouse, including a mix of nineteenth and twentieth century material. The area around the farmstead had been disturbed by landscaping and trampling by farm animals. No further work was recommended or required, and the site was determined to not meet historic site or National Register criteria.

- c. Preliminary Plan of Subdivision 4-05080 was approved by the Planning Board on July 27, 2006. On May 24, 2012, the PPS was reconsidered by the Planning Board and approved with deletions and additions. The subject application is a re-subdivision of a portion of Section 5 and all of Section 6 within the Parkside development. The original subdivision did not create enough fee simple lots to accommodate the density approved in the conceptual design plan, CDP-0501, approved on June 12, 2006.
- d. The proposed layout of lots for PPS 4-16001 adjacent to the Blythewood Historic Site is similar to the layout of the previously approved PPS 4-05080. Preliminary Plan of Subdivision 4-05080 proposed three multi-story buildings to the south of the Blythewood Historic Site, with single-family attached lots and buildings to the south of those. Proposed Alley 6B is approximately 120 feet south of the Blythewood Environmental Setting. The Blythewood house sits at an elevation of approximately 180 feet above sea level (ASL). The topography of the subject property to the south of the environmental setting slopes down to approximately 140 feet ASL, then rises again to a height of approximately 200 feet ASL. The topography to the west of the Blythewood House slopes down to 160 feet ASL to the west and rises again on the west side of Melwood Road to approximately 180 to 190 feet ASL.

#### **HPC Conclusions**

- a. The Blythewood Historic Site (78-013) is adjacent to Sections 5 and 6 of the Parkside development included in the subject application. At the time of any specific design plan that is adjacent to the Blythewood Historic Site, the applicant should submit a viewshed study that demonstrates the extent to which the proposed new construction will be visible. Based on the findings of the viewshed studies, any new construction determined to be visible from the historic site will be reviewed for scale, mass, proportion, materials, architecture, landscaping, and lighting as they would impact the character of the historic site.
- b. The area included within the subject specific design plan was surveyed for archeological resources in 2006. No significant archeological sites were identified. No further archeological investigations are recommended.

HPC recommended approval of PPS 4-16001, subject to conditions.

18. **Environmental**—The Environmental Planning Section (EPS) previously reviewed the subject site under a number of previous applications, as indicated in the EPS memorandum dated August 7, 2018 (Finch to Onyebuchi).

**Grandfathering**

The current application is no longer grandfathered from the requirements in Subtitles 24 and 27 of the County Code that came into effect on September 1, 2010 because it is a new PPS application. The project is also no longer grandfathered from the requirements of Subtitle 25, Division 2, effective September 2010.

**Proposed Activity**

The current application is a new preliminary and revised Type 1 tree conservation plan (TCP1) for residential development in Sections 5 and 6 of the Parkside development, formerly known as Smith Home Farm.

**Site Description**

The current application is part of a larger development know as Parkside and is located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro, MD. According to the *Prince George's County Soil Survey* (1967), the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch, and may be found in exposed locations in Section 6. Streams, nontidal wetlands and buffers, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Sections 5 and 6 have a total gross tract area of 167.82 acres. There is 49.00 acres of Section 5, and 72.71 acres of Section 6 subject to the current application. The site includes regulated streams, wetlands and 100-year floodplain. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS) include: Adelphia Holmdel, Collington-Wise, Croom-Marr, Dodon, Marr-Dodon Potobac – Issue, Westphalia and Dodon, and Widewater and Issues soils. According to available mapping information, Marlboro clay and Christiana clay does not occur on or in the vicinity of this property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened or endangered species (RTEs) located near this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. The site is in Environmental Strategy Area (ESA) 2, formerly known as the Developing Tier, according to Plan 2035, the most current comprehensive (general) plan. According to the 2017 Countywide Green Infrastructure Plan (Green Infrastructure Plan), Sections 5 and 6 contain regulated areas, evaluation areas, and network gaps within the designated network of the plan.



**Plan Prince George's 2035 Approved General Plan (2014)**

The site is located within the Established Communities area of the Growth Policy Map and ESA 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

**Countywide Green Infrastructure Plan (2017)**

The Green Infrastructure Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Green Infrastructure Plan, the site contains regulated areas and evaluation areas related to streams and associated buffers. The site is not located in a special conservation area.

The following policies and strategies in bold are applicable to the subject application. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

**POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
  - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
  - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**

A significant portion of the site is designated as primary management area (PMA). Proposed impacts to regulated area is discussed further in more detail in this section of this report. Western Branch, which runs along the northern boundary of the developing property, is a designated stream valley park, which links to the Patuxent River Park.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The preservation of regulated environment features within the green infrastructure, as well as mitigation and restoration opportunities are evaluated further within this section for conformance with subdivision requirements, and evaluation of impacts.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
  - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer they must be designed to minimize clearing and grading and to use low impact surfaces.**

Environmental impacts due to vehicular transportation shown on the PPS and TCP1 is evaluated within this section for conformance with subdivision requirements and evaluation of impacts.

Environmental impacts related to trail connections will be evaluated after the location of the stream valley park trail is confirmed with DPR and potential impacts are located and quantified on the plans for review. Additional environmental impacts associated with construction of the stream valley park trail is deferred until trail construction is reviewed with the SDP. If the trail will be



constructed separately by DPR in the future, environmental impacts will be evaluated with the review of construction design for the project.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Conservation easements are required for the subject application because areas on-site are identified within the PMA that are proposed for retention. These will be addressed at the time of final plat. The areas of on-site woodland conservation will be required to be placed in Woodland and Wildlife Habitat Conservation Easements prior to approval of the Type 2 tree conservation plan (TCP2).

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The issue of water quality has been addressed. The site will be required to provide stream restoration to a section of stream in Parkside, Section 5. The site has an approved SWM Concept Plan and Letter (14846-2006-02), which is grandfathered to regulations prior to 2011, and the proposed structures have been implemented. All impacts to regulated environmental features are limited to those necessary, including outfalls for approved stormwater facilities. The overall site has many areas of unvegetated buffers that will be replanted. The TCP shows the areas along the stream where afforestation is proposed.

**POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.**

**General Strategies for Increasing Forest and Tree Canopy Coverage**

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

Due to the existing conditions of the overall site, the use of off-site banking will be necessary to meet the woodland conservation requirements because the existing woodland is less than the required woodland conservation threshold.

- 7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

Due to the existing conditions of the overall site, the use of off-site banking will be necessary to meet the woodland conservation requirements because the existing woodland is less than the required woodland conservation threshold.

- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/or amendments are used.**

The TCP2 will include specifications regarding the appropriate soil, root space, soil amendments, timing of planting, and quality standards per the Environmental Technical Manual (ETM).

#### **Forest Canopy Strategies**

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is proposed with the subject application. Woodland conservation should be designed to minimize fragmentation and reinforce new forest edges. The retention of potential forest interior dwelling species habitat and green infrastructure corridors is also strongly encouraged. Green space is encouraged in compact developments to serve multiple eco-services.

**POLICY 12: Provide adequate protection and screening from noise and vibration.**

- 12.2** Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

Conditions of this approval require that building shells of residential structures be designed to mitigate interior noise levels to 45 dBA Ldn or less.

**Area Master Plan Conformance**

The subject property is located in the Westphalia Sector Plan and SMA. There are four policies of the sector plan that relate to the environmental infrastructure on the subject property.

**Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.**

The site is located within the designated network of the Green Infrastructure Plan.

**Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.**

- a. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.
- b. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.
- c. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.
- d. Encourage shared public/private stormwater facilities as site amenities.
- e. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.

The site does not contain active agricultural uses. The plan proposes that SWM will be provided using environmental site design. A copy of the approved stormwater concept plan and letter were provided with this application. The approved SWM facilities shall be shown on the plans. Refer to the Environmental Review section below for a discussion of this requirement.

The existing woodland adjacent to the stream is proposed for preservation and areas within the floodplain and PMA are proposed for planting to provide expanded riparian buffers.

**Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.**

- a. **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- c. **Evaluate development proposals using Phase I noise studies and noise models.**
- e. **Provide for the use of appropriate attenuation measures when noise issues are identified.**

The site is located within noise impact areas associated with Andrews Air Force Base, and noise will be addressed with plat notes and required acoustical certification at the time of building permit review.

**Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides comments on the plan's conformance with the conditions.

**District Council Final Decision for CDP-0501 and VCDP-0501 (revised order)**

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 were approved by the District Council on June 12, 2006, subject to conditions. Type I Tree Conservation Plan TCP1-038-05 was revised and certified with CDP-0501.

4. **At time of preliminary plan of subdivision, the applicant shall:**
  - a. **Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
  - c. **Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**

There is known to be Marlboro clay locations in Sections 5 and 6 of the Parkside development. A geotechnical exploration was reviewed with PPS 4-05080 and the associated TCP1. That review confirmed that the limits of existing Marlboro clay are confined to the area within the stream valley, protected by the PMA, where only limited impacts area allowed. The previously approved TCPI shows the limits of Marlboro clay and the previously approved PPS shows the location of the 1.5 safety factor line, but neither of those features are shown on the TCP1 proposed with this application. Upon review of the previously approved TCPI with the TCP1 proposed with this application, it appears that all of the proposed lots are outside the limits of Marlboro clay; however, Lots 85–89 are within the 1.5 safety factor line and shall be relocated, or appropriate mitigation shall be proposed to relocate the 1.5 safety factor line, prior to signature approval of the PPS.

- b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**

SWM ponds have been constructed on the site in accordance with previous approvals. The minimization of impacts for road crossings is evaluated further in this report.

- d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

The site has a previously submitted survey. Recent revisions to the natural resources inventory (NRI) plan have not identified additional RTEs located on the site.

- f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site fully possible.**

On-site stream restoration sites were identified with the approval of Specific Design Plan SDP-1002, and stream restoration projects have been incorporated in the site development process during the review and approval of the SDPs. SDP-1302-02 provided for a stream restoration project in Section 5, which is currently under construction, and must be completed prior to the issuance of

building permits for Section 5. There are no stream restoration projects proposed in Section 6.

**District Council Final Decision for Reconsideration of CDP-0501**

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 were reviewed by the Planning Board and District Council for a reconsideration of Conditions 10, 11, 24, 31, and 32. There are no environmental conditions applicable to this review.

**Conditions of Approval for SDP-1002 Smith Home Farm Stream Restoration (PGCPB Resolution No. 12-07)**

The Planning Board approved Specific Design Plan SDP-1002 on January 26, 2012, subject to the following conditions:

1. **Prior to certificate approval of this SDP, the applicant shall revise the plans for the project as follows:**
  - a. **Show Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 that is not on land to be dedicated to the Department of Parks and Recreation as priority areas for restoration. Identify the approximate land area necessary for the associated grading and revise all charts and information as necessary.**
  - b. **Provide two additional columns in the stream restoration chart that include:**
    - (1) **a column for the estimated cost for the restoration of each stream segment, with the cost typed in; and**
    - (2) **a column for the actual cost (to be typed in upon completion of each restoration project).**
  - c. **The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.**
  - d. **The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George's County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.**
  - e. **The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.**
  - f. **The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the**

**restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.**

- g. The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. Lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.**

Stream Reach 3-4 was required to be implemented with Specific Design Plan SDP-1302-01 for Section 5. What appears to be in conflict with the conditions of approval for SDP-1002 is most likely a practical decision necessary because the two phases are now in different ownerships, and no development is currently proposed in Section 7.

Detailed stream restoration plans for implementation concurrently with Section 5 were approved with SDP-1302-02 and TCP2-020-13-02, which was required to include the approved technical plans for Reach 3-4. These are new impacts not shown on the previous PPS and, while they are correctly reflected on the subject PPS and TCP1 application, they have not been included in the SOJ for impacts to regulated environmental features. The Planning Board acknowledges that this impact is necessary to fulfill the stream restoration requirements of prior approvals and supports the impacts, as reflected on the subject plans. The table of impacts to regulated environmental features shall be updated to include this impact prior to signature approval of the PPS and TCP1.

- 2. Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.**

The Planning Board concurs that the detailed stream restoration plans for Reach 3-4 and Reach 7-2 were deferred for review until rough grading for the appropriate sections. Reach 3-4 was included in SDP-1302-02.

- 4. Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised and additional priority area(s) recommended as necessary to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until the required minimum expenditure is met.**



As previously stated, if the identified priority stream restoration projects do not fulfill the minimum stream restoration expenditures, revision to SDP-1002 to identify the location and cost of additional stream restoration segments would be required.

Four of the restoration sites are in Section 7 which is now under separate ownership. Within the remaining sections, under the ownership of the current applicant, only two projects areas are currently identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). If additional priority projects need to be identified, they must be located within Sections 1 through 6, and cannot occur on property dedicated or to be dedicated to M-NCPPC.

**Conditions of Approval for Specific Design Plan SDP-1302-01 Parkside, Sections 5 & 6 (formerly Smith Home Farm) (PGCPB Resolution No. 16-140)**

The Prince George's County Planning Board approved SDP-1302-01 on December 1, 2016, for Sections 5 and 6 primarily for the construction of SWM infrastructure in advance of the May 4, 2017 termination of grandfathering. There are no conditions of approval that are applicable to this review.

**Environmental Review**

**Natural Resources Inventory**

A Natural Resources Inventory (NRI-006-05-03) was approved on March 7, 2018, to update Sections 5 and 6 for the NRI to the requirements of the ETM, which included expanded stream buffers which expanded the area of PMA. The approved NRI-006-05-03 was submitted with the current application, and the information on the revised NRI is correctly shown on Sections 5 and 6 of the PPS and the TCP2. No further information is required.

**Protection of Regulated Environmental Features**

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)10 of the Subdivision Regulations, which defines the Patuxent River PMA and Section 24-130(b)(5) of the Subdivision Regulations, which provides for the protection of streams and the associated buffers comprising the PMA. The PMA is required to be preserved to the fullest extent possible.

The site has previously approved impacts associated with PPS 4-05080. Impacts for SWM were implemented as part of an approved concept plan. A statement of justification (SOJ) dated June 21, 2018, for the proposed impacts to PPS 4-16001, was submitted. The PPS includes impacts to the PMA in Sections 5 and 6. The applicant requests approval of impacts to regulated environmental features totaling 3.318 acres of permanent impacts and 0.882 acres of temporary impacts. The impacts involve the installation of one SWM facility outfall, one water loop, five sanitary sewer outfalls, three road crossings, and one grading area. The PMA impacts are described in further detail in below. The applicant's SOJ states that the majority of these impacts



were previously approved under PPS 4-05080, as well as SDP-1302-02 for infrastructure in Sections 5 and 6. The review of the additional impacts is due to the expanded buffer, as a result of the new PPS, and the site is no longer being grandfathered.

The table below summarizes the impacts to regulated environmental features on the property identified by the applicant, and these impacts are also reflected on the PMA Impacts Exhibit dated June 2018. The applicant states that the proposed PMA impacts are considered necessary to the orderly development of the subject property, cannot be avoided, are required by other provisions of the County and state codes, and have been minimized to the fullest extent possible.

**Table 1: PMA Impact(s) Summary Table**

| Impact ID         | Impact type / and duration       | Temporary or Permanent | Total acreage of impact (ac) | Recommendation                  |
|-------------------|----------------------------------|------------------------|------------------------------|---------------------------------|
| 1                 | Utility – Water                  | Temporary              | 0.073                        | Approval                        |
| 2                 | Utility – Stormwater outfall     | Permanent              | 0.039                        | Previously Approved/Implemented |
| 3                 | Roadway Crossing                 | Permanent              | 1.155                        | Approval                        |
| 4                 | Roadway Crossing                 | Permanent              | 0.667                        | Approval                        |
| 5                 | Roadway Crossing                 | Permanent              | 0.487                        | Approval                        |
| 6                 | Utility – Sanitary Sewer Outfall | Temporary              | 0.378                        | Approval                        |
| 7                 | Utility – Sanitary Sewer Outfall | Temporary              | 0.173                        | Approval                        |
| 8                 | Utility – Sanitary Sewer Outfall | Temporary              | 0.099                        | Approval                        |
| 9                 | Utility – Sanitary Sewer Outfall | Temporary              | 0.025                        | Approval                        |
| 10                | Utility – Sanitary Sewer Outfall | Temporary              | 0.134                        | Approval                        |
| 11                | Grading                          | Permanent              | 0.088                        | Disapproval                     |
| Total PMA impacts |                                  |                        | 3.318                        |                                 |

**Impacts 1 and 6 through 10: Utility Impacts for Water and Sewer**

Impact 1 is for the installation of a 12-inch water line to connect the 12-inch line that was installed in Section 1A-3 to the Section 5 development. This “loop” is required by the Washington Suburban Sanitary Commission (WSSC) to provide redundant connections and was approved with the previous PPS.

Impacts 6 and 7 are for sanitary sewer to outfall the proposed development into the existing sewer that runs along the Cabin Branch main stem. Due to the existing topography, Impact 6 was aligned to run through the flat portion of the PMA, rather than the very steep slopes to the east. Impact 7 was placed in the location shown to be able to cross under the existing stream, while maintaining proper cover over the pipe, and still be able to tie into the existing sewer line.

Impact 9 is a smaller impact in Section 6 to outfall the sanitary sewer into the existing line that runs through the site from the adjacent property and is primarily located within the existing WSSC easement.

Impacts 8 and 10 are sanitary sewer outfalls that run through the Westphalia Central Park property to connect to the existing line that runs through the site from the adjacent property. These impacts were previously approved in PPS 4-05080 and Specific Design Plan SDP-1101. A small portion of both impacts lie within the existing WSSC easement. All of these utility impacts were required by WSSC and are shown on the approved HPA DA4358Z06.

The Planning Board concurs that these impacts are necessary for development of the site and have been minimized and coordinated with other impacts to the fullest extent possible.

**Impact 2: Utility Impact for Stormwater Management Facility outfall**

Impact 2 is a SWM outfall for the underground infiltration facility 5B. This SWM facility and outfall were previously approved under SDP-1302-01 and the facility has already been installed.

**Impacts 3, 4, and 5: Impacts for Road Crossings**

Impacts 3, 4, and 5 are for proposed road crossings for master-planned roads MC-637 and P-615. The crossings have been located at the narrowest points of the PMA and positioned in such a manner to create the least amount of disturbance as possible.

The Planning Board concurs that these impacts are necessary for development of the site and have been minimized and coordinated with other impacts to the fullest extent possible.

**Impact 11: Impact for Grading**

Impact 11 is a permanent impact for the grading of an alley and townhomes in Section 6 and is not supported. The purpose of the three impact areas proposed is to provide three additional townhouse lots (Lots 105, 132 and 148) and show the PMA less than 10 feet from the property line of the townhouse, impeding a 10-foot-wide accessway around the townhouse. These impacts are unnecessary, are not supported, and shall be eliminated with the removal of any grading into the PMA prior to signature approval of the PPS and TCP1.

The applicant's exhibits do not identify one additional PMA impact proposed on the site adjacent to Lot 79, where grading into the PMA is proposed resulting in a permanent impact. The impact proposed is necessary only to support an additional townhouse lot and cannot be found to be necessary for development of the site or minimized to the fullest extent possible. The Planning Board does not approve this impact.

The regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible with regards to proposed Impacts 1 through 10. Impact 11 has been determined to be unnecessary for development of the site and is not approved. An additional grading impact to the PMA, which was not included in the SOJ or exhibit, was identified adjacent to Lot 79, where grading into the PMA is proposed, resulting in a

permanent impact. The impact proposed is necessary only to support an additional townhouse lot and cannot be found to be necessary for development of the site or minimized to the fullest extent possible. Consequently, the Planning Board does not approve this impact.

#### **Woodland Conservation**

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland, and TCPI and TCPIIs have been approved for the Parkside development. A revised TCP1 (TCP1-038-05-02) has been submitted with the current application.

The revised TCP1 has been reviewed and was found to require technical revisions to comply with previous conditions of approval related to approval of the basic plan for the site, as follows:

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

**M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

**N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation shall be mitigated on-site at a ratio of 1:1.”**

**O. No woodland conservation shall be provided on any residential lots.**

The woodland conservation worksheet included on the TCP1 plan fails to address the correct woodland conservation threshold for the site, which is 24.53 percent, and does not include the PMA impacts, so the amount of woodland conservation required on site is not correctly calculated. The woodland conservation threshold is correctly calculated at 159.52 acres because the site has a mandatory 25 percent threshold requirement for land in the R-M that must be met on-site.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits adjacent to the area of afforestation. The easement language for PMA protection has been modified to include the afforestation areas.

#### **Specimen Trees**

A Subtitle 25 Variance application and a Statement of Justification dated June 21, 2018, was submitted with the current application. The application requested a variance from Section 25-122(b)(1)(G) of Subtitle 25, Division, for the removal of 20 of the existing 77 specimen trees, which was subsequently withdrawn. The variance was withdrawn because previous grandfathered tree conservation plan approvals for Parkside Sections 5 and 6, included

the removal of the 20 specimen trees prior to the requirement for a variance (Subtitle 25). The previous approvals included tree conservation plans: TCP1-038-05, TCP1-038-05-01, TCPII-019-13 and TCPII-020-13-02 (1991 Ordinance).

Because a new PPS was proposed, the applicant assumed that a Subtitle 25 Variance would be necessary because the area of the proposed PPS is no longer grandfathered from variance requirements of the 2010 Ordinance. This case is unusual because grading permits have been issued under the approved TCPIIs for stream restoration work, installation of SWM facilities, and for rough grading and infrastructure.

Because permits have been issued for the previously approved TCPIIs, the proposed limits of disturbance on the proposed TCP1 are very similar to approved TCPII, and no additional specimen trees are proposed for removal, a variance request for the removal of specimen trees is not necessary at this time. The following is a list of trees previously approved with those approvals.

| Tree Number | Tree Name        | DBH | Condition Rating | Disposition                                  |
|-------------|------------------|-----|------------------|--|
| 159         | Silver Maple     | 36  | Poor             | Approved for Removal with<br>TCPII-020-13-02 |
| 160         | Silver Maple     | 52  | Fair             |  |
| 192         | Northern Red Oak | 46  | Fair             |  |
| 193         | Northern Red Oak | 31  | Dead             |  |
| 194         | Northern Red Oak | 38  | Fair             |  |
| 195         | Yellow Poplar    | 40  | Good             |  |
| 196         | White Oak        | 50  | Fair             |  |
| 197         | Northern Red Oak | 32  | Fair             |  |
| 198         | Yellow Poplar    | 30  | Good             |  |
| 226         | Yellow Poplar    | 35  | Fair             |  |
| 238         | Sweetgum         | 32  | Fair             |  |
| 265         | Black Walnut     | 33  | Poor             |  |
| 366         | Yellow Poplar    | 43  | Fair             |  |
| 367         | Yellow Poplar    | 37  | Fair             |  |
| 111         | Sweetgum         | 37  | Good             | Approved for Removal with<br>TCPII-019-13-02 |
| 112         | Elm              | 36  | Poor             |  |
| 166         | Red Maple        | 31  | Poor             |  |
| 167         | Red Maple        | 30  | Poor             |  |
| 168         | Hickory          | 31  | Poor             |  |
| 169         | Black Locust     | 36  | Poor             |  |

19. **Urban Design**—The site is subject to the regulations of a comprehensive design zone and pursuant to Section 27-480 (d) of the Zoning Ordinance, there shall be no more than six single-family attached units in a building group. Condition 74b has been carried forward as a condition of approval of this application to ensure consistent design across the entire 757-acre Parkside development:

74. **Prior to signature approval of the preliminary plan of subdivision, the following Urban Design issues shall be addressed:**

b. **The townhouse section shall be revised to provide no more than six units in any building group. The applicant must obtain approval of more than six dwelling units in a row at the time of SDP, pursuant to Section 27-480(d).**

Lots 49–55 in Block B do not meet this condition, however, the applicant may seek approval of more than six units in a building group at the time of SDP. At the time of SDP, if the layout for these seven units is not approved, one unit must be removed. The site will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, the project is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the requirements of the Landscape Manual will be reviewed at the time of SDP. However, it should be noted that Section 4.6, Buffering Residential Development from Streets, requires a 20-foot-wide buffer between rear yards and a primary roadway, such as Dowerhouse Road, east of Woodyard Road, and a 50-foot-wide buffer along major collector roadways, such as Dowerhouse Road, west of Woodyard Road. Conformance with this requirement will have to be demonstrated at the time of SDP, which may result in revisions to the lotting pattern and could result in a loss of lots. Section 25-128 of the County Code requires projects which involve more than 5,000 square feet of land disturbance to provide a certain percentage of the area of the site in tree canopy. Conformance with the Tree Canopy Ordinance shall be evaluated at the time of SDP.

#### **Other Site Design Issues**

The spacing between some of the townhouse lot lines is less than 10 feet. The lotting pattern in these areas shall be revised to increase the spacing to allow for adequate passage for residents, fencing, and location of any utility easements off the townhouse lots.

In some of the townhouse lotted areas, there does not appear to be room for visitor parking. However, this issue will be more closely examined at the time of SDP when specific site improvements are provided. Provision for visitor parking spaces conveniently located to all townhouses will be further at the time of review of the SDP.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Washington and Doerner absent at its regular meeting held on Thursday, September 13, 2018 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2018.

Elizabeth M. Hewlett  
Chairman



By Jessica Jones  
Planning Board Administrator

EMH:JJ:JO:gh

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPG Legal Department

Date 10/3/18





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

February 21, 2012

SHF Project Owner, LLC  
1999 Avenue of The Stars, Suite 2850  
Los Angeles, CA 90067

Re: Notification of Planning Board Action on  
**Specific Design Plan – SDP-1002**  
**Smith Home Farm Stream Restoration**

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board **February 16, 2012** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **February 21, 2012** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communications or inquires regarding this matter to **Ms. Redis C. Floyd, Clerk to the County Council, at the above address.**

Very truly yours,  
Alan Hirsch, Chief  
Development Review Division

By: Ruth E. Brown  
Reviewer

cc: Ms. Redis C. Floyd, Clerk to the County Council  
Persons of Record

PGCPB NO. 12-07



RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 26, 2012, regarding Specific Design Plan SDP-1002 for Smith Home Farm Stream Restoration, the Planning Board finds:

1. **Request:** The subject application is for approval of a specific design plan (SDP) for stream restoration required by Condition 56 of the approval of Preliminary Plan of Subdivision 4-04080 and Condition 2 of the approval of Specific Design Plan-0506.

2. **Development Data Summary:**

|                                     | <b>Existing</b> | <b>Approved</b> |
|-------------------------------------|-----------------|-----------------|
| <b>Zones</b>                        | R-M/L-A-C       | R-M/L-A-C       |
| <b>Uses</b>                         | Vacant          | Residential     |
| <b>Acreage (in the subject SDP)</b> | 757/30          | 757/30          |
| <b>Lots</b>                         | *               | *               |

\*No lots are proposed in this SDP for stream restoration.

3. **Location:** Smith Home Farm is a tract of land consisting of wooded, undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6.

The subject SDP includes a review of the streams on-site and a determination of which locations on the various streams on-site should take priority for stream restoration efforts.

4. **Surroundings and Use:** The Smith Home Farm project is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Miscellaneous Commercial (C-M), Commercial Office (C-O), and Townhouse (R-T) Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development, such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the Light Industrial (I-1) Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and Mixed Use—Transportation Oriented (M-X-T) Zones.
5. **Previous Approvals:** The subject site, Smith Home Farm, measures 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the Local Activity Center (L-A-C) Zone, which was

rezoned from the R-A Zone through Zoning Map Amendments A-9965-C and A-9966-C, for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. Zoning Map Amendments A-9965-C and A-9966-C were approved (Zoning Ordinance Nos. 4-2006 and 5-2006) by the District Council on February 13, 2006, subject to three conditions. On May 22, 2006, the District Council approved an amendment to A-9965 and A-9966 based on a motion filed by the applicant to move the L-A-C line further south about 500 feet. The acreage of the L-A-C Zone remains the same as previously approved. On February 23, 2006, Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm site was approved by the Planning Board, subject to 30 conditions. The District Council finally approved the comprehensive design plan on May 22, 2006.

A single revision to the CDP, CDP-0501-01, was approved by the Planning Board on December 1, 2011 with conditions, as formalized in the adoption of PGCPB Resolution No. 11-112, adopted by the Planning Board on January 5, 2012. The 30-day appeal/call-up period for this case, calculated from the mail-out date of the resolution, January 10, 2012, has not expired yet. The site also has an approved Stormwater Management Concept Plan, 24819-2006-01.

On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for Smith Home Farm, as formalized in PGCPB Resolution No. 06-64, adopted by the Planning Board on the same date. Subsequently, a reconsideration of 4-05080 was filed and after being continued three times (June 1, 2006, June 15, 2006, and July 6, 2006), the reconsideration was approved as memorialized in PGCPB Resolution No. 06-64(A). Specific Design Plan SDP-0506 was approved by the Planning Board on July 27, 2006, and PGCPB Resolution No. 06-192 was adopted on September 7, 2006 formalizing that approval. A single revision to that SDP, SDP-0506/01 was approved on December 12, 2007 by the Development Review Division as designee of the Planning Board to revise A-67 to a 120-foot right-of-way and to add bus stops and a roundabout.

6. **History of the Evaluation of the Stream Corridors for Smith Home Farm:** Condition 1b of the District Council's approval of CDP-0501 and VCDP-0501 required that a stream corridor assessment (SCA) be conducted prior to signature approval of the plan to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. Further, it required that all of the streams on-site shall be walked and that a SCA report with maps and digital photographs be provided. Lastly, Condition 1b required that the applicant demonstrate to the satisfaction of the Planning Board, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, would be no less than \$1,476,600.

Such an assessment entitled "Smith Home Farm Stream Corridor Assessment" and dated March 2006 was prepared by Environmental Systems Analysis, Inc. for DASC/LLC, the applicant in the CDP Smith Home Farm case. The assessment involved fieldwork conducted on March 10, 2006 and March 29, 2006 which revealed several stream systems on-site consisting of the main stem of Cabin Branch, which bisects the site flowing east, and several associated unnamed tributaries. For the purposes of the assessment, the stream systems were divided into identified "reaches," with right and left bank orientation in a downstream direction. The assessment

consisted of walking the stream corridors, noting their condition, and identifying and photographing areas with potential stabilization and restoration opportunities. The photograph locations were numerically referenced and noted on a site plan. The assessment identified potential areas for stormwater retrofit, riparian buffer planting, wetland enhancement/creation, and stream stabilization such as removing obstructions and debris jams, installing grade control structures and bank protection, grading banks, and adjusting meander bends and channel geometry. The results and discussion of their investigations of the following reaches, followed by photographs, was then provided, with the conclusion that only reaches C-6, C-7, 3-4, 6-2, 7-5, and 7-6 would be good candidates for stream restoration efforts.

- Cabin Branch, Reach C-1
- Cabin Branch, Reach C-2
- Cabin Branch, Reach C-3
- Cabin Branch, Reach C-4
- Cabin Branch, Reach C-5
- Cabin Branch, Reach C-6
- Cabin Branch, Reach C-7
- Reach 1, including Reach 1-1, Reach 1-2, and Reach 1-3
- Reach 2
- Reach 3, including Reach 3-1, Reach 3-2, Reach 3-3, and Reach 3-4
- Reach 4, including Reach 4-1, Reach 4-2, and Reach 4-3
- Reach 5
- Reach 6, including Reach 6-1, Reach 6-2, and Reach 6-3
- Reach 7, including Reach 7-1, Reach 7-2, Reach 7-3, Reach 7-4, and Reach 7-5
- Reach 8, including Reach 8-1, Reach 8-2, and Reach 8-3

The assessment was found acceptable to staff and the CDP was certified.

On November 16, 2011, the subject specific design plan, as required by identical Condition 56 of 4-05080 and Condition 2 of SDP-0506, was accepted for processing. The subject conditions require:

- 56. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. **Consider the stormwater management facilities proposed;**
- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management, and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

See Finding 8 for a full discussion of conformance to the above condition. The subject SDP was reviewed by the Planning Board and outside agencies as appropriate and referral comment received. The case was then reviewed for conformance with the specified evaluation criteria and referral comments, as reflected in this approval, with conditions, as more particularly described below.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments A-9965-C and A-9966-C:** On August 18, 2006, the District Council approved Zoning Map Amendment A-9965-C to rezone 757 acres of the subject property from the R-A Zone to the R-M Zone, and Zoning Map Amendment A-9966-C to rezone 30 acres of the subject property from the R-A Zone to the L-A-C Zone, both subject to three conditions. As the subject SDP is limited to a conceptual review of stream restoration, the conditions of the approval of A-9965-C or A-9966-C below that are required at the time of approval of the first specific design plan have been interpreted to mean that they are not required to be complied with at the time of approval of SDP-0506 (limited to approval of two roadways), nor the subject SDP (limited to establishing a conceptual stream restoration plan). These conditions shall be considered in the

analysis of SDP-1003, currently scheduled for a public hearing before the Planning Board on February 16, 2012.

In both approvals (A-9965-C and A-9966-C), this requirement was reflected as Condition 2H as follows:

**At the time of the first Specific Design Plan, the Applicant shall:**

1. **Provide a comprehensive trail and sidewalk map for the entire site.**
  2. **Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**
8. **Comprehensive Design Plans CDP-0501 and CDP-0501-01:** Since the subject application is an SDP limited to conceptual stream restoration only, the conditions of approval of the CDPs are not directly relevant and shall be reviewed at the time of the approvals of SDPs for the lotting out of the subdivision. However, because the appeal/call-up period has not expired at the time of this approval and because signature approval has not yet been obtained on the -01 revision, a condition of this approval requires that the applicant shall ensure that, prior to signature approval, the subject plan conforms to any relevant requirements of the final approval of the -01 revision.
9. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for Smith Home Farm, as formalized in PGCPB Resolution No. 06-64. Condition 56 of the approval of Preliminary Plan of Subdivision 4-05080 is included in bold face-type below, by comment:
- 56. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

Since the subject SDP has been approved, it is in conformance with the first subpart of this requirement. However, to ensure that the subject SDP is in conformance with the second subpart of this condition, a condition of this approval requires the subject SDP be certified prior to the certification of SDP-1003, a currently pending application for the first phase of development. Conformance to the third part of this condition is triggered at the later time of issuance of grading permits and so will not be evaluated at this time. No separate TCPII accompanies the subject SDP, in conformance with the fourth subpart of this condition. A condition of this approval

ensures that the subject conceptual stream restoration plan shall be implemented in all ensuing SDPs for the various phases of development (the fifth subpart of the above condition), and that such SDPs shall include the detailed engineering for the stream restoration for that phase (the sixth subpart of the above condition).

**The limited SDP for stream restoration shall:**

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management**

The subject project was referred to both the Department of Parks and Recreation (DPR) and the Department of Public Works and Transportation (DPW&T) for comment and referral comments received have been incorporated into this approval. Additionally, multiple meetings were held with DPR and the applicant to discuss issues relating to the land to be dedicated to the DPR and stormwater management.

- b. **Consider the stormwater management facilities proposed;**

In a memorandum dated November 23, 2011, DPW&T stated that the proposed site development is consistent with approved Stormwater Management Concept Plan 36059-2005-02, dated June 22, 2011. Through the review of the subject project, there has been much discussion regarding the design of a stormwater management pond on park land. Discussion of that pond, however, is more appropriate during the review of SDP-1003, Smith Home Farms, Sections 1a, 1b, 2, and 3, when the timing will be established for the design of the SDP for the central park and during the Planning Board's review of that SDP.

- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**

A condition of this approval requires that the applicant include, at the time of approval of the SDP for the relevant phase of development, the proposed grading for stream restoration.

- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**

The subject limited SDP for stream restoration shows the main channel and tributaries of Cabin Branch. Recommended stream restoration work however does not in all cases fall within an identified phase. A condition of this approval requires that, prior to certification,

the applicant shall revise the overall phasing plan so that restoration for identified Stream Reaches are located within only one phase.

- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**

A condition of this approval requires that each detailed stream restoration plan be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.

- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management, and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

Per a condition of this approval, areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings shall be identified in the specific design plans to be approved for the lotting out of the various sections of Smith Home Farm; and revision of SDP-1002 will be required if the above-identified items significantly alter the concept plan for stream restoration established through the subject approval. A condition of this approval states that, should the required minimum of \$1,476,600 in stream restoration not be met upon completion of all priority areas, other locations on the site shall be selected as necessary to meet the minimum, the plan shall be revised as necessary to show the additional site(s) as priority areas, and the stream restoration for those sites shall be implemented with all other conditions of approval of this request.

The other conditions of the preliminary plan of subdivision are more relevant to future Smith Home Farm specific design plan applications that involve the lotting out of the various sections of the development.

10. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:
  - a. The subject SDP is limited to issues regarding how the development impacts streams on the subject site and restoration measures to be undertaken as part of the project, and is therefore consistent with Sections 27-274(a)(7), 27-507, 27-508, and 27-509 of the Zoning Ordinance governing development in the R-M Zone and with Sections 27-494, 27-495, and 27-496 of the Zoning Ordinance governing development in the L-A-C Zone.

b. Section 27-528, requires the following findings for approval of a specific design plan:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

(1) **The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.**

As discussed previously, the subject SDP is limited to issues regarding how the subject development impacts streams on the subject site and restoration measures to be undertaken as part of the subject project. Only those regulations and standards that are applicable should be considered in the review of this SDP. The subject SDP proposes a stream restoration plan that is consistent with approved Comprehensive Design Plan CDP-0501. The 2010 *Prince George's County Landscape Manual* is not applicable in this SDP.

(2) **The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

The subject SDP is limited to issues regarding how the subject development impacts streams on the subject site and restoration measures to be undertaken as part of the subject project. As no development will result from the subject SDP, this required finding is inapplicable to the subject SDP.

(3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**

The Department of Public Works and Transportation (Abraham to Grover, November 23, 2011) has stated that the proposal is consistent with the approved stormwater management concept plan. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

(4) **The Plan is in conformance with an approved Tree Conservation Plan.**

Condition 56 of the approval of Preliminary Plan of Subdivision 4-05080 and Condition 2 of the approval of Specific Design Plan SDP-0502 state that there will not be a separate Type II tree conservation plan (TCPII) for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. It also requires that each subsequent SDP and



associated TCPII revision shall reflect the stream restoration work for that phase and that, as each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase. Therefore, conformance with an approved tree conservation plan will be ensured in each stage of development of the Smith Home Farm project.

**(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

The very nature of the subject specific design plan for stream restoration efforts on the subject site ensures that streams, the regulated environmental feature in question, shall be preserved and/or restored in a natural state to the fullest extent possible. Preservation and/or restoration of other regulated environmental features on the site shall be ensured as subsequent specific design plans are approved for the various sections of the subject development.

11. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there is a previously approved Tree Conservation Plan, TCPI/38/05.

- a. A Type I Tree Conservation Plan, TCPI/38/05, was approved with conditions with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm. Type I Tree Conservation Plan TCPI/38/05/01 was approved with Preliminary Plan of Subdivision 4-05080.
- b. A Type II Tree Conservation Plan, TCPII/57/06, was approved with conditions with SDP-0502 for infrastructure that covers a very limited part of the Smith Home Farm project around the two segments of two major roadways.

A separate TCPII is not required to be approved together with the subject SDP, but will be required to be approved together with SDPs for the lotting out and development of the various individual sections of the development.

Therefore, it may be said that the subject project conforms to the degree necessary to the Woodland Conservation and Tree Preservation Ordinance.

12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The relevant conclusions are summarized as follows:

- a. **Community Planning**—The Commission has no comment on the subject project from a Community Planning perspective.

- b. **Transportation**—The Planning Board stated that they found the plan to be acceptable from a transportation perspective.
- c. **Environmental**—The Planning Board reviewed the revised plans for SDP-1002, Smith Home Farm Stream Restoration with respect to environmental issues. The Planning Board had previously reviewed the subject property prior to the subject SDP application for a Water and Sewer System Area Change Request, 04/W-10, as an application for rezoning from the R-A Zone to the R-M and L-A-C Zones, Zoning Map Amendments A-9965 and A-9966, Natural Resources Inventory NRI/006/05, Comprehensive Design Plan CDP-0501, Preliminary Plan of Subdivision 4-05080, and Specific Design Plan SDP-0506. The current approval is of a stream restoration plan as required by Condition 56 of PGCPB Resolution No. 06-64(A) for the approval of 4-05080.

The following describes the site from an environmental perspective:

The site is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road. The property is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/38/05) was previously approved for the site. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Adelpia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras, and Westphalia soil series. According to available information, Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program.

See Finding 8 for a discussion of environmentally-related Condition 1 of the CDP. See Finding 9 for a discussion of environmentally-related Condition 56 of the approval of Preliminary Plan of Subdivision 4-05080.

The Planning Board concluded that the priority areas for stream restoration are Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 not on land to be dedicated to the Department of Parks and Recreation as identified in the stream restoration plan prepared for the subject project.

The Planning Board then included as conditions of this approval measures to implement their environmental concerns.

- d. **Trails**—The Planning Board reviewed the subject specific design plan for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of approximately 757 acres of land in the R-M and L-A-C Zones. The property is located within the Westphalia Town Center and is bounded by the core of the town center to the south and properties approved for residential development to the north.

The Planning Board offered the following regarding master plan compliance and prior approvals:

Both approved SDP-0506 (PGCPB Resolution No. 06-192) and approved 4-05080 (PGCPB Resolution No. 06-64(A)) contained conditions of approval requiring the stream restoration study. Condition 2 of the SDP and Condition 56 of the preliminary plan included specific requirements for the study. See Finding 9 for the wording of this condition.

The conditions of approval requiring the stream restoration study do not specifically mention or reference the planned stream valley trail along Cabin Branch. However, the prior approvals require the construction of a stream valley trail. These conditions from the approved CDP and preliminary plan are copied below.

The site is subject to previously approved CDP-0501 (PGCPB Resolution No. 06-56), which included several conditions related to bicycle and pedestrian facilities. These conditions of approval are reiterated below:

9. **At time of the applicable SDP, the following areas shall be carefully reviewed:**
- f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
  - g. **A trailhead facility for the Cabin Branch Trail.**

Subsequently, approved 4-05080 (PGCPB Resolution No. 06-64) further refined these recommendations to include the following connections on the subject site.

13. **The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation Guidelines and standards. Timing for the construction shall be determined with the**

appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.

15. The applicant, his heirs, successors and/or assignees shall provide:
  - a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for Stormwater Management Pond Number 4 (access road and outfall) in order to minimize impacts to the PMA.
  - d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
  - e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.
20. A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.
36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.

The conditions of approval requiring the stream restoration plan do not specifically mention the stream valley trail. However, the provision of this master plan facility should be considered and incorporated into the restoration plan. The master plan trail and appropriate connector trails shall by condition be reflected on the limited SDP and the restoration efforts will have to work around this master plan trail. Also, Condition 36 requires that the trail have dry passage through the use of boardwalk and bridges, where appropriate. Boardwalk or bridge construction that is incorporated into the trail should be designed to minimize environmental impacts and support the restoration measures.

**Conclusion**

In conformance with the *Approved Westphalia Sector Plan and Sectional Map Amendment*, *Approved Countywide Master Plan of Transportation*, and previously approved CDP-0501 and 4-05080, the applicant and the applicant's heirs, successors, and/or assignees shall by condition of this approval provide the following:

The limited SDP for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail should be designed to minimize environmental impacts and support the restoration measures.

- e. **Permit Review**—No zoning issues are apparent in this limited specific design plan for stream restoration.
- f. **The Department of Parks and Recreation (DPR)**—In a letter dated January 9, 2012, DPR offered the following findings regarding the subject SDP:

Specific Design Plan SDP-1002 identifies areas proposed for stream restoration and proposes methods for stream restoration within designated areas. DPR staff reviewed the submitted plans and determined that the majority of the stream restoration areas (approximately 90 percent) are shown on land to be dedicated for the central park site. This proposal is in conflict with the previously approved central park concept plan which was approved as part of CDP-0501 plans in 2007.

The Westphalia Sector Plan (CR-2-2007) (the sector plan) designates the Westphalia central park as a regional draw and icon for Westphalia. The sector plan envisions a lake or other water element as its central feature of the park. The sector plan proposes that the park include active and passive recreational facilities such as a tennis center, an amphitheater, a water activity center, a restaurant with a patio, a multi-station playground, a skate park, a splash park, sport fields and courts, a dog park, pedestrian, bicycle and equestrian trails, and other similar features.

The sector plan provides a strategy for the development of a comprehensive public facilities plan that includes detailed recommendations for financing mechanisms, phasing, construction, and maintenance of the proposed park facilities. The sector plan recommends that a park fee of \$3,500 per new dwelling unit (in 2006 dollars) be assessed to pay for the construction of the public park facilities. In addition, the sector plan provides for the formation of a multi-agency public/private work group to implement the vision for the Westphalia central park on an expedited basis.

The central park recreational facilities were described on a concept plan for development of same was financed by the developers of the Smith Home Farm and Woodside Village projects (GB Development and Toll Brothers) in 2006 and approved as part of CDP-0501.

The concept plan was prepared by Alex Garvin and Associates, Inc., a renowned firm specializing in urban park design. The plan depicted a 179-acre central park containing a 36-acre in-stream lake surrounded by recreational facilities. The proposed recreational facilities included:

- A waterfront activities center;
- Overlook/picnic areas;
- A restaurant;
- An adventure playground;
- A tennis center;
- An amphitheater;
- A recreation center;
- A skate park;
- Picnic areas; and
- An extensive trail network.

The central park also includes an environmental setting for the Blythewood historic site. In 2007, in order to determine the feasibility of constructing the 36-acre in-stream lake as depicted in the central park concept plan, DPR hired Bray Hill LLC and Versar, Inc. to conduct a lake feasibility study. This study concluded that a lake in the Cabin Branch stream valley, which runs through the Smith Home Farm property, is viable. However, due to the complex and long process involved in obtaining the necessary state and federal approvals for an in-stream lake, DPR hired the URS Corporation in 2009 to provide design and engineering services related to the proposed lake and to obtain construction permits from the Army Corps of Engineers and the Maryland Department of the Environment (MDE). The consultant is in the process of preparing plans for submission to MDE and the Army Corps of Engineers for review and approval. The primary goals of the project are to restore the Cabin Branch stream habitat, enhance the natural features of the stream valley, and provide a recreational amenity for the park. The projected scope of work will include any stream restoration required by MDE and the Army Corps of Engineers associated with the in-stream lake construction in the park.

DPR then offered the following commentary on the indicated prior conditions of approval:

Condition 1(m) of the approval of CDP-0501: "Prior to certificate approval of the CDP and prior to submission of any SDP, the applicant shall submit a concept plan for the central park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the central park.

The concept plan for the central park has been approved by DPR and the Planning Board as part of the certification of CDP-0501.

See Finding 9 for the exact wording of Condition 56 of the approval of 4-05080.

DPR staff has reviewed the submitted SDP-1002 plans and finds that approximately 90 percent (36 acres) of the stream restoration is proposed on the dedicated land for the central park and located in the area of the proposed 36-acre in-stream lake. This proposal is in conflict with approved CDP-0501 plans. The applicant is not taking into consideration the previously approved plans for the central park and the vision of the Westphalia Sector Plan for a lake or other water element as its focal feature of the park. DPR is committed to the vision of the Westphalia Sector Plan and the approved central park concept plan. DPR recognizes the challenges associated with the in-stream lake permits, but remains committed to the in-stream lake design and will submit the necessary plans to MDE and the Army Corps of Engineers for permitting. We believe that the MDE and Army Corps of Engineers will recognize the regional significance of the lake in this project and support its construction in this location in Prince George's County.

DPR is also committed to the stream restoration on dedicated parkland as part of the lake design and construction. The plan for stream restoration outside of the lake will be developed as part of the lake design project and submitted to MDE and the Army Corps of Engineers for their approval. In our (DPR's) opinion, the applicant should recognize the vision of the Westphalia Sector Plan and take appropriate steps in designating other areas within the project eligible for the stream restoration.

DPR has invested considerable time and effort and made substantial financial investment in the lake design. In our (DPR's) opinion, it would be inappropriate to propose stream restoration in the area designated for the lake prior to completion of the lake design and the subsequent review by MDE and the Army Corps of Engineers.

The 36-acre in-stream lake is a core element of the currently approved concept plan for the central park. If MDE and the Army Corps of Engineers are reluctant to grant a permit for construction of the in-stream lake in the central park, the park concept plan will require a major redesign. If an alternative plan for the central park is developed without an in-stream lake, then DPR will work with the applicant and consider the stream restoration work on the park property.

DPR recommended a single condition of approval that, prior to signature approval, the applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park. Revised plans received since the date of DPR's above-mentioned comments still show stream restoration efforts moved on parkland. Therefore, the Planning Board has included DPR's recommended condition in this approval.

DPR offered a second memorandum on the subject project dated January 9, 2012, including issues relating to the design and construction of the central park to be located on a portion of land to be dedicated by the applicant. It has been determined that the details of the design and construction of the central park should more appropriately be dealt with in

SDP-1003, Smith Home Farm, Sections 1a, 1b, 2, and 3, as this application is not limited to a singular purpose and was accepted prior to SDP-1002. Specific Design Plan SDP-1003 is scheduled for a February 16, 2012 Planning Board public hearing.

- g. **Public Facilities**—As the SDP did not involve the creation of any residential units or commercial or industrial square footage, the evaluation of availability of public facilities was not germane to the analysis of the project.
- h. **The Department of Public Works and Transportation (DPW&T)**—In a letter dated November 23, 2011, DPW&T indicated that:

The SDP is consistent with approved Stormwater Management Concept Plan 36059-2005-02 dated June 22, 2011;

That all proposed development is required to provide flood control measures to mitigate any flooding problem;

That stormdrain and stormwater technical approval is required prior to permit issuance;

That site, stream buffer, culvert design, and site improvements within the floodplain should be designed in accordance with DPW&T requirements; and

That all stormwater management facilities/drainage systems, including recreational features, visual amenities, and facilities are to be constructed in accordance with DPW&T specifications and standards.

DPW&T's comments are more germane to the review of SDP-1003 for Sections 1a, 1b, 2, and 3 of the Smith Home Farm project and will be considered in its analysis in preparation for a February 16, 2012 Planning Board hearing.

- i. **The State Highway Administration (SHA)**—In a letter dated December 12, 2011, SHA indicated that they would not be commenting on the stream restoration SDP for Smith Home Farm.
- j. **The Washington Suburban Sanitary Commission (WSSC)**—In a letter dated December 28, 2011, WSSC in a combined memorandum for SDP-1003 and the subject SDP, offered numerous comments regarding provision of water and sewer service to the property.

None of the offered comments, however, is relevant to the subject SDP and with therefore be utilized in the analysis of SDP-1003, currently scheduled for a Planning Board hearing on February 16, 2012.



- k. **Verizon**—In an e-mail dated January 11, 2012, Verizon stated that they do not believe that stream restoration efforts will have any effect on Verizon’s facilities.
- l. **The Potomac Electric Power Company (PEPCO)**—In an e-mail dated January 11, 2012, PEPCO stated that they require a ten-foot easement along all ingress and egress accesses.

The subject SDP is for stream restoration purposes only and does not include the placement or design of any rights-of-way.

- m. **The Westphalia Sector Development Review Council**—At the time of this approval, the Planning Board had not received comment on the subject project from the Westphalia Sector Development Review Council.
- n. **The Prince George’s County Health Department**—The Prince George’s County Health Department indicated that they had no comments on the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Specific Design Plan for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this SDP, the applicant shall revise the plans for the project as follows:
  - a. Show Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 that is not on land to be dedicated to the Department of Parks and Recreation as priority areas for restoration. Identify the approximate land area necessary for the associated grading, and revise all charts and information as necessary.
  - b. Provide two additional columns in the stream restoration chart that include:
    - (1) a column for the estimated cost for the restoration of each stream segment, with the cost typed in; and
    - (2) a column for the actual cost (to be typed in upon completion of each restoration project).
  - c. The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.
  - d. The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George’s County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.

- e. The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.
  - f. The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.
  - g. The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.
2. Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.
  3. Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.
  4. Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP) shall be revised and additional priority area(s) recommended as necessary so as to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until such time as the required minimum expenditure is met.
  5. Prior to issuance of any grading permits, all specific design plans (SDPs) for the Smith Home Farm project shall be revised to conform to the certified stream restoration SDP.
  6. Prior to acceptance of all specific design plans (SDPs) for each section of development of Smith Home Farm, a separate Type II tree conservation plan for that area of the plan shall be submitted. Both shall conform to the certified stream restoration SDP and contain detailed engineering for the stream restoration for that phase.

7. Prior to approval of each individual specific design plan for the lotting out of the various sections of Smith Home Farm, areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings shall be identified. Should the above-identified items significantly alter the concept plan for stream restoration established through the subject application, as judged by the Environmental Planning Section as designee of the Planning Board, revision of SDP-1002 shall be required.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Squire, with Commissioners Washington, Squire, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, January 26, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

Date 2/1/12

December 20, 2016

SHF Project Owner, LLC.  
1999 Avenue of the Stars, Suite 2850  
Los Angeles, CA 90067

Re: Notification of Planning Board Action on  
**Specific Design Plan SDP-1302-01**  
**Parkside, Sections 5&6**

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **December 15, 2016** in accordance with the attached Resolution.


Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **December 20, 2016** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,  
Alan Hirsch, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. 16-140

cc: Redis C. Floyd, Clerk to the County Council  
Persons of Record



RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 1, 2016, regarding Specific Design Plan SDP-1302-01 for Parkside (formerly Smith Home Farm), Sections 5 and 6, the Planning Board finds:

1. **Request:** The subject application requests approval for grading and the installation of five stormwater management facilities for Parkside (formerly Smith Home Farm), Sections 5 and 6, a part of the larger Parkside development.

2. **Development Data Summary:**

| Zone                              | EXISTING      | APPROVED       |
|-----------------------------------|---------------|----------------|
|                                   | R-M           | R-M            |
| Uses                              | Vacant        | Infrastructure |
| <b>Total Gross Acreage of SDP</b> | <b>144.20</b> | <b>144.20</b>  |
| Section 5                         | 62.78         | 62.78          |
| Section 6                         | 81.42         | 81.42          |
| <b>Floodplain Acreage of SDP</b>  | <b>13.40</b>  | <b>13.40</b>   |
| <b>Net Acreage of SDP</b>         | <b>130.80</b> | <b>130.80</b>  |

3. **Location:** The larger Parkside (formerly known as Smith Home Farm) subdivision is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6. Sections 5 and 6, totaling approximately 144.20 acres, are located in the far southeastern portion of the larger Parkside development on both sides of Melwood Road.

4. **Surrounding Uses:** Specific Design Plan SDP-1302-01 is bounded to the north and west by other sections of the Parkside development, specifically the Central Park to the north and Section 1A to the west. To the south are mostly vacant Mixed Use Transportation–Oriented (M-X-T) zoned properties that all have existing approvals for future development, specifically the mixed-use Westphalia Town Center and the Moore Property development. To the east is vacant land in the Rural Residential (R-R) Zone that is part of the future Marlboro Ridge residential development.

5. **Previous Approvals:** The subject application is for Sections 5 and 6 within a larger project currently known as Parkside, which has 757 gross acres, including 727 acres in the Residential Medium Development (R-M) Zone and 30 acres in the Local Activity Center (L-A-C) Zone. The Parkside project was rezoned from the Residential-Agricultural (R-A) Zone to the R-M Zone (3.6-5.7) through Zoning Map Amendments A-9965 and A-9966 for a mixed-retirement development, and to the L-A-C Zone with a residential component for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. On September 29, 2005, the Prince George's County Planning Board approved Zoning Map Amendments A-9965 and A-9966, subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner (ZHE) approved Zoning Map Amendments A-9965 and A-9966 with two conditions, which included all of the conditions of approval of the Planning Board as sub-conditions. The Prince George's County District Council finally approved both zoning map amendments on February 13, 2006, and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved Comprehensive Design Plan CDP-0501 (PGCPB Resolution No. 06-56(C)) for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 20, 2011, a revision to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions.

On July 27, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 (PGCPB Resolution No. 06-64(A)) for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. On July 27, 2006, the Planning Board approved infrastructure Specific Design Plan SDP-0506 (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This application also showed a portion of the roadway between MC-631 and the Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout.

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501 that governs the development of the entire Smith Home Farm project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in

the R-M Zone (Market rate) to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10–23 in Comprehensive Design Plan CDP-0501 for Smith Home Farm to require submission of an SDP for the Central Park following approval of the Westphalia Sector Plan and SMA, and not as the second SDP as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program (PFFIP) District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

Specific Design Plan SDP-0506 for road infrastructure was approved by the Planning Board on July 27, 2006 and PGCPB Resolution No. 06-192 was adopted on September 7, 2006 formalizing that approval. A single revision to that SDP (SDP-0506/01) was approved on December 12, 2007 by the Planning Director as designee of the Planning Board to revise A-67 to a 120-foot right-of-way and to add bus stops and a roundabout. Specific Design Plan SDP-0506-02 was approved by the Planning Board on February 23, 2012 and PGCPB Resolution No. 12-14 was adopted on March 29, 2012.

Specific Design Plan SDP-1002 for stream restoration was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012 formalizing that approval, subject to seven conditions.

Specific Design Plan SDP-1003 for Sections 1A, 1B, 2, and 3 of the Smith Home Farm development was approved by the Planning Board on March 12, 2012, as formalized by the Planning Board's adoption of PGCPB Resolution No. 12-21 on March 29, 2012. On July 24, 2012, the District Council affirmed the Planning Board's decision with two additional conditions to the approval.

Specific Design Plan SDP-1003-01, a revision to add townhouse architecture, widen some townhouses to 22 feet, and to reorient six groups of townhouses, was approved by the Planning Board on May 30, 2013 and formalized in PGCPB Resolution No. 13-62. The District Council approved the revision by an order dated September 23, 2013.

Specific Design Plan SDP-1003-02 was pre-reviewed, but then withdrawn on May 29, 2013.

Specific Design Plan SDP-1003-03, a revision to add the Westphalia model to the approved architecture for Section 1B, was approved by the Planning Board on September 19, 2013 and formalized in the Planning Board's adoption of PGCPB Resolution No. 13-106 on October 10, 2013.



Specific Design Plan SDP-1003-04, a revision to add the Arcadia model to Section 1A, was approved by the Planning Board on January 16, 2014. The Planning Board adopted PGCPB Resolution No. 14-02 on February 6, 2014.

Specific Design Plan SDP-1003-05 was approved for the Parkside development to revise the central recreational area included in Section 3 of the SDP. The Planning Board approved the application on September 10, 2015 and adopted PGCPB Resolution No. 15-91 on October 1, 2015.

Specific Design Plan SDP-1003-06 to revise Section 3 was approved by the Planning Board on July 21, 2015. The Planning Board subsequently adopted PGCPB Resolution No. 15-36 on May 7, 2015, formalizing that approval. The District Council subsequently reviewed the case and approved it by an order dated July 21, 2015.

The '-06' revision was approved on April 16, 2015 and, before the '-05' revision was approved on September 10, 2015, the name of the project was changed from Smith Home Farm to Parkside. Specific Design Plan SDP-1003-07 was approved by the Planning Board on November 19, 2015. Prince George's County Planning Board Resolution No. 15-121 was adopted on December 10, 2015. Specific Design Plan SDP-1003-08 was approved at staff level on December 14, 2015. Specific Design Plan SDP-1003-09 was approved by the Planning Board on September 8, 2016 and PGCPB Resolution No. 16-106 was adopted on September 29, 2016.

The original SDP-1302 was approved by the Planning Director on November 8, 2013, with no conditions, only to show the locations of afforestation areas within Sections 5 and 6. Lastly, the project is subject to Stormwater Management Concept Plan 14846-2006-01, which covers Sections 4, 5, and 6 of the Parkside Development, was approved on June 15, 2016 and is valid until May 4, 2017.

6. **Design Features:** Specific Design Plan SDP-1302-01 is roughly rectangular in shape and bisected by the existing Melwood Road. In Section 5, which lies to the west of Melwood Road, a bioretention facility is proposed in the southwestern corner and stormwater management Pond 5A, in the northeastern portion, close to Melwood Road. In Section 6, which lies to the east of Melwood Road, a bioretention facility (6C) is proposed at the far eastern end, stormwater management Pond 6B in the central portion, and stormwater management Pond 6A in the western portion. Grading and the limits of disturbance are shown on the SDP, together with environmental features occurring on the subject property, such as wetlands and primary management areas. Details of layout and site design for these sections of the Parkside development will be determined when a full-scale SDP is submitted for review at a future date.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C subject to three conditions, none of which is applicable to the review of this limited infrastructure SDP.
8. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:
  - a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the R-M Zone.
  - b. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of an SDP for infrastructure:
    - (b) **Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

The subject SDP is for the installation of stormwater management facilities in Sections 5 and 6 of the larger Parkside development. The application has an approved Stormwater Management Concept Plan, 14846-2006-01, for Sections 4, 5, and 6. In their referral, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) indicated that the subject SDP is consistent with the approved stormwater management concept plan. Therefore, it can be found that adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The Planning Board found to approve Type II Tree Conservation Plans TCPII-020-13-01 and TCPII-019-13-01, subject to several conditions. The subject application will prevent off-site property damage, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being because the proposed grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge are consistent with previous approvals.

9. **Comprehensive Design Plan CDP-0501, its revision, and reconsideration:** Comprehensive Design Plan CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits, and reapproved by the District Council on March 28, 2016. On December 1, 2011, Comprehensive Design Plan CDP-0501-01

was approved by the Planning Board subject to four conditions and modifying Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01. Conformance with the applicable conditions will be evaluated when a full-scale SDP is submitted for consideration.

10. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for the entire Parkside project (formerly Smith Home Farm), as formalized in PGCPB Resolution No. 06-64(A/2)(C). The following conditions warrant discussion in relation to the subject SDP:

2. **A Type II Tree Conservation Plan shall be approved with each specific design plan.**

Two Type II tree conservation plans (TCPII) have been submitted with this application, and the Planning Board found to approve them with conditions. Therefore, the project is in conformance with this requirement.

3. **Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.**

In their referral, DPIE indicated that the subject SDP is consistent with the approved stormwater management concept plan.

14. **The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**

The subject SDP proposes no grading of the existing Melwood Road. Conformance with this condition will be evaluated when a full-scale SDP is submitted for consideration.

16. **The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

This condition will be evaluated for Sections 5 and 6 at the time when a full-scale SDP is submitted.

11. **Specific Design Plan SDP-0506 and its revisions:** The Planning Board approved Specific Design Plan SDP-0506 for infrastructure with three conditions. Condition 2 is related to the review of the subject SDP as follows:

2. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. **Consider the stormwater management facilities proposed;**
- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density**

**increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

Since the scope of the SDP does not include the stream restoration work, conformance with the above conditions will be evaluated when a full-scale SDP is submitted for Section 5, as Section 6 does not include any necessary stream restoration areas.

Specific Design Plan SDP-0506-02 was approved by the Planning Board on February 23, 2012. Prince George's County Planning Board Resolution No. 12-14 was adopted on March 29, 2012. Specific Design Plan SDP-0506-03 was approved by the Planning Board on July 17, 2014. Prince George's County Planning Board Resolution No. 14-70 was adopted by the Planning Board on July 31, 2014, formalizing that approval. No conditions of these approvals are relevant to the review of Specific Design Plan SDP-1302-01.

12. **Specific Design Plan SDP-1302:** Specific Design Plan SDP-1302 was approved by the Planning Director on November 8, 2013, with no conditions, only to show the locations of afforestation areas within Sections 5 and 6. Conformance with woodland conservation is discussed further in Finding 14 below.
13. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces, or gross floor area on the subject property. Future SDPs that include development of the site would have to be reevaluated for conformance with the applicable sections of the Landscape Manual.
14. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject application is grandfathered from the requirements in Subtitles 24 and 27 of the Prince George's County Code that came into effect on September 1, 2010 because the project has a previously approved preliminary plan. The project is also grandfathered from the requirements of Subtitle 25, Division 2, effective September 2010, because there is a previously approved tree conservation plan, Type I Tree Conservation Plan TCPI-38-05-01, for the site.

There have been changes to the proposed layout of Sections 5 and 6 since the approval of the preliminary plan which affect regulated features of the site with regards to stream wetland crossing points that propose more extensive impacts and reduction of woodland conservation areas than what was approved with TCPI-038-05-01. The TCPIs submitted with the current application can be found in general conformance with the approved TCPI because of the limited scope of the application.

With the first TCPII, TCPII-057-06, for the Parkside (Smith Home Farm) development, an overall woodland conservation worksheet for the entire site was approved, as well as an individual TCPII woodland conservation worksheet for specific sections. The overall woodland conservation worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities proposed on the property, identifying how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire development to confirm that the overall woodland conservation requirement for the site is being met. In addition, the final decision of the District Council in A-9965-C and A-9966-A also require that the woodland conservation threshold be met on-site. Based on the overall net tract site area of 648.28 acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet provided with the current application only provides 150.67 acres of woodland conservation on-site, which is a deficit of 8.37 acres of on-site woodland conservation. Prior to certification of the current application, the overall woodland conservation worksheet and all affected TCPIIs must be revised to indicate where additional on-site woodland conservation will be provided.

The total woodland conservation requirement for the overall development proposed with the current application, based on a net tract area of 648.28 acres and replacement related to clearing of 98.29 acres of net tract woodlands, 4.24 acres of wooded floodplain, 3.38 acres of wooded primary management area, and 2.95 acres of off-site woodland clearing, results in a total woodland conservation requirement of 248.19 acres, which is distributed over the various development sections.

With the approval of SDP-1003 and the associated TCPIIs for Section 1A, 1B, 2, and 3, all sections were evaluated for the provision of on-site woodland conservation, and the significant off-site requirement, which could not be satisfied on-site, was distributed among all sections of the project, so the woodland conservation requirements would be provided on- and off-site concurrently in sequence with the development and not be front-loaded with the early sections or deferred until the end of development. With the most recent reviews of the overall worksheet, with Section 2 (TCPII-010-02), Westphalia Park (TCPII-021-2015), and Section 4 (TCP2-014-2016), the amount of total woodland conservation to be provided with each section was reviewed for consistency with the agreed schedule for woodland conservation fulfillment previously approved. The quantity of total woodland conservation provided in Sections 5 and 6 requires adjustment to be in conformance with the implementation schedule, which indicates a minimum of 35.13 acres and 45.17 acres of woodland conservation provided for each section, respectively.

Other changes in the quantities of preservation and afforestation/reforestation may result from other revisions to the TCPIIs in this report, with a resultant effect on the amount of total woodland conservation provided, but the total amount of woodland conservation required to be provided



with Sections 5 and 6, either on-site or off-site, shall be no less than the required minimum. This quantity was previously agreed to as a fair distribution of the total requirements, and further deferral does not support the intent of the Woodland Conservation Ordinance to provide woodland conservation and replacement concurrent with development.

The TCPIIs also require various technical revisions to be in accordance with the applicable Woodland Conservation Ordinance and the Environmental Technical Manual. The necessary revisions are included in this approval, to be addressed prior to the certification of the SDP.

15. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP for Sections 5 and 6 is submitted for consideration.
16. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—The northern part of proposed Pond 6A, within Section 6 of the Parkside development, partially extends into the environmental setting of the Blythewood Historic Site (78-013).

Built circa 1830, with later additions, Blythewood is a multi-section frame farmhouse, and the principal feature of a large farm complex. The two-story, side-gabled main block of the house was built circa 1830, a shed-roof kitchen wing was added circa 1860 at one end, and a one-story enclosed porch was built at the other end in the 1920s. The principal west façade of the main block is fronted by a two-story portico, also added in the 1920s. The house and domestic outbuildings stand on high ground overlooking a complex of agricultural outbuildings. Originally developed for William F. Berry, the Blythewood complex is an excellent example of a complete nineteenth and twentieth century farm establishment.

The applicant submitted Historic Area Work Permit 2016-55 to construct two stormwater management ponds, Ponds F and 6A, within the Blythewood environmental setting. The application was accepted as complete on November 3, 2016 and was placed on the November 16, 2016 Historic Preservation Commission (HPC) agenda. Pond F is not included in the subject SDP application.

Stormwater management Pond 6A is proposed along the southern edge of the Blythewood environmental setting. Although most of the pond will be located outside of the environmental setting, approximately 0.56 acre of the northern embankment will extend inside the setting. The embankment will range in elevation from 146 feet to 158 feet above sea level. The permanent pool, forebay, and outfall will all be located outside of the

environmental setting. Approximately 220 feet of the fence along the existing driveway will be removed to accommodate the grading for the pond.

Archeological investigations were conducted on the Smith Home Farm property, which includes the Blythewood historic site, in 2005. The area that will be impacted by the construction of the proposed stormwater management, Pond 6A, was included in those investigations. One site, 18PR760, was identified in the area where Pond 6A is proposed to be constructed. This site consisted of three artifact concentrations around two tenant houses, which at the time of the investigation were occupied. All three loci contained artifacts dating from the mid-nineteenth to twentieth centuries. Locus 3 within Site 18PR760 will be impacted by the construction of Pond 6A. The artifacts recovered from this area were from a disturbed context, and no further investigations were recommended.

#### **Conclusions**

The construction of proposed Pond 6A along the southern boundary of the Blythewood Historic Site (78-013) environmental setting will impact approximately 0.56 acre of the setting. Archeological investigations in the proposed area of disturbance did not identify any significant resources. Therefore, no additional archeological investigations are recommended.

Historic Area Work Permit 2016-55 for construction of two stormwater management ponds, Ponds F and 6A, within the Blythewood environmental setting, was reviewed by the HPC at its November 15, 2015 meeting. Pond 6A is included in the subject SDP application. The HPC approved the construction of Pond 6A within the Blythewood environmental setting as meeting Sections 29-111(b)(1) and (b)(2) of the County Code and the Secretary of the Interior's Standards for Rehabilitation No. 1 and 8.

- b. **Subdivision Review**— The Planning Board found that the limit of this SDP has been reduced significantly, based on the revised plans received November 2, 2016, from the original SDP submittal in August 2016. The applicant has requested approval of this application for the sole purpose of implementing stormwater management ponds under current grandfathering provisions administered by DPIE. The review of this application is limited to that request; additional comments will be generated with future SDPs for Sections 5 and 6 that will address peripheral issues identified, but that are outside the specific scope of the construction of the stormwater management ponds.
- c. **Environmental Planning**—The Planning Board reviewed an analysis of the project's background, site description, a detailed analysis of environmentally-related previous conditions of approval, as well as the following discussion:

During the review of A-9965 and A-9966, the Environmental Planning Section recommended that an approved natural resources inventory (NRI) be submitted as part of the CDP. Natural Resources Inventory NRI-006-05 was submitted with CDP-0501



and approved on August 29, 2005. The NRI was resubmitted for an '01' revision to revise the area of existing woodland on the site, which was approved by staff on November 11, 2006. A further revision, NRI-006-05-02, was approved by staff on July 25, 2012 to revise the extent of wetlands on the site. The approved NRI-006-05-02 was submitted with the review package for the current application, and the information on the NRI is correctly shown on the SDP and the TCPIIs.

A limited SDP for stream restoration, SDP-1002, was approved with conditions by the Planning Board on January 26, 2012. Section 5 includes a requirement for the restoration of stream Reach 3-4. Specific Design Plans which include priority stream restoration projects are required to be designed or revised to reflect conformance with the approved stormwater management concept approval for stream restoration prior to issuance of grading permits. Affected SDPs and associated TCPII revisions are required to include the detailed engineering necessary for implementation of the stream restoration.

However, because the current SDP application is limited to stormwater management infrastructure, it has been determined that a completed design for the restoration of Reach 3-4 is not required for approval of the current application, but will be required with any future SDP that proposes additional grading of the site. Various conditions have been included in this approval to ensure conformance with previous approvals regarding stream restoration requirements.

Condition 71 of Preliminary Plan 4-05080 requires that "...At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat." The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

Because there are impacts proposed for the required stream restoration within the primary management area, this condition might seem to indicate that the conservation easement should not include the area of the stream restoration project; however, the Planning Board found that the conservation easement shall include the areas of the stream restoration in order to protect the project from future disturbance and approved a revision to the standard condition to address this concern, with the caveat that access into the stream restoration areas to perform necessary maintenance is allowed, consistent with technical and functional requirements.

- d. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated November 8, 2016, DPIE provided comments regarding required conformance with roadway standards, disposition of existing public roads, stormwater management plan requirements, easements, and Marlboro Clay issues. DPIE's comments are either addressed by conditions in this approval or are required to be addressed prior to issuance of permits.
- e. **Soil Conservation District**—The Soil Conservation District did not provide comments on the subject application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plans (TCPII-020-13-01 and TCPII-019-13-01), and further APPROVED Specific Design Plan SDP-1302-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
  - a. The SDP and Type II tree conservation plans shall be revised as follows:
    - (1) Land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly labeled on the plans and the acreage shall be provided.
    - (2) The boundaries of proposed lots and parcels shall be clearly shown and labeled with bearings and distances.
    - (3) Easements shown on the plan shall be clearly labeled by purpose and shall include bearings and distances.
    - (4) A copy of the approved technical stormwater management plan shall be submitted.
  - b. The applicant shall demonstrate that the woodland conservation threshold requirement of 159.04 acres is met on-site by revising the overall woodland conservation worksheet for the site and any affected Type II tree conservation plans.
  - c. A note shall be added under the overall woodland conservation table on all revised Type II tree conservation plans as follows:

“Per the Final Decision of the District Council on A-9965-C and A-9966-C, the woodland conservation threshold for the Parkside (formerly Smith Home Farm) development shall be met on-site.”

- d. The overall woodland conservation worksheet shall be revised to retain no less than 35.13 acres of woodland conservation being provided with TCPII-020-13 for Section 5, and no less than 45.19 acres of woodland conservation being provided with TCPII-019-13. The individual woodland conservation worksheets shall also be revised to indicate conformance with the required minimums.
  
  - e. Type II Tree Conservation Plan TCPII-020-13-01 for Section 5 shall be revised as follows:
    - (1) On all plan sheets the TCPII, the approval block shall be filled in with prior approvals.
    - (2) Revise the coversheet key map to correctly delineate Section 6.
    - (3) Add an "Owner's Awareness Certificate" on the coversheet for signature at the time of certification.
    - (4) Under the afforestation area summary table on the coversheet, add two columns to the table: one for the bonding amount and one for the associated permit number. Under the summary table, add the following to the note: "...and planted on (fill in the date)."
    - (5) On Sheet 2, revise the overall and individual worksheets as necessary to reflect all required revisions and information.
    - (6) On all plan sheets, include the bearings and distances for property and parcel lines and easements.
    - (7) On all plan sheets, adjust the location of woodland conservation signage to place signs at vertex points, to the greatest extent possible.
- 
- (8) Provide written approval from the Prince George's County Department of Parks and Recreation for any proposed grading onto the Central Park not previously approved under Specific Design Plan SDP-1101.
  - (9) On all sheets where applicable, make the stormwater management easement line bolder so it can be clearly identified.
  - (10) On sheets that include off-site clearing onto adjacent property which is not owned by the applicant, the off-site clearing shall be labeled, and the following note shall be added:

“Off-site grading proposed with this plan is subject to the submittal of written permission from the property owner prior to the issuance of grading permits.”

- (11) Have the plan signed by the qualified professional who prepared it.
- f. Type II Tree Conservation Plan TCPII-019-13-01 for Section 6 shall be revised as follows:
- (1) On all plan sheets the TCPII approval block shall be filled in with prior approvals.
  - (2) Add an “Owner’s Awareness Certificate” on the coversheet for signature at the time of certification.
  - (3) Under the afforestation area summary table on the coversheet, add two columns to the table: one for the bonding amount and one for the associated permit number. Under the summary table, add the following to the note: “...and planted on (fill in the date).”
  - (4) On Sheet 2, revise the overall and individual worksheets as necessary to reflect all required revisions and information.
  - (5) On all plan sheets, include the bearings and distances for property and parcel lines and easements.
  - (6) On all plan sheets, adjust the location of woodland conservation signage to place signs at vertex points, to the greatest extent possible.
  - (7) On all plan sheets, confirm the correct ownership for parcels and correct as necessary.
  - (8) Add temporary tree protection devices to all woodland conservation areas within 50 feet of the edge of grading and to protect the critical root zone of specimen trees shown to be retained.
  - (9) Make the graphic line for Marlboro clay more visible on the plan sheet, and add the graphic elements to the legend.
  - (10) Retain specimen Trees 110 and 112.
  - (11) On sheet 9, move the primary management area crossing point to the south to be in conformance with the location of the crossing on the preliminary plan of subdivision.

- (12) On all sheets where applicable, make the stormwater management easement line bolder so it can be clearly identified.
- (13) On sheets that include off-site clearing onto adjacent property which is not owned by the applicant, the off-site clearing shall be labeled, and the following note shall be added:

“Off-site grading proposed with this plan is subject to the submittal of written permission from the property owner prior to the issuance of grading permits.”

- (14) Have the plan signed by the qualified professional who prepared it.
2. Prior to 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.
  3. Prior to issuance of the first building permit for lots located within Section 5, the required stream restoration project for Reach 3-4 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section, as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member, as designee of the Planning Board.
  4. Prior to approval of any further specific design plans for Sections 4, 5, 6, or 7, the applicant shall work with the Environmental Planning Section, as designee of the Planning Board, and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.
  5. Prior to issuance of grading permits for Specific Design Plan SDP-1302-01, other than for the stormwater management infrastructure included in this SDP, the SDP and Type II tree conservation plans shall be revised to conform to approved final technical plans for required stream restoration as shown on the approved SDP-1002, or as revised.
  6. Prior to approval of any future specific design plans (SDP) for grading for Sections 5 or 6, the detailed stream restoration approved as a final technical stormwater management plan by the Prince George's County Department of Permitting, Inspections and Enforcement shall be shown on the SDP and Type II tree conservation plans.
  7. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/reforestation, except for areas of approved impacts, and protect the limits of stream restoration projects after implementation. The easement shall be

reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Access into the conservation easement shall not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent, at its regular meeting held on Thursday, December 1, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 15th day of December 2016.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 12/7/16





September 19, 2017

SHF Project Owner, LLC.  
1999 Avenue of the Stars, Suite 2850  
Los Angeles, CA 90067

Re: Notification of Planning Board Action on  
**Specific Design Plan – SDP-1302-02**  
**Parkside (formerly Smith Home Farm)**

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **September 14, 2017** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **September 19, 2017** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,  
Whitney Chellis, Acting Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. 17-120

cc: Redis C. Floyd, Clerk to the County Council  
Persons of Record





THE **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 TTY: (301) 952-4366  
[www.mncppc.org/pgco](http://www.mncppc.org/pgco)

PGCPB No. 17-120

File No. SDP-1302-02

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 14, 2017, regarding Specific Design Plan SDP-1302-02 for Parkside (formerly Smith Home Farm), Sections 5 and 6, the Planning Board finds:

1. **Request:** The subject application requests approval of an infrastructure specific design plan (SDP) for 159 single-family attached (townhouses) lots for Parkside (formerly Smith Home Farm) in Section 5 and rough grading for Section 6. This infrastructure SDP includes the location and design of the roadways, the lot layout for the townhouse development of 159 single-family attached units, on-street parking, landscaping, utility location, fencing and sidewalks for a portion of Section 5. Another purpose of this Specific Design Plan SDP-1302-02, is to increase the scope of work for Section 5 by 3.59 acres in order to include the Master Planned P-635. Eventually, decreasing the scope of work for Infrastructure Phase Two (not part of this SDP) by 3.59 acres. Therefore, the new total area for Phase Five and Infrastructure Phase Two will be 66.37 acres and 9.16 acres respectively.

2. **Development Data Summary:**

|                                   | <b>EXISTING</b> | <b>APPROVED</b>        |
|-----------------------------------|-----------------|------------------------|
| Zone                              | R-M             | R-M                    |
| Uses                              | Vacant          | Residential            |
| <b>Total Gross Acreage of SDP</b> | <b>147.79</b>   | <b>147.79</b>          |
| Section 5                         | 66.37           | 66.37                  |
| Section 6                         | 81.42           | 81.42                  |
| Floodplain Acreage of SDP         | 13.83           | 13.83                  |
| <b>Net Acreage of SDP</b>         | <b>133.96</b>   | <b>133.96</b>          |
| <b>Total Townhouse Lots</b>       | <b>0</b>        | <b>159 (Section 5)</b> |

OTHER DEVELOPMENT DATA

**Parking Requirements (Section 5)**

|   |            |
|---|------------|
| Parking Required at 2.04 x 159 townhouse units: | <b>325</b> |
| Total Parking Provided:                         | <b>330</b> |
| Garage Spaces (2 spaces per unit)               | <b>318</b> |
| On-Street Parking                               | <b>12*</b> |

**Note:** \*Based on previous Parkside resident comments, the Planning Board required that additional on-street parking be provided, wherever feasible, in order to ensure sufficient visitor parking. The subject application provides for 12 additional parking spaces for the proposed 159 townhouse lots. Therefore, a condition has been included in this resolution requiring this issue to be further analyzed at the time of review of a future SDP that includes architecture.

- Location:** The larger Parkside (formerly known as Smith Home Farm) subdivision is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), in Planning Area 78, Council District 6. Sections 5 and 6, totaling approximately 147.79 acres, are located in the far southeastern portion of the larger Parkside development on both sides of Melwood Road.
- Surrounding Uses:** Specific Design Plan SDP-1302-02 is bounded to the north and west by other sections of the Parkside development, specifically the Central Park to the north and Section 1A to the west. To the south are mostly vacant, Mixed-Use Transportation-Oriented (M-X-T) zoned properties that all have existing approvals for future development, specifically the mixed-use Westphalia Town Center and the Moore Property development. To the east is vacant land in the Rural Residential (R-R) Zone that is part of the future Marlboro Ridge residential development.
- Previous Approvals:** The subject application is for Sections 5 and 6 within a larger project currently known as Parkside, formerly known as Smith Home Farm, which has 757 gross acres, including 727 acres in the Residential Medium Development (R-M) Zone and 30 acres in the Local Activity Center (L-A-C) Zone. The larger Parkside project was rezoned from the Residential-Agricultural (R-A) Zone to the R-M Zone (3.6-5.7) and to the L-A-C Zone with a residential component including a mixed-retirement component for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space, through Zoning Map Amendments A-9965 and A-9966. The Prince George's County District Council approved both zoning map amendments on February 13, 2006, and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan, TCPI-038-05 (PGCPB Resolution No. 06-56(C)), for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions.

On March 28, 2016, the District Council reconsidered Comprehensive Design Plan CDP-0501 and modified Conditions 10, 11, 24, 31 and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-05080 and a revised Type I Tree Conservation Plan, TCPI-038-05-01, (PGCPB Resolution No. 06-64(A)) for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions.

On July 27, 2006, the Planning Board approved infrastructure Specific Design Plan SDP-0506, and associated Type II Tree Conservation Plan TCPII-057-06, (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This application also showed a portion of the roadway between MC-631 and the Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, SDP-0506-02, was approved by the Planning Board on March 29, 2012, subject to conditions contained in PGCPB Resolution No. 12-114. A third amendment, SDP-0506-03, was approved by the Planning Board on July 31, 2014 subject to conditions contained in PGCPB Resolution No. 14-70.

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501 that governs the development of the entire Smith Home Farm project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M Zone (Market rate) to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10-23 in Comprehensive Design Plan CDP-0501 for Smith Home Farm to require submission of a SDP for the Central Park following approval of the Westphalia Sector Plan and SMA, and not as the second SDP as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program (PFFIP) District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

Specific Design Plan SDP-1002 for stream restoration, as required by conditions of Preliminary Plan 4-05080 and Specific Design Plan SDP-0506, was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012 formalizing that approval, subject to seven conditions. There are several stream restoration projects identified in SDP-1002 as priority projects, and one is located within Section 5 along Reach 3-4, and will be addressed by the current application.

The original Specific Design Plan, SDP-1302 for Sections 5 and 6, and Tree Conservation Plans TCPII-019-13 and TCPII-020-13 were approved by the Planning Director on November 8, 2013 with no conditions, for the limited purpose of providing woodland conservation afforestation in Sections 5 and 6 to fulfill the woodland conservation requirements of development occurring in Sections 2 and 3. Specific Design Plan SDP-1302-01 for rough grading and infrastructure for stormwater management was approved by the Planning Board on December 15, 2016 and PGCPB Resolution No. 16-140 formalizing that approval, subject to seven conditions.

A Specific Design Plan, SDP-1101, and Type II Tree Conservation Plan TCPII-021-2015 for Westphalia Central Park, which is adjacent to Section 5 and 6, were approved by the Planning Board on February 25, 2016 subject to conditions of approval contained in PGCPB Resolution No. 16-32 for Phase 1 of the central park area. This resulted in a change to the limits of central park, which was expanded to include a portion of Section 6 in the park dedication. This resulted in an amendment to the SDP and revision to TCPII for Section 6 to adjust the section boundary to match the revised park boundary (SDP-1302-01 and TCPII-019-13-01) respectively.

The project is also subject to Stormwater Management Concept Plan 14846-2006-02, which covers Sections 4, 5, and 6 of the Parkside Development, which was originally approved on August 25, 2009, and updated on May 25, 2017.

6. **Design Features:** Specific Design Plan SDP-1302-02 is roughly rectangular in shape and bisected by proposed extension of Woodyard Road (MC-632). In Section 5, which lies to the west of MC-632, a 159-lot subdivision is proposed for a portion of the land area. The proposed townhouse lots, which will be accessed off MC-632 and a series of private roads and alleys, are arranged in a grid pattern incorporating open space component that would be ideal for placement of recreational facilities. In Section 6, which lies to the east of MC-632, rough grading of the entire section is proposed with stormwater management facilities. Grading and the limits of disturbance are shown on the SDP, together with environmental features occurring on the subject property, such as wetlands and primary management areas.

**Recreational Facilities**

No recreational facilities are included in the subject application. The PPS requirement for mandatory parkland dedication is being met through land that was previously dedicated to M-NCPPC to the west of the subject property. At this time, no passive or active recreational facilities are developed on that property.

Therefore, the Planning Board believed that on-site active recreational facilities, including attractively designed tot-lots and/or combined tot-lot and pre-teenage play areas, would be appropriate to provide for the youngest population within the community. It is anticipated that this proposal for the 159 townhouse lots, will be expanded to include two-family dwellings as a condominium type ownership in the area to the south and west of the subject area shown for development. A condition has been included in this resolution requiring the incorporation of on-site recreational facilities at the time of a future SDP for the full development of Section 5.

**Architecture**

No architecture is included in the subject application. Architecture will be reviewed in future full-scale SDP.

**Lighting**

The photometric plan indicates the use of a decorative lighting fixture and details of the proposed lighting fixture and photometrics are provided on the plans. However, no lighting is provided within the proposed alleys or common areas. The applicant should light the alleys using freestanding pole-mounted lighting fixtures, and the photometric plan should be revised to demonstrate sufficient levels of illumination in all alleys.

In regard to the level of lighting, the Planning Board decided that the applicant should consider lighting the alleys to a level appropriate for residential development as recommended by the Illuminating Engineering Society of North America Handbook. Section 4-197, Parking Lots and Exterior Passageways, governs the lighting of alleyways; the minimum lighting level is one-foot candle for passageways associated with residential development of single-family homes. The plans should be revised to include a photo metric plan indicating lighting levels in the alleys. Therefore, a condition is included in this resolution requiring this to be provided.

**Signage**

No signage is included in the subject application. Signage will be reviewed in future full-scale SDP along with the architecture review.

**COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment (Basic Plan) A-9965-C subject to the following conditions that are relevant to the subject application:

1. **The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

**A. Land use types and quantities:**

- **Total area: 757± acres\***
- **Land in the 100-year floodplain: 105 acres**
- **Adjusted Gross Area (757 less half the floodplain): 704± acres**

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 Units**
- **Proposed Residential Development: 1,224 Units**

**\*Note: The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The subject application consists of Sections 5 and 6 and include a total of 147.79 acres of land within the R-M zoned property. The overall density of the development should be shown on the coversheet of the SDP, for tracking purpose for conformance with the requirements above, the CDP, and PPS approvals in regard to the final density of the overall site. The SDP is still within the approved limit.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

**A. At time of Comprehensive Design Plan, the Applicant shall:**

- 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.**

The property was reviewed for a Natural Resources Inventory, NRI-006-05, which was signed by the Environmental Planning Section on August 8, 2005. An '-01' revision to the NRI was signed on November 14, 2006.

- 3. If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:**

- (a) A fire station site**
- (b) A middle school site**
- (c) A library site**
- (d) A police office complex site**

Comprehensive Design Plan CDP-0501 (PGCPB Resolution No. 06-56(A)(C)) included the above list of public facilities, which were proposed at the time of the Zoning Map Amendment review for this site based on the Westphalia Comprehensive Conceptual Planning (WCCP) Study, in order to support the development in the Westphalia area. None of the facilities on the list is located on the site of this application. Pursuant to the WCCP Study, the above four public facilities, except for a middle school site, are located to the south of the subject site in the areas envisioned as a mixed-use urban core area and a mixed-use edge area. The middle school site is envisioned on the property included in a Zoning Map Amendment application known as Woodside Village.

- 4. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.**

The subject site does not contain any of the historic structures.

- 10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.**



The Planning Board reviewed the application and required that the sidewalks be five feet in width, with bike lanes along MC-637, as was previously approved for the property to the south of the subject site. The Planning Board further decided that the sidewalk and bike lanes be provided along both sides of MC-635 as well.

- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**

The subject SDP does not provide for any recreational facilities within Section 5, even though this section will provide for an intense population. The Planning Board suggests that the future revisions to the SDP to add the two-family dwellings would be a good time to determine the amount the recreational facilities that should be provided for the development. A condition relating to this is included in this resolution.

- H. At the time of the first Specific Design Plan, the Applicant shall:**

- 1. Provide a comprehensive trail and sidewalk map for the entire site.**

The applicant has provided the most up-to-date comprehensive trail plan for the project and the plans have been reviewed accordingly.

- 2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**

This condition relates to the design of residential structures on the site, and was carried forward to be addressed as appropriate at the time of SDP. The current application is a SDP for infrastructure only. This issue will be addressed at a later phase of the development process when architectural elevations are proposed.

- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

Minimization of impacts to the regulated environmental features of the site was addressed during the review of Preliminary Plan 4- 05080 and SDP-1302.

- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**



With the review of SDPs and their associated TCPs, it is significant to note that Condition 2.M requires that the woodland conservation threshold of 159.09 acres for the overall development must be met on-site.

**N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

The required note has been provided with Type I Tree Conservation Plan TCPI-038-01 and subsequent revisions, and with original approvals and subsequent revisions to Type II Tree Conservation Plans TCPII-019-13 and TCPII-020-13, including the current application.

**O. No woodland conservation shall be provided on any residential lots.**

No woodland conservation has been provided on residential lots with Type I Tree Conservation Plan TCPI-038-01 and subsequent revisions, or with original approvals and subsequent revisions to Type II Tree Conservation Plans TCPII-019-13 and TCPII-020-13, including the current application.

**P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition relates to the design of residential structures on the site, and was carried forward to be addressed as appropriate at the time of proposed SDP. The current application is a SDP for infrastructure only.

**Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”**

The subdivision plat will be required to include the above condition.

**3. Before approval of the first Specific Design Plan, staff and Planning Board shall review and evaluate the buffers between this development project and the adjoining properties, to determine appropriate buffering between the subject property and existing development on adjacent properties.**

This condition has been fulfilled. The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* and a discussion of the application's conformance to Section 4.7, Buffering Incompatible Uses is contained in Finding 13 below.

8. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance in the R-M and M-I-O Zones as follows:

- a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the R-M Zone.
- b. **Military Installation Overlay Zone:** A portion of the project is also located within the Noise Impact Zone (60-74 dBA noise contour) of the Military Installation Overlay Zone. A Phase II noise study will be needed at the time of a full-scale SDP that shows all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less and there is no outdoor play area located within noise levels higher than 65 dBA Ldn.

The western portion of the property is located within Height Zone 'D' and the eastern portion of the property is located within Height Zone 'E.' The maximum building height limits are 234 and 360 feet respectively. The proposed single-family attached buildings usually measure 40 feet in height that is well below the maximum building height limits.

- c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of an SDP for infrastructure:

**(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

The subject SDP is for 159 single-family attached (townhouses) lots in Section 5 and rough grading for Section 6. This infrastructure SDP includes the location and design of the roadways, the lot layout for the townhouse development, on-street parking, landscaping, utility location, fencing and sidewalks for a portion of Section 5 and rough grading in Section 6.

The application has an approved Stormwater Management Concept Plan, 14846-2006-01, for Sections 4, 5, and 6. Based on a referral received from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), dated August 29, 2017, the subject project is in general conformance with the approved stormwater management

concept plan, however, a revision may be required. Therefore, a condition has been included in this resolution requiring this to be done prior to approval of an SDP that includes the construction of master-planned Roads P-619, C-636, and a portion of P-615. With that condition, it can be found that adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The subject application will prevent off-site property damage, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being because the proposed grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge are consistent with previous approvals.

9. **Comprehensive Design Plan CDP-0501, its amendment, and reconsideration:** Comprehensive Design Plan CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits, and reapproved by the District Council on March 28, 2016. The following conditions warrant discussion in relation to the subject SDP:

9. **At time of the applicable SDP, the following areas shall be carefully reviewed:**

- d. **Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.**
  - f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
  - g. **A trailhead facility for the Cabin Branch Trail.**
  - h. **The architectural design around the Central Park and the view sheds and vistas from the Central Park.**
  - i. **The subject site's boundary areas that are adjacent to the existing single-family detached houses.**
10. **Consistent with Condition 22, the applicant (SHF Project Owner, LLC), its heirs, successors and/or assignees will perform design and construction work calculated up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016) of which approximately \$6,500,000 will be reimbursed from the applicant's generated park club permit fees and the**

**balance of \$7,400,000 will be reimbursed from other developer generated park club fees or other sources. The applicant's obligation to provide design and construction work for the central park is applicable only through the 1600th building permit, beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.**
- b. \$400,000 shall be used by the applicant for the schematic design and specific design plan for the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 500<sup>th</sup> building permit.**
- c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase 1(as shown in attached Exhibit-A) of the central park. DPR staff shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase 1 of the central park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to the issuance of the 700<sup>th</sup> building permit. DPR shall respond to applicant in writing with any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.**
- d. \$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase 1(as shown in attached Exhibits B and C) of the central park prior to issuance of the 1,600<sup>th</sup> building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.**
- e. The applicant shall complete the pond construction and rough grading of Phase 1 of the central park prior to issuance of the 1,000th building permit.**
- f. In the event that sufficient funding is not available to fully construct Phase 1 at time of the 1400<sup>th</sup> permit, DPR and the applicant will work together to determine how the available funding will be used to construct portions of**

**Phase 1 as called for in Exhibits A and B. Prior to the issuance of the 1400<sup>th</sup> building permit, the applicant and DPR shall enter into a Recreational Facilities Agreement (“RFA”) establishing both scope and a schedule for construction of Phase 1 of the central park.**

**DPR staff shall review the actual expenditures associated with each phase described above. The applicant’s obligation to provide services for the design, grading and construction of the central park set forth in Condition 10 herein shall be limited to: (i.) the amount of funds to be generated from 1600 of the applicant’s building permits pursuant to Condition 22; OR (ii.) the amount of funds available in the Westphalia Park Club Fund (which will include amounts to be contributed by other developers in the Westphalia Sector) or other sources at time of issuance of the applicant’s 1599<sup>th</sup> building permit, whichever is greater provided that the total amount of applicant’s services do not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the central park beyond the limits of this condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading and construction of the central park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and /or construction of the central park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis. Thirty (30) days prior to the start of construction of the central park, a performance bond equal to the amount of construction work agreed upon between DPR and the applicant for Phase 1 work shall be posted with DPR for applicant’s construction of the central park. The cost for such bond(s) will be included as part of the cost of construction of the central park. If Phase 1 (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant will assign its current contracts to the Commission to complete Phase 1 construction at the Commission’s request. In the event of such an assignment to the Commission, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond will be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution**

**Agreement (dated May 15, 2013) and Central Park Escrow Agreement  
 (dated May 15, 2013) to reflect the terms of this Condition 10.**

The permit tracking associated with this condition must include the proposed building permits associated with the future development of the subject SDP.

- 11. Per the applicant’s offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:**

| <b>PHASING OF AMENITIES</b>   |  |  |
|---|--|--|
| <b>FACILITY</b>   | <b>BOND</b>  | <b>FINISH CONSTRUCTION</b>   |
| Private Recreation Center Outdoor Recreation Facilities on HOA property   | Prior to the issuance of the 200th building permit overall   | Complete by 400th building permit overall                            |
| Pocket Parks (including Playgrounds) within each phase on HOA property  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| Trail system within each phase on HOA property  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units. |  |  |

The need for additional private recreational facilities to serve the 159 proposed lots for the development of single family detached lots will be decided in future SDP review.

- 12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.**

A condition requiring the above is included in this resolution.

- 19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition will be addressed at the time of a future SDP with architecture and at the time of building permit.

20. **Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**
21. **The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:**
  - a. **An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.**
  - b. **M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**
  - c. **The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
  - d. **The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.**
  - e. **Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
  - f. **All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.**



- g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.**
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M NCPPC.**
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.**
- 22. The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The “park club” shall be established and managed by DPR. The applicant may make a contribution into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.**
- 23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**

Per Conditions 20–23 above, the applicant’s proffer at the time of Comprehensive Design Plan CDP-0501 approval, the applicant dedicated parkland and provided design services for the development of the SDP for the Westphalia Central Park and construction documents for Phase 1 of the park. In addition, the applicant will construct recreational facilities in Phase 1 of the park in lieu of a financial contribution to the Westphalia Park Club as set forth in CDP-0501. It is anticipated that the cost for these services will be reimbursed to the applicant from an Escrow Account established, administered and maintained by the DPR. The remaining future phases of the Central Park will be constructed by DPR using Westphalia Central Park Club funds, which will



include funds contributed by other developers in the Westphalia Sector Plan area and/or other sources. The timing for the design and construction documents for future phases of the Central Park should be determined by DPR through the Capital Improvement Program (CIP), subject to available funding from park club fees and/or other sources.

24. **Prior to application for the building permit for the construction of any recreational facilities in the Central Park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.**

This has been completed.

25. **Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.**

The number of building permits released for the overall development of the project, at the time of this approval, is approximately 225 permits.

28. **At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.**

The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* and a discussion of the application's conformance to Section 4.7, Buffering Incompatible Uses is contained in Finding 13 below.

29. **Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.**
30. **The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the Central Park.**
31. **Prior to SDP approval, the height for all structures shall be determined, and the density percentages shall be determined based on any variances necessary.**

The subject SDP does not include architecture and the issue of height of structures will be investigated further at the time of the submittal that includes architectural elevations.

On December 1, 2011, Comprehensive Design Plan CDP-0501-01 was approved by the Planning Board subject to four conditions and modifying Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01. The following conditions warrant discussion in relation to the subject SDP:

2. The following three conditions attached to previously approved Comprehensive Design Plan CDP 0501 shall be revised as follows (underlined text is added/changed):
  3. Prior to issuance of each building permit for the Smith Home Farms, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD4/Westphalia interchange and interim improvements or, if determined, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farms, the applicant, its heirs, successors and/or assigns exceed the current or final cost estimate of \$80 million and any overpayment of the total per dwelling unit fees may be reimbursed to the applicant.
  7. Prior to acceptance of the applicable SDPs:
    - a. The following shall be shown on or submitted with the plans:
      - (1) The community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
      - (2) The swimming pool shall be a 25-meter, 8-lane competition pool, and a minimum of 4,000-square-foot wading/activity pool.
  16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant).

**R-M ZONE**

|  | <b><u>Condominiums</u></b> | <b><u>Single-family Attached</u></b> | <b><u>Single-family Detached</u></b> |
|--|----------------------------|--------------------------------------|--------------------------------------|
| <b><u>Minimum Lot size:</u></b>                            | <u>N/A</u>                 | <u>1,300 sf†</u>                     | <u>6,000 sf</u>                      |
| <b><u>Minimum frontage at street R.O.W.:</u></b>           | <u>N/A</u>                 | <u>N/A</u>                           | <u>45*</u>                           |
| <b><u>Minimum frontage at Front B.R.L.</u></b>             | <u>N/A</u>                 | <u>N/A</u>                           | <u>60**</u>                          |
| <b><u>Maximum Lot Coverage</u></b>                         | <u>N/A</u>                 | <u>N/A</u>                           | <u>75%</u>                           |
| <b><u>Minimum front setback from R.O.W.</u></b>            | <u>10'****</u>             | <u>10'****</u>                       | <u>10'****</u>                       |
| <b><u>Minimum side setback:</u></b>                        | <u>N/A</u>                 | <u>N/A</u>                           | <u>0'-12'****</u>                    |
| <b><u>Minimum rear setback:</u></b>                        | <u>N/A</u>                 | <u>10'</u>                           | <u>15'</u>                           |
| <b><u>Minimum corner setback to side street R-O-W.</u></b> | <u>10'</u>                 | <u>10'</u>                           | <u>10'</u>                           |
| <b><u>Maximum residential building height:</u></b>         | <u>50'</u>                 | <u>40'</u>                           | <u>35'</u>                           |

**Notes:**

**\*For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.**

**\*\*See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.**

**\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

**† No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.**

The following three conditions were added (in addition to the modification of previously-approved Conditions 3, 7, and 16, as stated above) by the District Council. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01.

3. **Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.**

The community building has been bonded and is located in another section of the larger development.

4. **If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.**

The applicant has obtained an approval of a SDP for a single-community building.

5. **If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.**

The above condition will determine the construction schedule for the community building. Approximately 225 building permits have been recommended for approval by M-NCPPC to DPIE, at the time of this approval.

10. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for the entire Parkside project (formerly Smith Home Farm), as formalized in PGCPB Resolution No. 06-64(A/2)(C). The following conditions warrant discussion in relation to the subject SDP:

2. **A Type II Tree Conservation Plan shall be approved with each specific design plan.**

Two TCPIIs have been submitted with this application, and the Planning Board found that the project is in conformance with this requirement.

3. **Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.**

The proposed SDP meets the intent of the approved Stormwater Management Concept Plan (14846-2006-02) originally approved on August 25, 2009 and updated on May 25, 2017. However, a revision to this concept plan may be required to include master-planned Roads P-615, P-619, and C-636, per DPIE. General Note 12 on the SDP and the TCPII states that the property has approved Stormwater Management Concept Plans, 36059-2005-03 and 14846-2006-02. The approval date of the revised stormwater management concept plans should be added to General Note 12.

5. **Prior to the approval of building permits associated with residential development, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.**

This condition will be addressed at the time of building permits for residential structures.

10. **Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.**

This condition will be addressed at the time of a future SDP with architecture and building permits for residential structures.

13. **The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation Guidelines and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.**

14. **The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin**

**Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**

The subject SDP proposes grading of the existing Melwood Road in the area where MC-632 replaces the old alignment. At this location, the Melwood Legacy Trail will be accommodated by the trail along the master plan road. The applicant should submit evidence that existing Melwood Road has gone through the road closure process, been abandoned and/or quit claimed to the benefit of the applicant prior to issuance of a grading permit.

**15. The applicant, his heirs, successors and/or assignees shall provide:**

- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.**
- b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.**
- c. Provide a ten-foot-wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.**
- d. Provide a six-foot-wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.**
- e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.**

The Cabin Branch Trail, Melwood Legacy Trail and the trail along MC-631 are beyond the limits of the subject application.

- 16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

Sidewalks are shown along both sides of all internal roads on the submitted site plan, excluding alleys. The Planning Board required that the cross section for Dower House Road (MC-637) be revised to include five-foot-wide sidewalks, sufficient room for street tree planting and survival (a five- to six-foot-wide planting strip) and designated bike lanes along both sides, consistent with what was approved for the adjacent Westphalia Center. Similarly, a standard sidewalk is recommended along the south side of Rock Spring Road (MC-635).

- 19. Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.**

The Comprehensive Trail Map is included in the Planning Board back-up information for the hearing on this application. The analysis has been completed in accordance with the PPS.

- 21. The plant materials located within the reforestation areas within the 100-year floodplain, within the central park (M-NCPPC), shall be mutually agreed upon by the DRD and DPR.**

This condition was initially addressed with the development of the SDP and TCPII for Phase 1 of the Central Park, and will be further addressed with TCPIIs for the remaining areas of the park.

- 30. The following note shall be placed on the Final Plat:**

**“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”**

This note will be addressed with final plat reviews.

- 31. The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the central park**

**individually at the time of approval of the final plat of any right-of-way (public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.**

The applicant dedicated a majority of the parkland, a total of 139 acres. The remaining parkland will be conveyed in accordance with the sequential platting plan.

- 39. Prior to the approval of final plat(s) of subdivision for development, which includes portions of the Melwood Road right-of-way, the applicant shall obtain approval of the road closure process as determined appropriate by DPW&T, in accordance with Subtitle 23 and/or vacated in accordance with Subtitle 24.**

The subject SDP is for infrastructure only for Section 6, and as such will not be required to have final plat approval prior to issuance of the grading permit. However, the applicant should provide evidence from DPW&T that the necessary road closure, abandonment and/or quit claim of existing Melwood Road has been completed.

Section 5 provides detailed information for the development of 159 lots, the road layout, sidewalk and driveways, landscaping and recreational facilities for the development. It is anticipated that the fine grading permit for Section 5 of the development will follow the final plat process for both Section 5 and future Woodyard Road (which encroaches upon the existing Melwood Road alignment).

- 40. The applicant, his heirs, successors and/or assignees shall convey to the Board of Education (BOE) upon their agreement approximately seven acres at the same time as the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, on which the BOE school property fronts. The BOE property shall not suffer the disposition of improvements necessary to support the Smith Home Farm development, unless upon specific agreement with the BOE. HOA land shall not be utilized to support development of the BOE property for public use, to include but not be limited to stormwater management.**

The Board of Education property is contained within Section 6 of the subject application. MC-632, is also known as Woodyard Road extension. This requirement will be fulfilled at the time of final plats for lots associated with Section 5.

- 48. The SDP and final plat shall demonstrate a primary residential street connection at the end of Road DD, Block SS (public 60-foot wide ROW) north to connect to the Woodside Village property. This connection shall not be required only if a preliminary plan of subdivision has been approved for the Woodside Village Subdivision to the north that does not require the connection.**

Road DD, Block SS, is a part of Section 6. However, the submitted plan is for infrastructure only. Only rough grading is proposed in Section 6 and no streets are being proposed at this time.



49. **The following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency, with all issues of timing and implementation to be addressed as Specific Design Plans proposing development are reviewed:**

- a. **MC-631/Presidential Parkway intersection: The applicant shall submit, at the time of the initial Specific Design Plan proposing development, an acceptable traffic signal warrant study to DPW&T. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations.**

This condition was satisfied during the Specific Design Plan SDP-0506-02 review.

- b. **At the intersection of Westphalia Road/D'Arcy Road and MC-635, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the age-restricted portion of the development. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.**

This condition was satisfied during the Specific Design Plan SDP-0506-02 review.

- c. **At the intersection of MC-631 and MC-635/P-615, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.**
- d. **At the intersection of MC-631 and MC-632/P-616, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.**

- e. **At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, the intended one-lane roundabout shall be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T shall determine whether a one-lane or a two-lane roundabout will be implemented at this location by the applicant; however, such determination shall, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.**

The applicant chooses to defer comment on this condition until the future Specific Design Plan SDP-1702 phase. The Planning Board found it to be acceptable.

- g. **All intersections along the major collector (MC) facilities shall include exclusive left-turn lanes where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes unless specifically waived by DPW&T. Such configurations shall be verified at the time of specific design plan review for the appropriate sections of roadway.**

None of the intersections along MC-637 and MC-632 have been shown on the plans to include left turns. It is anticipated that an SDP for the roadways will be submitted in the future, in which the submission should demonstrate conformance to the above condition, prior to platting of Section 5 of the townhouse lots, and the SDP and the final plat for the roadways serving the lots are required.

- h. **All proposed traffic calming devices, as shown on the plan “Smith Home Farm Traffic Calming,” shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.**

According to the Transportation Planning Section, this condition is not relevant to this section of the development.

- i. **All proposed transit facilities, as shown on the plan “Transit Plan—Smith Farm,” shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.**

According to the Transportation Planning Section, this condition is not relevant to this section of the development.

- 50. Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Given the amount of development being proposed, as well as development previously built, the original trip cap in Condition 50 has not and will not be exceeded by this proposal and the development to date. However, the Planning Board decided that any future SDP application for the subject property must include a cumulative total of all previously approved SDP applications so the trip accumulation of the overall property can be evaluated.

Subsequent to the approval of the original Smith Home Farm development, the Prince George's County Council approved a sector plan that includes the totality of the subject property. Pursuant to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, two new roads were recommended that will bifurcate Section 6 of the proposed development. The two roads are C-636, a roughly north-south collector that will be located toward the southern section of Section 6. This road will become P-619 towards the northern side of Section 6. Because the Westphalia Sector Plan was approved after the approval of the PPS for the subject property, no rights-of-way were dedicated for either C-636 or P-619. However, if no other PPS is filed for the subject property, then the applicant must propose a site layout that preserves these future rights-of-way. No building permits can be issued for building within a master plan right-of-way. Notwithstanding, it shall be noted that the rough grading proposed within Section 6 does not constitute the grandfathering of roadway beds for the alignment of either C-636 or P-619.

Sheet 9 of 21 shows the proposed intersection of Rock Spring Drive and "Road 5D." The design appears to be in the form of a cul-de-sac. According to the recommendation of the Westphalia Sector Plan, Rock Spring Drive is recommended to be extended westward to its intersection with MC-631. Since this proposed intersection is supposed to be the first phase of an ultimate three-legged ("T") intersection, the Planning Board believed that the "T" intersection should be built with a stub end on the western end of the "T. There should also be a sign indicating that the stubbed end is intended to be expanded westward. If the intersection is built as proposed, the homeowners that are closest to the intersection will very shortly assume that the cul-de-sac will remain in perpetuity. When the time comes for the eventual expansion of Rock Spring Drive, there may be resistance from said citizens.

- 56. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDPs shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the**

**plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

A limited SDP for stream restoration, Specific Design Plan SDP-1002, was approved by the Planning Board on January 26, 2012, subject to conditions contained in PGCPB Resolution No. 12-07. Section 5, which is currently under review, includes stream restoration for Stream Reach 3-4. Section 6 contains no required stream restoration sites.

The stream relocation and stabilization technical plans for Reach 3-4 of Parkside (formerly Smith Home Farms) were approved by DPIE on July 28, 2017 (Plan 22860-2017-00).

- 58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time**

of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

**"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."**

It is anticipated that the current and future SDPs and TCPII application beyond infrastructure for Section 6 will need to address this condition. Marlboro clay is anticipated to be exposed in Section 6 for the grading of Pond 6B and Bioretention 6C, and will be reviewed by DPIE for slope stability. If needed, this note will be included at the time of final plat, as applicable.

- 61. 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.**

This condition will be addressed prior to issuance of grading permits which require federal or state wetland permits.

A condition has been included in this resolution requiring that, prior to 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.

- 62. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This issue will be addressed on the future SDP that includes architecture.

- 65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.**

The plans are consistent with the phasing plan.

- 69. Each specific design plan that contains trails shall show the field identified location for all trails and the associated grading.**

The subject application does not include trails other than the Melwood Heritage trail proposed to be located within the right-of-way of the future Woodyard Road, and therefore, the requirement above does not apply. The trail design is subject to the approval of DPW&T.

- 77. Prior to specific design plan approval for the applicable area, the road network shall show a connection (r/w to be determined) between the cul-de-sac of Private Road DD to the north to connect to the Woodside Village property (Sheet 10), and to the south to connect to the Westphalia Town Center as a dedicated public right-of-way.**

The subject application includes the land areas associated with the connection to the Westphalia Town Center and includes the proposed dedicated public right-of-way and is shown correctly.

- 11. Specific Design Plan SDP-0506 and its amendments:** The Planning Board approved Specific Design Plan SDP-0506 for infrastructure with three conditions as follows:

- 1. Prior to certificate approval of this SDP, the applicant shall**
- c. The applicant shall demonstrate the following trail/sidewalk improvements on the plans:**
- (1) Provide designated bike lanes with appropriate signage and pavement markings along both sides of C-635 and P-615, unless modified by DPW&T.**
  - (2) Provide standard sidewalks along both sides of C-635 and P-615, unless modified by DPW&T.**

A standard sidewalk is recommended along the south side of MC-635 (Rock Springs Drive), which runs along the northern edge of Section 5.

- d. Revise the layout of the entrance road to be in conformance with all previous approvals and revise the limits of disturbance to be limited to only that area of construction proposed.**
- e. Revise the TCPII/57/06 to show the followings:**
- (1) A phased worksheet.**
  - (2) The noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.**
  - (3) All woodland clearing areas within the limits of disturbance.**

- f. **Remove the following note from the TCPII/57/06:**

**“All reforestation requirements will be provided offsite. The location of the off-site property has yet to be determined.”**

- g. **Revise the SDP to show the same limits of disturbance. The limits of disturbance shall accurately reflect the proposed area of disturbance. For those areas outside the limits of disturbance, the proposed grading shall be removed from the plans.**

These conditions were addressed prior to signature approval of the TCPII and SDP.

2. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. **Consider the stormwater management facilities proposed;**
- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**



- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

A limited site plan for stream restoration, Specific Design Plan SDP-1002, was approved with conditions by the Planning Board on January 26, 2012. Per the conditions above, SDPs which include priority stream restoration projects shall be designed and/or revised to reflect conformance with the approved stormwater management concept for the stream restoration prior to issuance of grading permits. Affected SDPs and associated TCPIIs shall include the detailed engineering necessary for stream restoration. This requirement is addressed for Reach 3-4 in Section 5 with the current application.

- 3. **Prior to issuance of a grading permit, the applicant shall redesign the stormwater management pond and road grading for the segment along the park's frontage, if necessary, in accordance with the approved central park concept plan for review and approval by the Department of Parks and Recreation.**

This condition is not applicable within the limits of the current application, because it applies to SDP-0506. Section 5 has shared frontage and adjacency with the Central Park.

Specific Design Plan **SDP-0506-02** was approved by the Planning Board (Resolution No. 12-14) on March 29, 2012, with conditions relating to certification, issues required to be fulfilled prior to a grading permit and final plat. None of the conditions are applicable to the review of this SDP.

Specific Design Plan **SDP-0506-03** was approved by the Planning Board on July 17, 2014. Prince George's County Planning Board Resolution No. 14-70 was adopted by the Planning Board on July 31, 2014, formalizing that approval. No conditions of these approvals are relevant to the review of Specific Design Plan SDP-1302-02.

- 12. **Specific Design Plan SDP-1302:** Specific Design Plan SDP-1302 was approved by the Planning Director on November 8, 2013, with no conditions, for the purpose of showing the locations of afforestation areas within Sections 5 and 6.

**Specific Design Plan SDP-1302-01:** Specific Design Plan SDP-1302-01 was approved by the Planning Director on December 1, 2016, with conditions, which are relevant to the subject application as follows:



3. **Prior to issuance of the first building permit for lots located within Section 5, the required stream restoration project for Reach 3-4 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section, as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member, as designee of the Planning Board.**

The condition is in full force and effect.

4. **Prior to approval of any further specific design plans for Sections 4, 5, 6, or 7, the applicant shall work with the Environmental Planning Section, as designee of the Planning Board, and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.**

This condition is addressed with the current application.

5. **Prior to issuance of grading permits for Specific Design Plan SDP-1302-01, other than for the stormwater management infrastructure included in this SDP, the SDP and Type II tree conservation plans shall be revised to conform to approved final technical plans for required stream restoration as shown on the approved SDP-1002, or as revised.**

This condition is addressed with the current application and will be enforced at grading permit.

6. **Prior to approval of any future specific design plans (SDP) for grading for Sections 5 or 6, the detailed stream restoration approved as a final technical stormwater management plan by the Prince George's County Department of Permitting, Inspections and Enforcement shall be shown on the SDP and Type II tree conservation plans.**

This condition is addressed with the current application.

7. **At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation, except for areas of approved impacts, and protect the limits of stream restoration projects after implementation. The easement shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning**

**Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Access into the conservation easement shall not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”**

This condition will be addressed at final plat.

13. **2010 Prince George’s County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). The proposed development of residential infrastructure is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development From Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual as follows:

- a. **Section 4.1, Residential Requirements**—Section 4.1 requires a minimum number of trees be provided per townhouse lot, which can be provided on lots or in common open space. The correct schedule is provided on the SDP showing this requirement being met through the provision of 239 shade trees, 54 ornamental trees and 116 evergreen trees.
- b. **Section 4.6, Buffering Development from Streets**—Section 4.6 requires buffering where rear yards of townhouses are oriented to streets, such as along the sides of Lots 19 and 40 where they are visible from Capital Court. No plantings are provided at this time, but they may be required on future SDPs that include the architecture and placement of building on the site.
- c. **Section 4.7, Buffering Incompatible Uses**—Since this portion of the development does not extend to the perimeter of the property, Section 4.7 is not required at this time. At the time of a full-scale SDP, this information will be required to be provided.
- d. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires certain percentages of native plants be provided on-site, along with no invasive plants and no plants being planted on slopes steeper than three-to-one. The submitted landscape plan provides the required schedule and notes showing the requirements of this section being met.

This section also offers guidance on diversity of plant species in order to enhance the environmental benefits. The submitted plan only offers one species of evergreen tree. The Planning Board required that additional species be proposed for each plant type in order to diversify the environment. Therefore, a condition has been included in this resolution requiring additional species.

- e. **Section 4.10, Street Trees Along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets that apply to the subject development. The submitted landscape plan provides the required schedule, and shows trees located between the sidewalk and curb. Therefore, the landscape plans fulfill this requirement.
14. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland, and a Type I Tree Conservation Plan, TCPI-38-05-01, was approved for the site.

There have been minor changes to the proposed layout of Sections 5 and 6 since approval of the PPS, with minor affects to regulated features of the site. The TCPII submitted with the current application is in general conformance with the previously approved TCPI with regards to the limit of disturbance (LOD), except for additional clearing required for the restoration of Reach 3-4, because of the limited scope of the application.

With the first Type II Tree Conservation Plan, TCPII-057-06, for the Parkside (Smith Home Farm) development an overall woodland conservation worksheet for the entire site was approved, as well as an individual TCPII woodland conservation worksheet for specific sections. The overall woodland conservation worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities proposed on the property, identifying how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire development confirms that the overall woodland conservation requirement for the site is being met, as well as the requirements of the Final Decision of the District Council in Zoning Map Amendments A-9965-C and A-9966-C, that the woodland conservation threshold be met on-site. Based on the overall net site area of 648.28 acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet submitted with the current application provides 168.90 acres of woodland conservation on-site, which exceeds the on-site requirement.

The total woodland conservation requirement for the overall development proposed with the current application, based on a net tract area of 648.28 acres and replacement ratio related to clearing of 103.94 acres of net tract woodlands, 5.00 acres of woodland floodplain, 3.39 acres of wooded primary management area (PMA) and 3.28 acres of off-site woodland clearing results in a total woodland conservation requirement of 252.94 acres, which is distributed over various sections.

With the approval of Specific Design Plan SDP-1003, and the associated TCPIIs for Sections 1A, 1B, 2 and 3, all sections were evaluated for the provision of on-site woodland conservation, and the significant off-site requirement which could not be satisfied on-site was proportionally

distributed among all sections of the project, so the woodland conservation requirements would be provided on and off-site in sequence with development, and not be front-end loaded with the early sections, or deferred until the end of development. With the most recent reviews of the overall worksheet, with Section 2 (TCPII-010-02), Westphalia Park (TCPII-021-2015), and Section 4 (TCP2-014-2016), the amount of total woodland conservation to be provided with each section was reviewed for consistency with the agreed schedule for woodland conservation fulfillment previously approved. The quantity of total woodland conservation provided in Sections 5 and 6 has also been adjusted to be in conformance with the overall implementation schedule which indicates a minimum of 35.55 acres and 43.48 acres of woodland conservation provided respectively.

Other changes in the quantities of preservation and afforestation/reforestation may result from other revisions to the TCPIIs, with a resultant effect on the amount of total woodland conservation provided, but the total amount of woodland conservation required to be provided with Sections 5 and 6, either on-site or off-site, should be no less than the required minimum. This quantity was previously agreed to as a fair distribution of the total requirements, and further deferral does not support the intent of the Woodland Conservation Ordinance (WCO) to provided woodland conservation and replacement concurrent with development.

**Woodland and Primary Management Area (PMA) Impacts for Stream Restoration Project**  
While Type II Tree Conservation Plan TCPII-020-13-02 for Section 6 has remained consistent with the TCPI, the addition of a stream restoration project for Reach 3-4 has had impacts to TCPII-020-13-0 for Section 5, which was not included on the approved TCPI, and is reviewed for the first time with the current application.

The LOD of the stream restoration project was previously shown as woodlands preserved and woodlands retained. With the current revision, the entire LOD which includes PMA and 100-year floodplain is proposed to be cleared, and then reforested, for a total of 1.14 acres. We do not have final technical plans, but we are concerned whether this level of afforestation is compatible with the rip-rap features being proposed, and the performance expectations of DPIE. DPIE has its own standards for landscaping related to stormwater management design and function, and approval from DPIE for landscaping that also meets WCO standards would have to be confirmed. Woodland plantings would seem incompatible with imbricated rip-rap walls, constructed pool and riffle areas, and Class III rip-rap revetment. The width of the afforestation area available between the imbricated rip-rap wall and the adjacent sanitary sewer is too narrow to be credited for woodland conservation under WCO design guidelines. Revisions to the area of reforestation, and coordination of landscaping with afforestation are indicated in conditions of approval of this application.

In addition, the stream restoration project should be labeled with features and materials to more clearly demonstrate the functionality of the design.

Type II Tree Conservation Plan TCPII-020-13-02, requires technical revisions to the plan to be in accordance with the applicable Woodland Conservation Ordinance (WCO) and the Environmental Technical Manual. The necessary revisions are recommended as conditions of approval prior to the certification of the SDP.

TCPII-019-13-02 (Section 6) and TCPII-020-13-02 (Section 5) can be found to be in general conformance with TCPI-038-05-01 if revised in accordance with the conditions of approval.

15. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy coverage. The Section 5 is 147.79 acres in size, resulting in a tree canopy coverage requirement of 21.16 acres, or 65,650 square feet. The TCC schedule provided on the SDP indicated the wrong gross tract area; however, the schedule shows the requirement will be met on-site through a combination of woodland preservation, reforestation and proposed landscaping. Additionally, the schedule indicates that public street trees are being counted towards the requirement, which is acceptable per Section 25-129(a). A condition has been included in this resolution requiring adjustments to reflect the correct acreage.
16. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—The Planning Board found that this application is to show a portion of the Section 5 proposed layout of the Parkside (formerly Smith Home Farm) development, consisting of approximately 156 single-family attached units with associated roads and infrastructure. The remainder of Section 5 and all of Section 6 show rough grading only. The subject property is in the R-M Zone. The subject application includes part of the Blythewood Historic Site (78-013) environmental setting.

The subject application shows proposed rough grading and the location of sediment control devices within Sections 5 and 6 of the Parkside (formerly Smith Home Farm) development. Approval of this plan will allow the applicant to obtain a rough-grading permit to install stormwater management features. The northern part of proposed Pond 6A within Section 6 of the Parkside development partially extends into the environmental setting of the Blythewood Historic Site, as shown on Sheets 14 and 16 of the SDP. Sheets 11 and 13 of the SDP show grading in the western portion of the Blythewood Historic Site environmental setting for Woodyard Road (MC-632).

Built circa 1830, with later additions, Blythewood is a multi-section frame farmhouse, and the principal feature of a large farm complex. The two-story, side-gabled main block of the house was built circa 1830; a shed-roof kitchen wing was added circa 1860 at one end, and a one-story enclosed porch was built at the other end in the 1920s. The principal west

façade of the main block is fronted by a two-story portico, also added in the 1920s. The house and domestic outbuildings stand on high ground overlooking a complex of agricultural outbuildings. Originally developed for William F. Berry, the Blythewood complex is an excellent example of a complete nineteenth and twentieth-century farm establishment.

The applicant submitted Historic Area Work Permit 2016-55 to construct two stormwater management ponds, Ponds F and 6A, within the Blythewood environmental setting. The Historic Area Work Permit (HAWP) application also included proposed grading for the construction of Woodyard Road (MC-632) along the western portion of the Blythewood environmental setting. The application was accepted as complete on November 3, 2016 and was approved as part of the November 15, 2016 Historic Preservation Commission agenda. Pond F is not included in the subject application.

Stormwater Management Pond 6A is proposed along the southern edge of the Blythewood environmental setting. Although most of the pond will be located outside of the environmental setting, approximately 0.56 acre of the northern embankment will extend inside the setting. The embankment will range in elevation from 146 feet to 158 feet above sea level. The permanent pool, forebay, and outfall will all be located outside of the environmental setting. Approximately 220 feet of the fence along the existing driveway will be removed to accommodate the grading for the pond.

Archeological investigations were conducted on the Smith Home Farm property, which includes the Blythewood Historic Site, in 2005. The area that will be impacted by construction of the proposed stormwater management Pond 6A was included in those investigations. One site, 18PR760, was identified in the area where Pond 6A is proposed to be constructed. This site consisted of three artifact concentrations around two tenant houses, which at the time of the investigation were occupied. All three loci contained artifacts dating from the mid-nineteenth to twentieth centuries. Locus 3 within site 18PR760 will be impacted by construction of Pond 6A. The artifacts recovered from this area were from a disturbed context and no further investigations were recommended.

### **Conclusions**

The construction of proposed Pond 6A along the southern boundary of the Blythewood Historic Site (78-013) environmental setting will impact approximately 0.56 acre of the setting. Archeological investigations in the proposed area of disturbance did not identify any significant resources. Therefore, no additional archeological investigations are recommended. Archeological investigations were also conducted around proposed grading along the western portion of the Blythewood environmental setting. No significant archeological resources were identified in that area.

HAWP 2016-55 for construction of two stormwater management ponds, Ponds F and 6A, within the Blythewood environmental setting, as well as grading necessary to construct Woodyard Road (MC-632), was reviewed by the Historic Preservation Commission at its



November 15, 2016 meeting. Pond 6A is included in the subject application. The Historic Preservation Commission approved the construction of a portion of Pond 6A within the Blythewood environmental setting and the grading for Woodyard Road (MC-632) as meeting Subtitle 29-111.b.1 and b.2 and the Secretary of the Interior's *Standards for Rehabilitation* No. 1 and 8. Therefore, the Planning Board approved SDP-1302-02 with no conditions.

- b. **Subdivision Review**—The Planning Board found that the subject property is located within the area of the Approved Westphalia Sector Plan and Sectional Map Amendment and is located on Tax Maps 90 in Grids E-3 and F-3, and 91 in Grids A-3 and B-3. The property is zoned R-M (Residential Medium Development) which is a Comprehensive Design Zone. The Westphalia Sector Plan identifies this property on the Regional Center Concept Map as Low-Density Residential, and this specific project is mentioned in the master plan.

Specific Design Plan SDP-1302-02 includes a total of 147.79 acres, consisting of 66.37 acres in Section 5 and 81.42 acres in Section 6. The property was the subject of Preliminary Plan of Subdivision 4-05080 and PGCPB Resolution No. 06-64(A/2)(C), which is valid through June 14, 2018. The applicant must have record plats accepted prior to the expiration of the PPS. The PPS was approved for 759 acres, for a total of 1,506 lots, 355 parcels, and a total of 3,648 dwelling units, (consisting of 285 detached, 1,577 attached and 1,786 multifamily dwelling units).

This SDP proposes infrastructure for 159 single-family attached lots in a portion of Section 5 and rough grading for the remainder of Section 5 and all of Section 6. Prior to final plat of the lots proposed, an SDP and final plat demonstrating adequate access is required. The boundaries of Sections 5 and 6 as shown on the submitted SDP are in substantial conformance with the PPS.

#### **Plan Comments**

Preliminary Plan 4-08050, approved prior to the adoption of the 2007 *Westphalia Approved Sector Plan and Sectional Map Amendment*, provided a 60-foot-wide ultimate right-of-way width for Dower House Road (MC-637). The abutting Moore Property to the south, (PPS 4-08018), approved after the adoption of the 2007 *Westphalia Approved Sector Plan and Sectional Map Amendment*, provided a 96-foot-wide right-of-way width for Dower House Road. The submitted SDP proposes to adjust the right-of-way width of Dower House Road through the subject property from 60 feet wide to 96 feet wide, consistent with the right-of-way width shown on the abutting Moore Property (PPS 4-08018). The Planning Board is in agreement with the modifications to the lotting pattern that would be required in Section 5 to accommodate the ultimate right-of-way width of the master plan roadway and finds the proposed plan to be in general conformance with the PPS as was previously approved.

All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected.

- c. **Environmental Planning**—The Planning Board analyzed the project’s background, site description, a detailed analysis of environmentally-related previous conditions of approval, as well as the following discussion:

**Grandfathering**

The subject application is grandfathered from the requirements in Subtitles 24 and 27 that came into effect on September 1, 2010, because the project has a previously approved PPS. The project is also grandfathered from the requirements of Subtitle 25, Division 2, effective September 2010, because there is a previously approved tree conservation plan.

**Proposed Activity**

The current application is an amendment to Specific Design Plan, SDP-1302-02, for Sections 5 and 6, and revisions to associated TCPs, TCPII-019-13-02 and TCPII-020-13-02, for infrastructure and for the inclusion of the technical plans for stream relocation and bank stabilization for Reach 3-4 in Phase 5, which is subject to final approval by DPIE.

**Site Description**

The current application is part of an overall 760.93-acre development and is located 4,000 feet northeast of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro, MD. The site is zoned R-M, and includes a Mixed-Retirement-Development (M-R-D). The property is subject to the Woodland Conservation Ordinance because it is larger than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCPI-038-05, and a revision, TCPI-038-05-01, were previously approved for the site.

According to the *Prince George’s County Soils Survey (1967)*, the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch, and may be found in exposed locations in Section 6. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property.

The specific site of the current application is located south of the central park and of master planned roadway P-615, and located on the east and west sides of Melwood Road. Sections 5 and 6 have a gross tract area of 147.79 acres, 13.83 acres of 100-year floodplain, and a net tract area of 133.96 acres. The site includes regulated streams, wetlands and 100-year floodplain. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated



with aircraft flying into and out of Andrews Air Force Base (AAFB). Melwood Road is a designated scenic and historic road that bisects this property. Westphalia Road is a designated historic road, but is not adjacent to Sections 5 or 6. There are no rare, threatened or endangered species located near this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. The site is in the Environmental Strategy Area 2 (ESA), formerly known as the Developing Tier, according to *Plan Prince George's 2035 Approved General Plan*, the most current comprehensive (general) plan. According to the Countywide Green Infrastructure Plan of the *2017 Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, Sections 5 and 6 contain Regulated Areas and Evaluation Areas and Network Gaps within the designated network of the plan.

### **Environmental review**

#### **Natural Resources Inventory**

During the review of Zoning Map Amendments A-9965 and A-9966, the Environmental Planning Section recommended that an approved natural resources inventory (NRI) be submitted as part of the CDP. Natural Resources Inventory NRI-006-05 was submitted with Comprehensive Design Plan CDP-0501 and approved on August 29, 2005. The NRI was resubmitted for a '01' revision to revise the area of existing woodland on the site, which was signed by staff on November 11, 2006. A further revision, NRI-006-05-02 was approved by staff on July 25, 2012, to revise the extent of wetlands on the site.

The approved NRI-006-05-02 was submitted with the review package for the current application, and the information on the NRI is correctly shown on the SDP and the TCP2. No further information is required.

#### **Stream Restoration**

Detailed stream restoration plans for implementation concurrently with Sections 5 were not required with the two previous SDPs approvals because they were limited to afforestation/ reforestation and the development of stormwater management infrastructure. The current SDP application is required to provide copies of the approved technical plans for Reach 3-4. The stream relocation and stabilization technical plans for Reach 3-4 of Parkside (formerly Smith Home Farms) were approved by DPIE on July 28, 2017 (Stormwater Management Concept Plan 22860-2017-00) and submitted to the Development Review Division. Grading and implementation details for the final design of the stream relocation project shall be reflected on the SDP and TCPII prior to certification.

Prior to certification of the SDP and TCPII, the stream relocation and stabilization technical plans for Reach 3-4 of Parkside (formerly Smith Home Farms), approved by DPIE on July 28, 2017 (Stormwater Management Concept Plan 22860-2017-00), or as revised, shall be reflected as applicable on the SDP and TCPII.

### **Impacts to Regulated Environmental Features**

At the time of Preliminary Plan of Subdivision 4-05080, a statement of justification was submitted for numerous PMA impacts resulting from road crossings and associated grading, stormwater management requirements, sanitary sewer line and utility connections, and trail crossings. Some were fully supported, some were approved subject to minimization and some were required to be removed under conditions of approval to be addressed prior to certification.

Prior to approving an SDP, the plan must demonstrate that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5) of the Subdivision Regulations. The amended SDP and revised TCPII are in general conformance with the impacts approved at the time of PPS, except for stream restoration impacts. At the time of preliminary the PMA impacts related to yet unidentified stream restoration projects were anticipated, but not quantified or located.

Condition 56 of PGCPB Resolution No. 06-64(A/2)(C) resulted in an approved limited SDP for stream restoration, which identified priority sites for restoration on-site and anticipated their size and cost, and required that the stream restoration work be addressed with the SDP for development. SDP-1002 approved by the Planning Board on January 26, 2012, identified the location, design concept, and approximate cost, and implementation schedule for the selected restoration projects. The impacts to Reach 3-4 in Section 5 was estimated as 1,150 linear feet, with an estimated cost for \$70,000.

The current SDP application for Section 5 is the first SDP required to address a required stream restoration with review of an SDP and TCPII. A revised statement of justification for PMA impacts was not submitted with the current application because the location of the impacts and estimated areas were conceptually approved by the Planning Board with SDP-1002.

The stormwater management concept approval was issued by DPIE for the stream relocation and stabilization work, and the final technical plans for the project are also subject to approval by DPIE. The current engineer's estimate for the needed restoration, due to the severity of the project, has risen to \$331,095.

There are additional temporary impacts related to Section 5 as the scope of the project for Reach 3-4 was defined, but conversely there was a reduction of permanent PMA impacts in Section 5 to the same reach when a major road crossing for P-615, upstream from the restoration site was eliminated. The overall result was a net reduction in permanent PMA impacts.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The temporary and permanent PMA impacts shown on SDP-1302-02 and TCPII-020-13-02 are consistent with those approved with Preliminary Plan 4-05080, and SDP-1002.

**Protection of Regulated Environmental Features**

Condition 71 of Preliminary Plan 4-05080 requires that:

**At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

Because there are impacts proposed for the require stream restoration within the PMA, this condition might seem to indicate that the conservation easement should not include the area of the stream restoration project; however, the Planning Board decided that, if credited woodland conservation areas should include the areas of the stream restoration, maintenance requirements within the stream restoration areas should be provided.

At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and protect the limits of stream restoration projects after implementation. The easement shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Access into the conservation easement shall not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”**

**Conformance with the CDP**

Prior to approving an SDP for Infrastructure, the Planning Board must find that the plan conforms to the approved CDP. The current SDP is limited to infrastructure for Sections 5 and 6, and required stream restoration in Section 5. The current application as proposed is in general conformance with CDP-0501-01 for Sections 5 and 6.

The current SDP for infrastructure is consistent with the pattern of development approved with CDP-0501-01 and Preliminary Plan 4-05080.

- (1) The amended SDP and revised TCPIIs are in conformance with Zoning Map Amendments ZMA-9965-C and ZMA-9966-C if the TCPII plan is revised in accordance with recommended conditions.
- (2) The amended SDP and revised TCPIIs are in conformance with CDP-0501-01, and TCPI-038-05091 if the plan is revised in accordance with recommended conditions.
- (3) The amended SDP and TCPIIs are in general conformance with Preliminary Plan 4-05080 and TCPI-038-05-01 if revised in accordance with the recommended conditions.
- (4) The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, and impacts limited to those approved at the time of preliminary or required for stream restoration subject to permitting by MDE, if the SDP and TCPII are revised in accordance with the recommended conditions.

**Conclusion**

The Planning Board approved Specific Design Plan SDP-1302-02 and Type II Tree Conservation Plans, TCPII-019-13-02 and TCPII-020-13-02 subject to the above findings and conditions of approval contained in this resolution.

- d. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE reviewed the plans and provided comments, the most important of which relates to the coordination with the departments on the design and locations of proposed roadways and the associated dedication of those roadways. They also noted that the SDP is not in complete conformance with the previously approved stormwater management concept plans and that revisions to the plans may be required. Therefore, the Planning Board decided that, prior to approval of an SDP that includes construction of Roads P-619, C-636, and any portion of P-615, the applicant should amend the approved stormwater management plans accordingly.
- e. **Soil Conservation District**—The Soil Conservation District did not provide comments on the subject application.

- f. **Community Planning**—The Planning Board made the following findings:

**General Plan**

This application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), for properties designated residential-medium located within the Westphalia Town Center (Local) and within the growth boundary. This property is located within the growth boundary in an area generally designated residential-medium (3.5 to 8 dwelling units per an acre). More specifically, Plan 2035 designates the southern portion of the property within the Westphalia Town Center (Local), which encourages concentrated residential development (10 to 60 dwelling units per an acre, including townhomes, and small single-family lots) with limited commercial activity to serve the local community (suggested FAR for new commercial development is 1 to 2.5).

**Sector Plan**

This application conforms with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, for infrastructure and grading to accommodate medium- to high-density residential (a minimum of 8 units per acre) development. The 2007 *Approved Westphalia Sectional Map Amendment and Sectional Map Amendment* retained the property in the Residential-Medium (R-M) zone.

**Military Installation Overlay (M-I-O) Zone**

This application is within Height Surfaces D and E, and the 60 decible to 74 decible noise intensity contour. The mapped categories on the site should be depicted on the proposed SDP. The western and central portions of the property are located within the 60 decible to 74 decible Noise Intensity Contour of the M-I-O Zone. Section 27-548.55(b) of the Zoning Ordinance requires interiors of all new residential construction within the noise intensity contours, including additions, must be certified to 45 dBA Ldn or less by an acoustical engineer or qualified professional of competent expertise.

The western portion of the property is located within Height Zone 'D' and the eastern portion of the property is located within Height Zone 'E.' The approximate height limit range is 234 feet to 360 feet. The R-M zone has a maximum height of 40 feet for single-family attached dwellings and 35 feet for single-family detached dwellings.

**Planning Issues**

The Westphalia Sector Plan defines the subject area as public/private open space to the north, and Town Center Edge to the south. The sector plan envisions the Town Center Edge area will be developed with medium- to high-density residential (a minimum of 8 units per acre to a preferred 15–30 dwelling units per acre). The applicant should note the proposed density on the development application.

The Westphalia Sector Plan envisions medium-density, mixed-use commercial and office within the Town Center Edge. The sector plan envisions a mix of 40–80 percent residential, 5–20 percent retail and services, 5–20 percent office, and 10–20 percent public and quasi-public use. The current proposal is for the infrastructure and grading for single use, residential, and does not include commercial or office uses. However, the greater development plan as proposed in CDP-0501, includes approximately 200,000 square feet of commercial/retail space.

This property is within the Military Installation Overlay (M-I-O) Zone area. The mapped categories on the subject site do not preclude any of the proposed development but should be noted and graphically depicted on the SDP and any other future development plans.

- g. **Special Projects**—The Planning Board reviewed this SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which states the following:

**The development will be adequately served within a reasonable period with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

**Fire and Rescue**

The Planning Board reviewed this SDP for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122(e)(1)(C) and (E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station near the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response time for call for service during the preceding month.” The proposed project is served by Forestville Fire/EMS, Company 823, located at 8321 Old Marlboro Pike. See attached e-mail from Dennis Wood, Deputy Fire Chief, Prince George’s County Fire/EMS Department.

**Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed near the subject site.

**Police Facilities**

The Planning Board determined that this SDP is in District II, Bowie, Maryland. Police facilities have been determined to be adequate.

**Schools:**

**Single-Family Attached**

| Affected School Clusters # | Elementary School Cluster 4 | Middle School Cluster 4 | High School Cluster 4 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units             | 159                         | 159                     | 159                   |
| Pupil Yield Factor         | .145                        | .076                    | .108                  |
| Subdivision Enrollment     | 23                          | 12                      | 17                    |
| Actual Enrollment          | 11,626                      | 4,454                   | 8,008                 |

- h. **Trails**—The Planning Board reviewed the SDP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The Planning Board reviewed the submitted SDP application referenced above for conformance with the MPOT and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property amends the SDP for infrastructure and primarily contains revisions for monumental features, entrance signage, and other urban design related features.

The submitted SDP is for the development of 159 townhouse units and grading for infrastructure. A variety of development approvals exist for the subject site and surrounding properties which impact the road network and trail facilities that will ultimately be needed for Sections 5 and 6. More specifically, these approvals determined the road cross sections for the master plan roads and the types of facilities that will be provided for bicyclists and pedestrians. Designated bike lanes and/or wide sidewalks were required along some master plan roads, consistent with the master plan. Appropriate conditions of approval are discussed above and the following relates to off-site improvements previously approved.

The adjacent Westphalia Center site plan (DSP-09015) included the following conditions of approval for the Cabin Branch Trail and the facilities recommended along MC-637. Both facilities extend onto the Parkside Development:



1. **Prior to certificate approval, the following revisions shall be made to the DSP, TCPII, and landscape plans:**
  - l. **Revise the master plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical. The plans shall be revised to remove the steps along the trail and any associated details.**
  - m. **Provide seven-foot-wide sidewalks and designated bike lanes along MC-637, as approved on the Street Sections for Conceptual Site Plan CSP-07004-01, unless modified by the Department of Public Works and Transportation (DPW&T). Pavement markings and signage for the designated bike lanes shall be consistent with the Guide for the Development of Bicycle Facilities, American Association of State Highway and Transportation Officials (AASHTO).**

The Planning Board found that five-foot-wide sidewalks and designated bike lanes should be used for the portion of MC-637 within the subject site, unless modified by DPIE. As noted earlier, Cabin Branch Trail does not impact the development currently under consideration for Phase 5 and will be evaluated as part of the review of appropriate future SDPs.

#### **Conclusion**

In conformance MPOT and the area master plan, prior to signature approval, the SDP should be revised to include the following improvements:

- (1) **Five-foot-wide sidewalks and designated bike lanes along both sides of MC-637 (Dower House Road), unless modified by DPW&T/DPIE.**
- (2) **A standard sidewalk along the south side of MC-635 (Rock Spring Drive), unless modified by DPW&T/DPIE.**

The above conditions are included in this resolution.

- i. **Prince George's County Health Department**—In a memorandum dated July 7, 2017, the following comments were provided:
  1. **Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Indicate on future plans related to this development project the proposed means of connecting to neighboring communities through public transportation.**

This information has been transmitted to the applicant.



2. **The specific design plans should include open spaces and “pet friendly” amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage, and fencing. Pet refuse disposal stations and water sources are strongly recommended at strategic locations around Central Park and any future park locations.**

This information is provided for the applicant’s benefit.

3. **There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.**

The plans provide open space that could be used by the future homeowners association for community gardening.

4. **This property is located in an area of the county considered a “food desert” by the US Department of Agriculture, where affordable and healthy food is difficult to obtain. Health Department permit records indicate there are no carry-out/convenience store food facilities or markets/grocery stores within a ½ mile radius of this location. Future plans should include provisions to address the needs of the community to have access to healthy food choices.**

This information is provided for the applicant’s benefit.

- j. **Transportation Planning**—The Planning Board concluded that the subject development will be adequately served within a reasonable period of time, with the applicable conditions of approval.
- k. **Prince George’s County Police Department**—The Police Department did not provide comments on the subject project.
- l. **Westphalia Section Development Review Council (WSDRC)**—WSDRC did not provide comments on the subject project.
- m. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not provide comments on the subject project.
- n. **Verizon**—Verizon did not provide comments on the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plans (TCPII-020-13-02 and TCPII-019-13-03), and further APPROVED Specific Design Plan SDP-1302-02 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
  - a. The SDP shall be revised as follows:
    - (1) Provide a density chart for tracking purposes, to demonstrate conformance with the comprehensive design plan, preliminary plan of subdivision, and specific design plan approvals for the overall site, in accordance with Condition 12 of Comprehensive Design Plan CDP-0501.
    - (2) The stream relocation and stabilization technical plans for Reach 3-4 of Parkside (formerly Smith Home Farms), approved by the Prince George's County Department of Permitting, Inspections and Enforcement on July 28, 2017 (Stormwater Management Concept Plan 22860-2017-00), or as revised, shall be reflected as applicable on the SDP and Type II tree conservation plan.
    - (3) Revise the lighting and photometric plan to provide adequate lighting levels in all alleys that at a minimum, conform to the requirements of the International Building Code applicable in Prince George's County.
    - (4) Provide a standard sidewalk along the south side of MC-635 (Rock Spring Drive), unless modified by DPW&T/DPIE.
    - (5) Design the proposed cul-de-sac intersection of Rock Spring Drive and "Road 5D" with a stub end at the western end of the intersection, unless modified by DPW&T/DPIE. There shall be a sign indicating that this stub end will be extended westward at a future date. The location and final wording of the sign shall be determined by DPW&T or DPIE.
    - (6) Provide a tabulation of the cumulative peak-hour trips for the subject application and all previous SDP applications.
  - b. The landscape plan shall be revised as follows:
    - (1) Revise the Tree Canopy Coverage schedule to reflect the correct gross tract area from the calculation.
    - (2) Two additional evergreen tree species shall be provided to diversify the plantings.

- c. Type II Tree Conservation Plan TCPII-020-13-02 for Section 5 shall be revised as follows:
- (1) The Environmental Planning Section, in consultation with the Prince George's County Department of Permitting, Inspections and Enforcement shall determine the appropriate afforestation areas and plant materials to be located within the limits of disturbance of the stream restoration project. The Environmental Planning Section shall provide a final determination of the areas which can be credited as afforestation within the limits of disturbance of the stream restoration project.
  - (2) If credited woodland conservation areas overlap the limits of the stream restoration project, maintenance requirements within the stream restoration project area shall be identified and included in the TCPII notes and details, to confirm that treatments are compatible and consistent with the provision of perpetual woodlands.
  - (3) On all plan sheets, the TCPII approval block shall include under the '-02' revisions that stream restoration was added to the plan.
  - (4) On Sheet 3, the stream restoration project should be labeled with features and materials to more clearly demonstrate the functionality of the design.
  - (5) A note should be added to Sheet 3 of TCPII-020-13-02 as follows:

"See Final Plans for Reach 3-4 (Case No. \_\_\_\_\_), pages 1-4, approved by DPIE on \_\_\_\_\_, as attached to TCPII-020-13-02 (Section 5)."
  - (6) On Sheet 2, revise the overall and individual worksheets as necessary to reflect any resultant revisions to the stream restoration project area.
  - (7) On all plan sheets, include bearings and distance for property and parcel lines, and easements.
  - (8) After all revisions have been made, revise and reconcile calculations and tables as necessary.
  - (9) Have the plan signed by the qualified professional who prepared it.
2. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/reforestation, except for areas of approved impacts, and protect the limits of stream restoration projects after implementation. The easement shall be

reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Access into the conservation easement shall not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”

3. Prior to 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.
4. Prior to approval of a specific design plan for architecture for Section 5, the plans shall be analyzed to determine if additional parking spaces shall be provided above the 12 spaces shown on the plans.
5. Prior to approval of a specific design plan that includes construction of MC-637(Dower House Road extended), five-foot-wide sidewalks, sufficient room for street tree planting and survival (a five- to six-foot-wide planting strip), and designated bike lanes along both sides of MC-637 shall be shown on the plan, unless modified by DPW&T/DPIE.
6. Prior to approval of a specific design plan that includes construction of master-planned Roads P-619, C-636, and any portion of P-615 that is not currently shown on Specific Design Plan SDP-1302-02, Stormwater Management Concept Plan 14846-2006-02 shall be revised to include the master-planned roads (P-615, P-619, and C-636).
7. Prior to approval of any future specific design plans for Sections 5 and 6, the plans shall be reviewed for the incorporation of on-site recreational facilities, in accordance with Zoning Map Amendment A-9965-C (Basic Plan) Condition 2(E).
8. Prior to final plat for lots within Section 5, the applicant shall obtain approval of a specific design plan and final plat for MC-632 (Woodyard Road extended).

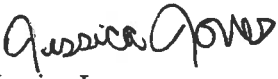
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion, and with Washington absent at its regular meeting held on Thursday, September 14, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of September 2017.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date

9/19/17

January 16, 2019

SHF Project Owner, LLC  
1999 Avenue of The Stars, Suite 2850  
Los Angeles, CA 90067

Re: Notification of Planning Board Action on  
Specific Design Plan – SDP-1302-03  
Parkside (formerly Smith Home Farm)  
Sections 5 and 6

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **January 10, 2019** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **January 16, 2019** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,  
James Hunt, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. 18-130

cc: Redis C. Floyd, Clerk to the County Council  
Persons of Record





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 www.mncppc.org/pgco

PGCPB No. 18-130

File No. SDP-1302-03

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 13, 2018, regarding Specific Design Plan SDP-1302-03 for Parkside (formerly Smith Home Farm) Sections 5 and 6, the Planning Board finds:

1. **Request:** The subject SDP requests approval of infrastructure for an additional 134 single-family attached units and 86 two-family attached units in Section 5, which has an approved SDP for 159 single-family attached (townhouse) units, and 274 single-family attached units and 32 single-family detached units in Section 6 for a subtotal of 526 dwelling units and 599 lots. The grand total of dwelling units in Sections 5 (including the previously approved 159 units) and Section 6 will be 685.

2. **Development Data Summary:**

|   | <b>EXISTING</b> | <b>APPROVED</b>           |
|---|-----------------|---------------------------|
| Zone                                    | R-M/M-I-O       | R-M/M-I-O                 |
| Use                                     | Residential     | Residential               |
| <b>Total Gross Acreage of SDP</b>       | <b>147.79</b>   | <b>147.79</b>             |
| Section 5                               | 66.37           | 66.37                     |
| Section 6                               | 81.42           | 81.42                     |
| Floodplain Acreage of SDP               | 13.83           | 13.83                     |
| <b>Net Acreage of SDP</b>               | <b>133.96</b>   | <b>133.96</b>             |
| Lots                                    | 159             | 599                       |
| Parcels                                 | 104             | 104                       |
| <b>Total Units - Sections 5 &amp; 6</b> | <b>159</b>      | <b>685 (526 proposed)</b> |
| Section 5                               |                 |                           |
| Single-family attached units            | 159             | 293 (134 proposed)        |
| Two-family attached units               | -               | 86                        |
| Section 6                               |                 |                           |
| Single-family detached units            | -               | 32                        |
| Single-family attached units            | -               | 274                       |



**OTHER DEVELOPMENT DATA**

**Parking Requirements**

|   | <b>Required</b> | <b>Provided</b> |
|---|-----------------|-----------------|
| <b>Section 5</b>                              | <b>770</b>      | <b>776</b>      |
| Townhouse units at 2.04 x 293 (including 159) | 598             | 586             |
| Two-Family Attached at 2.00 x 86              | 172             | 172             |
| Parking for visitors                          | -               | 18*             |
| <b>Section 6</b>                              | <b>623</b>      | <b>643</b>      |
| Single Family Detached units at 2.0 x 32      | 64              | 64              |
| Townhouse units at 2.04 x 274                 | 559             | 548             |
| Parking for visitors                          | -               | 31**            |
| <b>Total Parking:</b>                         | <b>1,393</b>    | <b>1,419</b>    |

**Notes:** \* The 18 spaces for the visitors in Section 5 include 12 previously approved for 159 townhouses, which was deemed insufficient in the approval of SDP-1302-02. With the addition of 134 townhouses only six visitor spaces were added. Based on previous Parkside resident comments, the Planning Board found that additional on-street parking should be provided, wherever feasible, especially in Section 5, in order to ensure sufficient parking for visitors. See detailed discussions in the findings below. Condition 1(f) has been included in this resolution to address this issue.

\*\* The 31 spaces for visitors in Section 6 are not evenly distributed amongst the townhouse pods, which are separated by a primary roadway. Therefore, a condition has been included in this resolution requiring the provided spaces to be redistributed so that all townhouse units have reasonable access to visitor spaces. At the Planning Board hearing, the applicant introduced two exhibits (Applicant's Exhibit 1 A and B) demonstrating that enough parking for the visitors in both Sections 5 and 6 has been provided in on-street parking. See below findings for detailed discussion.

3. **Location:** The larger Parkside (formerly known as Smith Home Farm) subdivision is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), in Planning Area 78, Council District 6. Sections 5 and 6, totaling approximately 147.79 acres, are located in the far southeastern portion of the larger Parkside development, south of the central park and Blythewood site, on both sides of Woodyard Road (MC-632).
4. **Surrounding Uses:** Sections 5 and 6 are bounded to the north and west by other sections of the Parkside development, specifically the Central Park to the north and Section 1A to the west. To the south are mostly vacant properties in the Mixed Use-Transportation Oriented (M-X-T) Zone that

all have existing approvals for future development, specifically the mixed-use Westphalia Town Center and the Moore Property development. To the east is vacant land in the Rural Residential (R-R) Zone that is part of the future Marlboro Ridge residential development.

5. **Previous Approvals:** The subject application is for Sections 5 and 6 within a larger project currently known as Parkside, formerly known as Smith Home Farm, which has 757 gross acres, including 727 acres in the Residential Medium Development (R-M) Zone and 30 acres in the Local Activity Center (L-A-C) Zone. The larger Parkside project was rezoned from the Residential-Agricultural (R-A) Zone to the R-M Zone (3.6-5.7) and to the L-A-C Zone with a residential component including a mixed-retirement component for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space, through Zoning Map Amendments A-9965 and A-9966. The Prince George's County District Council approved both zoning map amendments on February 13, 2006, and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan, TCPI-038-05 (PGCPB Resolution No. 06-56(C)), for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions.

On March 28, 2016, the District Council reconsidered the approval of Comprehensive Design Plan CDP-0501 and modified Conditions 10, 11, 24, 31 and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-05080 and a revised Type I Tree Conservation Plan, TCPI-038-05-01, (PGCPB Resolution No. 06-64(A)) for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. A new Preliminary Plan of Subdivision 4-16001 for Sections 5 and 6, was approved by the Planning Board on September 13, 2018 (PGCPB Resolution No. 18-91) for 441 lots and 81 parcels. This approval superseded PPS 4-05080 for Sections 5 and 6 only.

On July 27, 2006, the Planning Board approved infrastructure Specific Design Plan SDP-0506, and associated Type II Tree Conservation Plan TCPII-057-06, (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This application also showed a portion of the roadway between MC-631 and the Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director

for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, Specific Design Plan SDP-0506-02, was approved by the Planning Board on March 29, 2012 (PGCPB Resolution No. 12-114), subject to conditions contained herein. A third amendment, Specific Design Plan SDP-0506-03, was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to conditions.

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501 that governs the development of the entire Smith Home Farm project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M Zone (Market rate) to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10–23 in Comprehensive Design Plan CDP-0501 for Smith Home Farm to require submission of a SDP for the Central Park following approval of the Westphalia Sector Plan and SMA, and not as the second SDP as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program (PFFIP) District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

Specific Design Plan SDP-1002 for stream restoration, as required by conditions of PPS 4-05080 and Specific Design Plan SDP-0506, was approved by the Planning Board on January 26, 2012 (PGCPB Resolution No. 12-07) and was adopted on February 16, 2012 formalizing that approval, subject to seven conditions. There are several stream restoration projects identified in SDP-1002 as priority projects that are located within Sections 5 and 6.

A Specific Design Plan, SDP-1101, and Type II Tree Conservation Plan TCPII-021-2015 for Westphalia Central Park, which is adjacent to Section 5 and 6, were approved by the Planning Board on February 25, 2016 (PGCPB Resolution No 16-32), subject to conditions of approval for Phase 1 of the central park area. This resulted in a change to the limits of central park, which was expanded to include a portion of Section 6 in the park dedication. This resulted in an amendment to the SDP and revision to TCPII for Section 6 to adjust the section boundary to match the revised park boundary (SDP-1302-01 and TCPII-019-13-01) respectively.

The original Specific Design Plan, SDP-1302 for Sections 5 and 6, and Tree Conservation Plans TCPII-019-13 and TCPII-020-13 were approved by the Planning Director on November 8, 2013 with no conditions, for the limited purpose of providing woodland conservation afforestation in Sections 5 and 6 to fulfill the woodland conservation requirements of development occurring in Sections 2 and 3. Specific Design Plan SDP-1302-01 for rough grading and infrastructure for stormwater management was approved by the Planning Board on December 15, 2016 (PGCPB Resolution No. 16-140) formalizing that approval, subject to seven conditions. Specific Design Plan SDP-1302-02 is an infrastructure SDP for 159 single-family attached (townhouses) lots for Parkside (formerly Smith Home Farm) in Section 5 and rough grading for Section 6. The Planning Board approved this SDP on September 14, 2017, with eight conditions.

The project is also subject to Stormwater Management (SWM) Concept Plan No. 14846-2006-02, which covers Sections 4, 5, and 6 of the Parkside Development, which was originally approved on August 25, 2009, and updated on May 25, 2017 that will be good through May 25, 2020.

6. **Design Features:** The subject site consists of Sections 5 and 6 of a larger development known as Parkside that is roughly rectangular in shape and bisected by the proposed extension of Woodyard Road (MC-632). Section 5 is located on the west side and Section 6 is located on the east side of MC-632. In Section 5, an additional 134 townhouse units have been added to the west and south of the 159 units previously approved in SDP-1302-02. Access to Section 5 will be from MC-632, via Rock Spring Drive, which is part of MC-635, Oak Winds Lane and Dower House Road (MC-637). In addition, 86 two-family attached dwellings on four parcels have been proposed at the westernmost portion of the section, north of MC-637, on both sides of Snowy Meadow Drive. In Section 6, MC-637 further extends across MC-632 to the east and serves as a spine road for the development. On both sides of MC-637, which is designated as a primary roadway, 274 townhouse units have been shown. Further to the east, pods of single-family detached and townhouse units are proposed. A pod of single-family detached houses is located at the easternmost portion of Section 6. In both sections, a series of private roads and alleys are arranged in a grid pattern incorporating open space components that would be ideal for placement of recreational facilities. Six stormwater management facilities are located to the north of the proposed development pods in both sections.

#### **Architecture**

No architecture is included in the subject application. Architecture will be reviewed in a future full-scale SDP.

#### **Recreational Facilities**

A tot lot, pre-teen lot and an open play area with equipment have been proposed in a central location in Section 6, on the north side of MC-637. The entire recreational facility site is about 16,000 square feet. The location and the facilities proposed is acceptable for Section 6.

There are no recreational facilities proposed in Section 5. According to the applicant, Section 5 is very close to the Central Park to the north where there will be recreational facilities when it is complete. The Planning Board did not agree with the applicant's reasoning and had concern about the lack of recreational facilities in Section 5, which covers a large area and has 379 units.

The segment of Dower House Road (MC-637) west of MC-632 is designated as a Major Collector roadway with a right-of-way of 96 feet. The townhouses south of the MC-637 is more than one thousand feet from the Central Park. Given the possible demographic composition of the proposed townhouse units in this section and distance from the future park, a tot lot should be located in the cluster of the townhouses south of the MC-637. A condition is included in this resolution that requires the provision of a tot lot in a central location, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board prior to certification. This addition of a tot lot of a minimum 2,500 square feet may result in the loss of two townhouse lots.

#### **Lighting**

The photometric plan indicates the use of a decorative lighting fixture and details of the proposed lighting fixture and photometrics are provided on the plans. However, the landscape plan shows that some pole lights are located on individual lots. Those lights should be relocated to the areas to be dedicated to the homeowners association wherever possible, or an access and maintenance easement provided.

In regard to the level of lighting, the proposed lighting levels are appropriate for residential development as recommended by the Illuminating Engineering Society of North America Handbook. Section 4-197, Parking Lots and Exterior Passageways, governs the lighting of alleyways; the minimum lighting level is one-foot candle for passageways associated with residential development of single-family homes.

#### **Signage**

No signage is included in the subject application. Signage will be reviewed in a future full-scale SDP along with the architecture.

### **COMPLIANCE WITH EVALUATION CRITERIA**

- 7. Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C subject to conditions that are relevant to the review of this application as follows:

1. **The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

**A. Land use types and quantities:**

- **Total area: 757± acres\***
- **Land in the 100-year floodplain: 105 acres**
- **Adjusted Gross Area (757 less half the floodplain): 704± acres**

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 Units**
- **Proposed Residential Development: 1,224 Units**

**Note: \*The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The subject application consists of Sections 5 and 6 and includes a total of 147.79 acres of land within the R-M-zoned property. The overall density of the development has been shown in a table on the SDP, for tracking purposes, for conformance with the requirements above, the CDP, and preliminary plan approvals in regard to the final density of the overall site. A new Preliminary Plan of Subdivision (PPS) 4-16001 was recently approved for Sections 5 and 6. The density tracking table should be updated to include the dwelling units approved in 4-16001. In addition, several unit counts of previous approvals are not accurate. If the final unit count were above the approved numbers, the SDP would have to be revised to be consistent with the development caps. A condition has been included in this resolution to require the applicant to update and correct the tracking table prior to certification.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**

The subject SDP provides a centrally located recreational area including a tot lot, a pre-teen lot and an open play area in Section 6; but does not provide for any recreational facilities within Section 5, even though this section will have a higher population. With this application, additional units will be added to Section 5. The Planning Board had concerns about the lack of recreational opportunities for young children in this section, even though Section 5 is in the vicinity of the planned Central Park. Section 5 covers a large area and the southernmost cluster of townhouses and the two-family attached units are more than one thousand feet away from the Central Park. In addition, the townhouse units are further separated from the Central Park by a major collector roadway (MC-637) that makes the walk to the Central Park from those townhouse units difficult. The Planning Board decided that a minimum of one tot lot be provided in the southernmost cluster of townhouses, near MC-637. A condition has been included in this resolution requiring the provision of one tot lot.

**H. At the time of the first Specific Design Plan, the Applicant shall:**

- 1. Provide a comprehensive trail and sidewalk map for the entire site.**

The applicant has provided the most up-to-date comprehensive trail plan for the project and the plans have been reviewed and found to be adequate.

- 2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**

This condition relates to the design of residential structures on the site and was carried forward to be addressed as appropriate at time of a full-scale SDP. The current application is an SDP for infrastructure only.

- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

Minimization of impacts to the regulated environmental features of the site was addressed during the review of PPS 4-16001 and SDP-1302. This SDP is consistent with prior applicable approvals.

- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

With the review of previous SDPs and their associated TCPs, it is significant to note that this condition requires that the woodland conservation threshold of 159.09 acres for the overall development must be met on-site. The TCPII continues to meet this requirement.

- N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

The required note has been provided with Type I Tree Conservation Plan (TCPI-038-01) and subsequent revisions, and with original approvals and subsequent revisions to Type II Tree Conservation Plans TCPII-019-13 and TCPII-020-13, including the current application.

- O. No woodland conservation shall be provided on any residential lots.**

No woodland conservation has been provided on residential lots. This condition has been satisfied.

- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition relates to the design of residential structures on the site and was carried forward to be addressed as appropriate at time of a full-scale SDP, which included architecture.

- 3. Before approval of the first Specific Design Plan, staff and Planning Board shall review and evaluate the buffers between this development project and the adjoining properties, to determine appropriate buffering between the subject property and existing development on adjacent properties.**

This condition has been fulfilled. The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* and a discussion of the application's conformance with Section 4.7, Buffering Incompatible Uses, is contained in Finding 14 below.



8. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance in the R-M and M-I-O Zones as follows:

- a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the R-M Zone as demonstrated in the prior approvals. The proposed single-family and two-family residential uses are permitted in the R-M Zone.
- b. **Military Installation Overlay Zone:** A portion of the project is also located within the Noise Impact Zone (60-74 dBA noise contour) of the Military Installation Overlay Zone. A Phase II noise study will be needed at time of a full-scale SDP that shows all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less.

The western portion of the property is located within Height Zone 'D' and the eastern portion of the property is located within Height Zone 'E.' The maximum building height limits are 234 and 360 feet respectively. The proposed single-family attached buildings usually measure 40 feet in height and two-family attached buildings usually measure 70 feet in height; both of which are well below the maximum building height limits.

- c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of an SDP for infrastructure:

**(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

The subject SDP is for the addition of 134 townhouses lots and 86 two-over-two units in Section 5 and 274 single-family attached and 32 single-family detached units in Section 6. This infrastructure SDP includes the location and design of the roadways, the lot layout, on-street parking, lighting, landscaping, utility location, fencing and sidewalks for both Sections 5 and 6. In addition, there is a recreational complex that includes a tot lot, pre-teen lot and an open play area in Section 6. Four parcels are proposed for residential development of 86 two-over-two units in Section 5.

The application has an approved SWM Concept Plan (14846-2006-02), for Sections 4, 5, and 6. Based on a referral from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) dated November 6, 2018, the subject project is in general conformance with the approved SWM concept plan, however, a revision is required. Therefore, a condition has been included in this resolution requiring this to be

done prior to certification. Subject to that condition, the Planning Board finds that adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The subject application will prevent off-site property damage, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being because the proposed grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge are consistent with previous approvals.

9. **Comprehensive Design Plan CDP-0501, its amendment, and reconsideration:** Comprehensive Design Plan CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 (PGCPB Resolution No. 06-56) and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits and reapproved by the District Council on March 28, 2016 (PGCPB Resolution No. 06-56(C)(A)). The following conditions warrant discussion in relation to the review of the subject SDP:

9. **At time of the applicable SDP, the following areas shall be carefully reviewed:**
- d. **Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.**
  - f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
  - g. **A trailhead facility for the Cabin Branch Trail.**
  - h. **The architectural design around the Central Park and the view sheds and vistas from the Central Park.**
  - i. **The subject site's boundary areas that are adjacent to the existing single-family detached houses.**

An updated comprehensive trails network exhibit has been provided with this SDP. The Planning Board found that the trails network is consistent with the prior approvals. Since this SDP is for infrastructure only, architecture will be reviewed at time of future full-scale SDP.

10. **Consistent with Condition 22, the applicant (SHF Project Owner, LLC), its heirs, successors and/or assignees will perform design and construction work calculated up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016) of which approximately \$6,500,000 will be reimbursed from the applicant's generated park club permit fees and the balance of \$7,400,000 will be reimbursed from other developer generated park club fees or other sources. The applicant's obligation to provide design and construction work for the central park is applicable only through the 1600th building permit, beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**
  - a. **\$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.**
  - b. **\$400,000 shall be used by the applicant for the schematic design and specific design plan for the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 500th building permit.**
  - c. **\$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase 1 (as shown in attached Exhibit-A) of the central park. DPR staff shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase 1 of the central park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to the issuance of the 700th building permit. DPR shall respond to applicant in writing with any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.**
  - d. **\$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase 1 (as shown in attached Exhibits B and C) of the central park prior to**

issuance of the 1,600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.

- e. **The applicant shall complete the pond construction and rough grading of Phase 1 of the central park prior to issuance of the 1,000th building permit.**
- f. **In the event that sufficient funding is not available to fully construct Phase 1 at time of the 1400th permit, DPR and the applicant will work together to determine how the available funding will be used to construct portions of Phase 1 as called for in Exhibits A and B. Prior to the issuance of the 1400th building permit, the applicant and DPR shall enter into a Recreational Facilities Agreement (“RFA”) establishing both scope and a schedule for construction of Phase 1 of the central park.**

**DPR staff shall review the actual expenditures associated with each phase described above. The applicant’s obligation to provide services for the design, grading and construction of the central park set forth in Condition 10 herein shall be limited to: (i.) the amount of funds to be generated from 1600 of the applicant’s building permits pursuant to Condition 22; OR (ii.) the amount of funds available in the Westphalia Park Club Fund (which will include amounts to be contributed by other developers in the Westphalia Sector) or other sources at time of issuance of the applicant’s 1599th building permit, whichever is greater provided that the total amount of applicant’s services do not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the central park beyond the limits of this condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading and construction of the central park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and /or construction of the central park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis. Thirty (30) days prior to the start of construction of the central**

park, a performance bond equal to the amount of construction work agreed upon between DPR and the applicant for Phase 1 work shall be posted with DPR for applicant's construction of the central park. The cost for such bond(s) will be included as part of the cost of construction of the central park. If Phase 1 (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant will assign its current contracts to the Commission to complete Phase 1 construction at the Commission's request. In the event of such an assignment to the Commission, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond will be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.

The permit tracking associated with this condition must include the proposed building permits associated with the future development of the subject SDP. At time of each building permit, the required park fee will be collected in accordance with this condition.

11. Per the applicant's offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:

| PHASING OF AMENITIES  |  |  |
|---|--|--|
| FACILITY  | BOND   | FINISH CONSTRUCTION  |
| Private Recreation Center Outdoor Recreation Facilities on HOA property   | Prior to the issuance of the 200th building permit overall   | Complete by 400th building permit overall                            |
| Pocket Parks (including Playgrounds) within each phase on HOA property  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| Trail system within each phase on HOA property  | Prior to the issuance of any building permits for that phase | Complete before 50% of the building permits are issued in that phase |
| It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units. |  |  |

The need for additional private recreational facilities to serve both sections has been discussed. An additional tot lot should be provided in Section 5 to meet the recreational needs of the young children who live more than a thousand feet to the Central Park. Since those on-site recreational facilities are serving the needs of future residents in each section, the triggers for installation of the facilities will be tied to specific development of each section. For Section 5, prior to issuance of the 220th townhouse building permit, the recreational facilities should be completed and for Section 6, the recreational facility should be completed prior to issuance of 205th townhouse building permit. A condition has been included in this resolution for these specific triggers. The above phasing related to regional facilities will remain effective. At time of the public hearing on December 13, 2018, for this application, the applicant presented a tot lot exhibit (The Applicant Exhibit's #3) and asked the Planning Board to use this layout as a design guide for Urban Design staff to review the required tot lot prior to certification. The Planning Board approved this request and added a phrase in Condition 1 b. to specifically refer to this exhibit.

12. **All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.**

As previously discussed, the required table has been provided. However, updates and revisions are needed, and a condition has been included in this resolution requiring this to be completed.

19. **Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

This condition will be addressed at the time of future full-scale SDP with architecture.

20. **Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**
22. **The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area**

**and the other parks that will serve the Westphalia study area. The “park club” shall be established and managed by DPR. The applicant may make a contribution into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.**

- 23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**

Per Conditions 20–23 above, the applicant offered at the time of Comprehensive Design Plan CDP-0501 approval, the dedication of parkland, and provided design services for the development of the SDP for the Westphalia Central Park and construction documents for the Phase 1 of the park. In addition, the applicant will construct recreational facilities in Phase 1 of the park in lieu of a financial contribution into the Westphalia Park Club as set forth in CDP-0501. It is anticipated that the cost for these services will be reimbursed to the applicant from an Escrow Account established, administered and maintained by the DPR. The remaining future phases of the Central Park will be constructed by DPR using Westphalia Central Park Club funds, which will include funds contributed by other developers in the Westphalia Sector Plan area and/ or other sources. The timing for the design and construction documents for future phases of the Central Park should be determined by DPR through the Capital Improvement Program (CIP), subject to available funding from park club fees and/or other sources. As of this resolution, the first phase of the Central Park has been approved with Specific Design Plan SDP-1101.

- 25. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.**

The number of building permits released for the overall development of the project is still less than 2,000. No commercial floor area has been constructed in Parkside.

- 28. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.**

The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* and a discussion of the application's conformance with Section 4.7, Buffering Incompatible Uses, is contained in Finding 14 below.

31. **Prior to SDP approval, the height for all structures shall be determined, and the density percentages shall be determined based on any variances necessary.**

The subject SDP does not include architecture and the issue of height of structures will be investigated further at the time of the submittal that includes architectural elevations.

On December 1, 2011, Comprehensive Design Plan CDP-0501-01 was approved by the Planning Board subject to four conditions and the modification of Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01 (PGCPB Resolution No. 11-112). The following conditions warrant discussion in relation to the subject SDP:

2. **The following three conditions attached to previously approved Comprehensive Design Plan CDP 0501 shall be revised as follows (underlined text is added/changed):**

16. **The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant).**

**R-M ZONE**

|  | <u>Condominiums</u> | <u>Single-family Attached</u> | <u>Single-family Detached</u> |
|--|---------------------|-------------------------------|-------------------------------|
| <u>Minimum Lot size:</u>                     | N/A                 | 1,300 sq±                     | 6,000 sq                      |
| <u>Minimum frontage at street R.O.W.:</u>    | N/A                 | N/A                           | 45'                           |
| <u>Minimum frontage at Front B.R.L.:</u>     | N/A                 | N/A                           | 60'                           |
| <u>Maximum Lot Coverage</u>                  | N/A                 | N/A                           | 75%                           |
| <u>Minimum front setback from R.O.W.</u>     | 10'****             | 10'****                       | 10'****                       |
| <u>Minimum side setback:</u>                 | N/A                 | N/A                           | 0'-12'****                    |
| <u>Minimum rear setback:</u>                 | N/A                 | 10'                           | 15'                           |
| <u>Minimum corner setback to side street</u> |                     |                               |                               |
| <u>R-O-W.</u>                                | 10'                 | 10'                           | 10'                           |
| <u>Maximum residential building height:</u>  | 50'                 | 40'                           | 35'                           |



Notes:

- \* For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.
- \*\* See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.
- \*\*\* Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.
- † No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.

The above design standards will be further reviewed at time of full-scale SDP including architecture. The subject SDP is for infrastructure only. Even though lot lines have been shown, there is not enough information available for reviewing the conformance with those standards.

The following three conditions were added by the District Council in May 21, 2012, when the District Council affirmed the Planning Board's decision and approved CDP-0501-01.

3. **Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.**
4. **If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.**
5. **If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit**

**and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.**

The applicant decided to build one community building consisting of 15,017 square feet that was approved in Specific Design Plan SDP-1003-05 on September 10, 2015 (PGCPB Resolution No. 15-91), further revised in SDP-1003-13 and is currently bonded and under construction. The building was bonded prior to the 1,325th building permit and will be open to the residents prior to the 1,550th building permit.

10. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-05080 for the entire Parkside project (formerly Smith Home Farm), as formalized in PGCPB Resolution No. 06-64(A/2)(C). The following conditions warrant discussion in relation to the subject SDP:

2. **A Type II Tree Conservation Plan shall be approved with each specific design plan.**

Two Type II tree conservation plans (TCPII) have been submitted with this application, and the Planning Board approved them with conditions.

10. **Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.**

This condition will be addressed at the time of a future full-scale SDP with architecture and building permits for residential structures.

13. **The applicant, his heirs, successors, and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.**
14. **The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR.**

**The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**

The subject SDP proposes grading of the existing Melwood Road in the area where MC-632 replaces the old alignment. At this location, the Melwood Legacy Trail will be accommodated by the trail along the master plan road. The applicant has submitted evidence that existing Melwood Road has gone through the road closure process. A comprehensive trail network exhibit has also been submitted to address the above two conditions.

- 15. The applicant, his heirs, successors, and/or assignees shall provide:**
- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.**
  - b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.**
  - c. Provide a ten-foot-wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.**
  - d. Provide a six-foot-wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.**
  - e. Provide a six-foot-wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot-wide HOA access strip.**

The Cabin Branch Trail, Melwood Legacy Trail and the trail along MC-631 are beyond the limits of the subject application. A comprehensive trail network exhibit has been submitted with this SDP to address all trail-related conditions that encumber the subject site. The Planning Board found that the applicable conditions have been satisfied, subject to the conditions of approval.

- 16. The applicant, his heirs, successors, and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

Sidewalks are shown along both sides of all internal roads on the submitted site plan, excluding alleys, consistent with prior approvals. Similarly, standard sidewalks and designated bike lanes are also provided on both sides of MC-637 (Dower House Road).

- 31. The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the central park individually at the time of approval of the final plat of any right-of-way (public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.**

The applicant already dedicated a majority of the parkland. The remaining parkland will be conveyed in accordance with the sequential platting plan.

- 40. The applicant, his heirs, successors and/or assignees shall convey to the Board of Education (BOE) upon their agreement approximately seven acres at the same time as the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, on which the BOE school property fronts. The BOE property shall not suffer the disposition of improvements necessary to support the Smith Home Farm development, unless upon specific agreement with the BOE. HOA land shall not be utilized to support development of the BOE property for public use, to include but not be limited to stormwater management.**

The Board of Education property is contained within Section 6 of the subject application. MC-632, is also known as Woodyard Road extension. This requirement will be fulfilled at the time of final plats for lots associated with Section 5.

- 48. The SDP and final plat shall demonstrate a primary residential street connection at the end of Road DD, Block SS (public 60-foot-wide ROW) north to connect to the Woodside Village property. This connection shall not be required only if a preliminary plan of subdivision has been approved for the Woodside Village Subdivision to the north that does not require the connection.**

This condition requires a primary street connection to Woodside Village by extending Road DD, Block SS. Road DD was replaced on the master plan by P-619, which the Planning Board found was no longer appropriate in the approval of PPS 4-16001, and did not require it to be dedicated or reserved, and therefore, is not reflected on the submitted plan.

49. **The following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency, with all issues of timing and implementation to be addressed as Specific Design Plans proposing development are reviewed:**

- a. **MC-631/Presidential Parkway intersection: The applicant shall submit, at the time of the initial Specific Design Plan proposing development, an acceptable traffic signal warrant study to DPW&T. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations.**

This condition was satisfied during the Specific Design Plan SDP-0506-02 review.

- b. **At the intersection of Westphalia Road/D'Arcy Road and MC-635, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the age-restricted portion of the development. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.**

This condition was satisfied during the Specific Design Plan SDP-0506-02 review.

- c. **At the intersection of MC-631 and MC-635/P-615, signalization shall be studied, and a signal shall be installed, if deemed warranted. Such study shall be required prior to specific design plan approval for either the**

**age-restricted portion of the development or the L-A-C portion of the development.**

This SDP contains only Sections 5 and 6 of the regular residential portions of the larger development.

- d. **At the intersection of MC-631 and MC-632/P-616, signalization shall be studied, and a signal shall be installed, if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.**
- e. **At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, the intended one-lane roundabout shall be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T shall determine whether a one-lane or a two-lane roundabout will be implemented at this location by the applicant; however, such determination shall, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.**

This SDP contains only Sections 5 and 6 of the regular residential portions of the large development. The intersections in question are not located within the boundary of this SDP.

- h. **All proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.**

This condition is not relevant to these sections of the development.

- 50. **Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This condition was reviewed at time of Preliminary Plan of Subdivision 4-16001 that governs the development proposed in this SDP. Given the amount of development being proposed, as well as development previously built, the Planning Board found that the

original trip cap in Condition 50 has not and will not be exceeded by this proposal and the development to date.

65. **At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.**

The plans are consistent with the phasing plan.

69. **Each specific design plan that contains trails shall show the field identified location for all trails and the associated grading.**

This condition has been satisfied. The trails shown in both sections have been field identified.

77. **Prior to specific design plan approval for the applicable area, the road network shall show a connection (r/w to be determined) between the cul-de-sac of Private Road DD to the north to connect to the Woodside Village property (Sheet 10), and to the south to connect to the Westphalia Town Center as a dedicated public right-of-way.**

The subject application includes the land areas associated with the connection to the Westphalia Town Center and shows the proposed dedicated public right-of-way correctly.

11. **Preliminary Plan of Subdivision 4-16001:** On September 13, 2018, the Planning Board approved Preliminary Plan of Subdivision 4-16001 for Sections 5 and 6 with 42 conditions (PGCPB Resolution No. 18-91). PPS 4-16001 must be signature approved prior to certification of this SDP. The following conditions warrant discussion in relation to the subject SDP:

1. **Prior to signature approval of the preliminary plan of subdivision (PPS), the plans shall be revised to:**

- c. **Provide alleys which are a minimum of 22 feet wide, where alleys provide the sole frontage and access to a lot.**

This condition is intended to ensure adequate access to affected lots by fire and rescue services. The SDP addresses this requirement and provides the 22-foot-wide pavement width, where appropriate. The applicant must provide 18-foot-wide pavement for all other alleys pursuant to Section 24-128(16)(B) of the Subdivision Regulations.

- e. **Add the following general note:**

**“Pursuant to Section 24-128(b)(7)(A), the Planning Board may approve a subdivision within the R-M Zone with alleys that serve any permitted use, provided the lot has frontage on and pedestrian access to a public**

**right-of-way. There are several lots within the subject site that do not have frontage on a public street and are served by alleys. This relationship was reviewed with the preliminary plan, however the applicant did not submit a variation from Section 24-128 (b)(7)(A). Therefore, the layout will be further reviewed at SDP and if the current layout is supported, a variation will be required prior to final plat.”**

The subject SDP will provide for a lot layout that continues to provide lots served by alleys that do not have frontage on a public street. The applicant will need to submit a variation request prior to final plat for those lots, as set forth in Condition 2 below.

- 2. Total development within the subject property shall be limited to uses which generate no more than a net total of 341 AM and 273 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

The SDP shows the exact layout and development quantities as approved in 4-16001 and the project is in conformance with this condition.

- 7. The following road improvements shall be addressed as specific design plans (SDPs) proposing development are reviewed:**

- a. All intersections along the major collector facilities shall include exclusive left-turn lanes, where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes, unless specifically waived by the Prince George’s County Department of Public Works and Transportation. Any road improvements required shall be verified at the time of SDP review for the appropriate sections of roadway and constructed through the permit process for the County.**

This condition is still valid with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development. The access and circulation are acceptable and master plan transportation facilities are properly reflected, as determined during preliminary plan review.

- 8. Prior to approval of any specific design plans that include buildings in the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, the applicant shall provide viewshed studies that demonstrate the extent to which proposed new construction will be visible.**



The Blythewood Historic Site (78-013) is located directly north of Section 6. A viewshed study has been provided with this SDP and was reviewed by the Historic Preservation Commission at their meeting on November 20, 2018.

9. **Based on the findings of the required viewshed studies for the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, any proposed new construction determined to be visible from the historic site shall be subject to a limited specific design plan review for scale, mass, proportion, materials, architecture, landscaping, and lighting, as they would impact the character of the historic site.**

This SDP is for infrastructure only. The viewshed study demonstrates information limited to scale and mass only. Detailed review of specific architecture for conformance with this condition will be carried out at time of a full-scale SDP.

12. **No part of the Patuxent River primary management area shall be placed on any single-family detached or attached lot.**

The SDP meets this condition.

18. **Prior to signature approval of the preliminary plan of subdivision, the approved limits of Marlboro clay, as shown on Type 1 Tree Conservation Plan TCP1-038-05 or as modified by an updated geotechnical study, shall be shown on the plan. Any lots within the 1.5 safety factor line shall be relocated outside of that line, unless a slope stability study to determine a new mitigated 1.5 safety factor line is submitted and approved by appropriate staff.**

All lots should conform to this requirement. A delineation of the limits of Marlboro clay has been shown on TCP11-019-13-03. Stormwater Management (SWM) Concept Approval Letter (14846-2006-02), issued by DPIE on May 25, 2017, indicates in Condition 19 that: "A geotechnical report is required for the southern portion of the property to address Marlboro clay and slope stability analysis. All lots must have a slope stability safety factor of 1.5 or greater." EPS is dependent on the geotechnical expertise of DPIE for the evaluation of geotechnical studies, and determination of the location of the 1.5 safety factor line.

The original PPS 4-05080 and TCP1-038-05 addressed the location of Marlboro Clay and the 1.5 safety factor line. PPS 4-16001 and TCP1-038-05-02 did not address the location of the 1.5 safety factor line for the site. As part of the approval of 4-16001, this information was required prior to certification, which is still pending. Because the 1.5 safety factor line is not shown on the plan, a condition has been included in this resolution.

19. **At the time of specific design plan for the subject property, a detail of the 10-foot-wide master plan trail connector to Westphalia Central Park, to be constructed within this subdivision, shall be coordinated with and approved by the Prince George's County Department of Parks and Recreation.**

A comprehensive trail network exhibit has been provided with this SDP. This condition has been met.

22. **Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (14846-2006-02) and any subsequent revisions.**

The application has an approved Stormwater Management Concept Plan, 14846-2006-02, for Sections 4, 5, and 6. Based on the review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), the subject project is in general conformance with the approved stormwater management concept plan; however, a revision is required. A condition has been included in this resolution that requires this revision to the concept plan to be done prior to certification.

31. **In conformance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the 2009 *Approved Countywide Master Plan of Transportation*, and approved specific design plans (SDPs), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- a. **Standard sidewalks along both sides of all internal roads, excluding alleys. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**
- b. **A multi-use, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the *Park and Recreation Facilities Guidelines*. Timing for the construction shall be determined with the appropriate SDP. Connector trails shall be provided from the stream valley trail to adjacent residential development.**
- c. **A shared-use sidepath (or wide sidewalk) along the subject site's entire portion of MC-632. Within Sections 5 and 6, the shared-use sidepath will serve as a segment of the Melwood Legacy Trail.**
- d. **A connector trail within the limits of this application from Dower House Road to the adjacent Cabin Branch Stream Valley Trail, as indicated on the previously approved comprehensive trails plan.**
- e. **Provide standard sidewalks and designate bike lanes with appropriate signage and pavement markings along both sides of C-635 and P-615, unless modified by DPW&T or DPIE.**

All of the above trails and sidewalks are shown on the SDP, as required.

- f. Trails shall be constructed in conjunction with each section of development, with bonding prior to issuance of the first building permit, and completion prior to issuance of 50 percent of the building permits, as required in Condition 11 of Comprehensive Design Plan CDP-0501.**

This condition will be carried forward as a condition of approval. For Section 5, prior to issuance of the 190th building permit, all trails shall be completely constructed. For Section 6, prior to issuance of the 151st building permit, all trails shall be completely constructed.

- g. Each SDP that contains trails shall show the field-identified location for all trails and the associated grading.**

The SDP shows trails as required.

- 34. The applicant and the applicant's heirs, successors, and/or assignees shall preserve as much of Melwood Road, as feasible, for use as a pedestrian/trail corridor, in keeping with recommendations from the Westphalia Comprehensive Concept Plan study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of MC-632 at the time of specific design plan.**

Because of the site's location within Westphalia Center, it was subject to Section 24-124.01 and the Transportation Review Guidelines at the time of Preliminary Plan 4-16001. Based on Section (C) and the 527 dwelling units proposed, the cost cap for 4-16001 was \$158,100. Improvements along the Melwood Road Legacy Trail were recommended at that time, which would include improvements along the trail corridor above and beyond what would ordinarily be provided. The specific improvements are to be determined with the SDP and an exhibit was submitted by the applicant that outlines improvements and amenities to be provided along the trail. Cost estimates were also provided. According to the review by the Planning Board, the above conditions are satisfied if the conditions of approval in this resolution are implemented.

- 42. The applicant must obtain approval of more than six dwelling units in a row at the time of specific design plan, pursuant to Section 27-480(d) of the Prince George's County Zoning Ordinance.**

This SDP contains two groups of townhouses in Section 5 that contain seven units, which were also approved in SDP-1302-02. There is one group of townhouses in Section 6 that has seven units in a row. The rest of the groups contain no more than six units in a row. At time of a full-scale SDP when architecture information is available, special attention should be paid to the elevations of those buildings with seven units in a row to ensure

sufficient articulation, such as projection between two adjoining units, are in the design to avoid monotonous appearance.

12. **Specific Design Plan SDP-0506 and its amendments:** The Planning Board approved Specific Design Plan SDP-0506 for infrastructure with three conditions. The condition that is relevant to the review of this SDP is discussed as follows:
  2. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

    - a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
    - b. **Consider the stormwater management facilities proposed;**
    - c. **Include all land necessary to accommodate the proposed grading for stream restoration;**
    - d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
    - e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
    - f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
    - g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management, and utility crossings that have an installation cost of no less than \$1,476,600, which reflects the density**

**increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

A limited detailed site plan for stream restoration, Specific Design Plan SDP-1002, was approved with conditions by the Planning Board on January 26, 2012. Per the conditions above, SDPs that include priority stream restoration projects shall be designed or revised to reflect conformance with the approved stormwater management concept approval for the stream restoration prior to the issuance of grading permits. Affected SDPs and associated TCPiIs shall include the detailed engineering necessary for stream restoration implementation. This requirement is addressed for Reach 3-4 in Section 5 with the current application.

13. **Specific Design Plan SDP-1302, and its amendments:** Specific Design Plan SDP-1302 was approved by the Planning Director on November 8, 2013, with no conditions, to show the locations of afforestation areas within Sections 5 and 6. Specific Design Plan SDP-1302-01 was approved by the Planning Director on December 1, 2016 (PGCPB Resolution No. 16-140), with conditions, which are relevant to the subject application as follows:

3. **Prior to issuance of the first building permit for lots located within Section 5, the required stream restoration project for Reach 3-4 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section, as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member, as designee of the Planning Board.**

The condition is in full force and effect.

Specific Design Plan SDP-1302-02 was approved by the Planning Director on September 14, 2017 (PGCPB Resolution No. 17-120), with eight conditions. The conditions relevant to the subject application are discussed as follows:

4. **Prior to approval of a specific design plan for architecture for Section 5, the plans shall be analyzed to determine if additional parking spaces shall be provided above the 12 spaces shown on the plans.**

The SDP includes the layout of 159 townhouse lots previously approved with SDP-1302-02. In addition, 134 townhouse lots have been added to the west and south of those 159 lots. A total of 18 parking spaces for visitors have been proposed in the SDP for Section 5. In Section 6, a total of 31 parking spaces have been provided for visitors.

The Planning Board found that the lack of sufficient parking for visitors in the proposed development, specifically in Section 5. Overall, both Sections 5 and 6 provide more parking than required. However, if not counting the visitors' parking spaces, both sections provide less parking than required. As such, the real number of parking spaces for visitors will be less than shown in the parking table. For example, in Section 5, the applicant

provides 15 spaces less than the required parking for townhouses and two-over-two units. This means only three of the 18 visitor parking spaces will be available for visitors. Therefore, additional parking spaces for visitors must be provided. At a minimum, five percent of the total required parking spaces will be needed for visitors. This means a minimum of 39 parking spaces for visitors and 15 spaces for both townhouses and two-over-two units are needed for Section 5. In addition, both sections should provide the required number of parking spaces for the proposed residential dwelling units. The parking spaces for visitors in Section 6 meets the five percent minimum. However, an additional 11 spaces should be provided for the proposed townhouses and be evenly distributed amongst the pods. During the Planning Board hearing, the applicant introduced two exhibits (Applicant's Exhibits 1 A and B) that provide possible on-street parking spaces to provide the required parking for both Sections 5 and 6. Considering the number of parking spaces that will be available to serve the proposed development, the Planning Board found that a minimum five percent is required for visitor parking. The Planning Board directed technical staff to work with DPIE and the Fire Department to verify that on-street parking spaces on the public streets will be available and those on private streets will not impact the circulation of emergency vehicles. Conditions have been included in this resolution requiring the provision of parking spaces for visitors.

5. **Prior to approval of a specific design plan that includes construction of MC-637 (Dower House Road extended), five-foot-wide sidewalks, sufficient room for street tree planting and survival (a five- to six-foot-wide planting strip), and designated bike lanes along both sides of MC-637 shall be shown on the plan, unless modified by DPW&T/DPIE.**

A five-foot-wide sidewalk, a five-foot-wide landscape strip, and a five-foot-wide bicycle lane have been shown on both sides of MC-637 for the segment west of MC-632. For the segment east of MC-632, a five-foot-wide sidewalk and a five-foot-wide landscape strip have been shown on both sides of MC-637. This condition has been met.

6. **Prior to approval of a specific design plan that includes construction of master-planned Roads P-619, C-636, and any portion of P-615 that is not currently shown on Specific Design Plan SDP-1302-02, Stormwater Management Concept Plan 14846-2006-02 shall be revised to include the master-planned roads (P-615, P-619, and C-636).**

As discussed previously, the submitted SWM Concept Plan (14846-2006-02) requires revisions in accordance with the review by DPIE. This condition will be addressed at time of the revision. A condition has been included in this resolution to require the revision to be done prior to certification of this SDP.

7. **Prior to approval of any future specific design plans for Sections 5 and 6, the plans shall be reviewed for the incorporation of on-site recreational facilities, in accordance with Zoning Map Amendment A-9965-C (Basic Plan) Condition 2(E).**

As previously discussed, on-site recreational facilities have been provided only for Section 6; no facilities have been proposed for Section 5. The Planning Board attached a condition of approval that requires, the provision of a tot lot in Section 5 prior to certification.

14. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of residential infrastructure is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan demonstrating conformance with these sections, except for Sections 4.6 and 4.7.

Alternative compliance (AC) was requested from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for Section 4.6, Buffering Development from Streets, along master plan roadways MC-637 and P-165, Dower House Road; and Section 4.7, Buffering Incompatible Uses, along the northern property line of Section 6, adjacent to the Blythewood Historic Site (78-013) as follows:

- a. **Section 4.6 (c)(1)(A)(iii)** for a reduction in the buffer width along MC-637 (Dower House Road), a master-planned major collector roadway, for Block B, Lot 22; Block G, Lots 6 and 13; and Block H, Lots 1, 24, 37, 54, and 61 within Section 5.
- b. **Section 4.6 (c)(1)(A)(i)** for a reduction in the buffer width along P-615 (Dower House Road), a master-planned primary roadway, for Block A, Lots 11, 51, 52, and 144 within Section 6.
- c. **Section 4.7(c)(7)(B)** for the relocation of 677 linear feet of the required landscaped yard to be positioned adjacent to Alley 6B and offset 150–210 feet from the shared property line.

**Section 4.6, Buffering Development from Streets**

**ALTERNATIVE COMPLIANCE REQUEST: Section 4.6, Buffering Residential Development from Streets, along MC-637 within Section 5.**

| Block | Lot | REQUIRED                         |                                |                                    |                           | PROVIDED                         |                                |                                    |                           |
|-------|-----|----------------------------------|--------------------------------|------------------------------------|---------------------------|----------------------------------|--------------------------------|------------------------------------|---------------------------|
|       |     | Minimum Width of Buffer Required | Number of Shade Trees Required | Number of Evergreen Trees Required | Number of Shrubs Required | Minimum Width of Buffer Provided | Number of Shade Trees Provided | Number of Evergreen Trees Provided | Number of Shrubs Provided |
| B     | 22  | 50 feet                          | 1                              | 3                                  | 5                         | 38 feet                          | 1                              | 3                                  | 5                         |
| G     | 6   | 50 feet                          | 1                              | 3                                  | 5                         | 47 feet                          | 1                              | 3                                  | 5                         |
| G     | 13  | 50 feet                          | 1                              | 3                                  | 5                         | 27 feet                          | 1                              | 3                                  | 5                         |
| H     | 1   | 50 feet                          | 1                              | 3                                  | 5                         | 31 feet                          | 1                              | 3                                  | 5                         |
| H     | 24  | 50 feet                          | 1                              | 3                                  | 5                         | 27 feet                          | 1                              | 3                                  | 5                         |
| H     | 37  | 50 feet                          | 1                              | 3                                  | 5                         | 27 feet                          | 1                              | 3                                  | 5                         |
| H     | 54  | 50 feet                          | 1                              | 3                                  | 5                         | 27 feet                          | 1                              | 3                                  | 5                         |
| H     | 61  | 50 feet                          | 1                              | 3                                  | 5                         | 27 feet                          | 1                              | 3                                  | 5                         |

**ALTERNATIVE COMPLIANCE REQUEST: Section 4.6, Buffering Residential Development from Streets, along P-615 within Section 6.**

| Block | Lot | REQUIRED                         |                                |                                    |                           | PROVIDED                         |                                |                                    |                           |
|-------|-----|----------------------------------|--------------------------------|------------------------------------|---------------------------|----------------------------------|--------------------------------|------------------------------------|---------------------------|
|       |     | Minimum Width of Buffer Required | Number of Shade Trees Required | Number of Evergreen Trees Required | Number of Shrubs Required | Minimum Width of Buffer Provided | Number of Shade Trees Provided | Number of Evergreen Trees Provided | Number of Shrubs Provided |
| A     | 11  | 20 feet                          | 1                              | 2                                  | 3                         | 17 feet                          | 1                              | 2                                  | 3                         |
| A     | 51  | 20 feet                          | 1                              | 2                                  | 3                         | 11 feet                          | 0                              | 0                                  | 7                         |
| A     | 52  | 20 feet                          | 1                              | 2                                  | 3                         | 11 feet                          | 0                              | 0                                  | 5                         |
| A     | 144 | 20 feet                          | 1                              | 2                                  | 3                         | 17 feet                          | 1                              | 2                                  | 3                         |

**Justification**

The applicant requests AC from Section 4.6 for a reduction in the buffer width for multiple lots along MC-637 (Dower House Road). However, in the applicant's calculation of the provided buffer widths does not include the 10-foot-wide public utility easement (PUE) along the public right-of-way. This width can be counted as part of the provided buffer width; however, plantings cannot be located within it. When the PUE is incorporated, multiple lots that the applicant identified as needing AC in the statement of justification meet the requirements and do not need AC. The remaining lots provide buffers that range from 27–47 feet in width, or 54–94 percent of the required 50-foot-wide buffer.

The applicant requests AC from Section 4.6 for a reduction in the buffer width for multiple lots along P-615 (Dower House Road). Again, the applicant's calculation of the proposed buffer width did not incorporate the PUE, so the plan needs to be revised to do so. When the PUE is



incorporated, the provided widths range from 11–17 feet, or 55–85 percent of the required 20-foot-wide buffer.

For all lots requiring AC from Section 4.6, the side of the rear yard is oriented toward the street, which is a less impactful orientation, and for many of these lots, the rear yard includes the driveway. In addition, the full number of plant units required is provided for all lots requiring AC, except for Block A, Lots 51 and 52, where the provision of only one foot outside of the PUE does not leave sufficient room for the required plants, and only shrubs are provided.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* identifies this property as part of the Town Center Edge, which envisions this area as a:

“...medium- to high-density urban pattern surrounding the high-density town center core, including medium-density mixed use commercial and office, and several interconnected residential neighborhoods that have diverse housing styles and a network of open space.”

Furthermore, the sector plan recommends that this area is developed to be “...attractive, walkable, and include diverse housing styles and open space.” A key component of a walkable area is a defined streetscape, which can be achieved through landscaping or building presence. Pulling the sides of the townhomes closer to the major roadways, while providing the full planting requirement, will be the optimal situation for creating a defined streetscape in this area that was intended to have a denser pattern. For all of these reasons, the Planning Board found the applicant’s proposal equally effective as strict compliance with Section 4.6 of the Landscape Manual for Block B, Lot 22; Block G, Lots 6 and 13; Block H, Lots 1, 24, 37, 54, and 61 within Section 5; and Block A, Lots 11 and 144 within Section 6. Due to the lack of provision of the full planting requirement, a condition has been included in this resolution to eliminate Block A, Lots 51 and 52 in Section 6, or revise the plans to demonstrate conformance to Section 4.6 for these lots.

#### **Section 4.7, Buffering Incompatible Uses**

REQUIRED: 4.7 Buffering Incompatible Uses, along the northern property line of Section 6, adjacent to a historic site

|                                |           |
|--------------------------------|-----------|
| Length of bufferyard           | 1563 feet |
| Minimum building setback       | 60 feet   |
| Minimum landscaped yard        | 50 feet   |
| Fence or wall                  | None      |
| Existing trees                 | None      |
| Plant units (180 per 100 l.f.) | 2,813     |

PROVIDED: 4.7 Buffering Incompatible Uses, along the northern property line of Section 6, adjacent to a historic site

|                             |           |
|-----------------------------|-----------|
| Length of bufferyard        | 1563 feet |
| Minimum building setback    | 60 feet   |
| Minimum landscaped yard     | 50 feet*  |
| Fence or wall               | None      |
| Percent with existing trees | 0%        |
| Plant units                 | 2,813     |

**Note:** \*Approximately 677 linear feet of the required landscaped yard is offset 150–210 feet from the shared property line, on the other side of a stormwater management pond.

**Justification**

The applicant requests AC from the Section 4.7 requirements to reposition 677 linear feet of the required landscaped yard 150–210 feet south of the shared property line with the Blythewood historic site, in order to properly accommodate a previously approved stormwater management pond. Due to the structural requirements for stormwater management ponds, no plantings are permitted to the north of the pond along the shared property line. The Alternative Compliance Committee consulted with Historic Preservation Commission staff, who are agreeable to this request, provided that the full landscaped yard is planted with native plantings, in a naturalized manner, prior to construction of the townhomes in Sections 5 and 6, which has been conditioned in the technical staff report for the SDP. Given the provision of the full requirements between the proposed use and the historic site, and the installation of the buffer prior to building construction, the Planning Board found the applicant’s proposal equally effective as strict compliance with Section 4.7 of the Landscape Manual.

**Recommendation**

The Planning Board APPROVED Alternative Compliance AC-18019, Parkside, Sections 5 and 6, from the requirements of Section 4.7 of the 2010 *Prince George’s County Landscape Manual*, along the Section 6 northern property line, adjacent to the historic site; and from the requirements of Section 4.6 for Block B, Lot 22; Block G, Lots 6 and 13; and Block H, Lots 1, 24, 37, 54, and 61 within Section 5; and Block A, Lots 11 and 144 within Section 6, subject to conditions that have been included in this resolution.

15. **Prince George’s County Woodland Conservation and Tree Preservation Ordinance:**

This site is subject to the provisions of the Woodland Conservation Ordinance (WCO) because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and there are previously approved tree conservation plans. The Planning Board made the following findings:

- a. The most current plan, Natural Resources Inventory NRI-006-05-03 approved on March 7, 2018, was submitted with the review package for the current application. The NRI indicates that streams, wetlands, 100-year floodplain, and areas of steep slopes are

found within the limits of the SDP and comprise the primary management area (PMA). The information on the NRI is correctly shown on the current SDP and TCPII submittals.

- b. The subject area of this SDP is part of the overall Type 1 Tree Conservation Plan (TCPI-038-05), which covers the entire Parkside development. Type 1 Tree Conservation Plan, TCPI-038-05-02, was most recently revised with Preliminary Plan 4-16011 for Sections 5 and 6. The revised TCPI has not received signature approval. The required finding for approval of an SDP is that the TCPII can be found to be in conformance with the approved TCPI.

With the first TCPII for the Parkside development, an overall woodland conservation worksheet for the entire site was developed, as well as an individual TCPII woodland conservation worksheet for specific sections. The overall woodland conservation worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities proposed on the property, identifying how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.

The overall worksheet is also used to confirm that the woodland conservation threshold is being met on-site per the Final Decision of the District Council in ZMAs A-9965-C and A-9966-A. Based on the overall site area of 648.28 net tract acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet provided with the current application provides 168.08 acres of woodland conservation on-site, which exceeds the on-site requirement.

The total woodland conservation requirement for the overall development proposed with the current application, based on a net tract area of 648.28 acres and replacement related to clearing of 104.20 acres of net tract woodlands, 5.02 acres of woodland floodplain, 3.46 acres of wooded PMA, and 3.51 acres of off-site woodland clearing results in a total woodland conservation requirement of 253.52 acres, which is distributed over the development sections.

With the approval of SDP-1003, and the associated TCPIIs for Section 1A, 1B, 2, and 3, all sections were evaluated for the provision of on-site woodland conservation, and the off-site requirement, which could not be satisfied on-site, was proportionally distributed among all sections of the project, so the woodland conservation requirements would be provided on and off-site in sequence with development, and not be front-end loaded with the early sections, or deferred until the end of development. With the most recent review of the overall worksheet, the amount of total woodland conservation to be provided with each section was reviewed for consistency with the agreed schedule for woodland conservation fulfillment previously approved. The total quantity of woodland conservation provided in Sections 5 and 6 has also been adjusted to be in conformance with the overall

implementation schedule, which indicates a minimum of 37.20 acres and 43.97 acres of woodland conservation provided, respectively.

Other changes in the quantities of preservation and afforestation/reforestation may result from other revisions to the TCPIIs, with a resultant effect on the amount of total woodland conservation provided, but the total amount of woodland conservation required to be provided with Sections 5 and 6, either on-site or off-site, shall be no less than the required minimum. This quantity was previously agreed to as a fair distribution of the total requirements, and further deferral does not support the intent of the Woodland Conservation Ordinance to provide woodland conservation and replacement concurrent with development.

There are two revised TCPII plans associated with SDP-1302-03; TCPII-019-13-03 (Section 6), and TCPII-020-13-03 (Section 5), which were submitted with the current application. There have been changes to the proposed layout of Sections 5 and 6 since prior approvals of this plan because the approval of a new preliminary plan affected unit types and density on the site.

**TCPII-020-13-03 (Section 5):** The previous TCPII approvals for Section 5 included afforestation/reforestation credited to early phases of the development, construction of stormwater management facilities, the restoration of Reach 3-4, and infrastructure development for a portion of Section 5. The current application for Section 5 has a net tract area of 53.54 acres, with a distributed Woodland Conservation Threshold (WCT) of 69.48 percent of the net tract area or 37.20 acres. The woodland conservation requirement is proposed to be satisfied with 2.82 acres of on-site preservation, 8.02 acres of on-site afforestation, and 10.56 acres of off-site woodland conservation credits.

The TCP plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance, and the appropriate conditions have been included in this resolution. Additional technical revisions may be required to be in conformance with the approved TCP1-038-05-02 prior to certification.

**TCPII-019-13-03 (Section 6):** The previous TCPII approvals for Section 6 included afforestation/reforestation credited to early phases of the development, construction of stormwater management facilities, and rough grading of portions of Section 6. The current application for Section 6 has a net tract area of 80.39 acres, with a distributed Woodland Conservation Threshold (WCT) of 54.69 percent of the net tract area or 43.97 acres. The woodland conservation requirement is proposed to be satisfied with 0.62 acres of on-site preservation, 11.02 acres of on-site afforestation, and 32.33 acres of off-site woodland conservation credits.

Per PGCPB Resolution No. 18-62, Section 6 is also obligated to provide 1.01 acres of additional afforestation as mitigation required by Condition 2(a) as follows:

**2. Mitigation for environmental impacts to regulated environmental features in Section 1B, resulting from revisions proposed with Specific Design Plan SDP-1003-15, shall be provided, as follows:**

- a. Prior to approval of any amendment to Specific Design Plan SDP-1302-02, Parkside, Section 6, Type II Tree Conservation Plan TCPII-019-13-02 shall be revised to provide an additional 1.01 acres of afforestation/reforestation. The additional afforestation/reforestation shall not be placed within the environmental setting for the Blythwood Historic Site or on the possible future school site.**

The TCP plan requires technical revisions to be in conformance with the Woodland Conservation Ordinance, including adding a note regarding the above condition. A revised overall woodland conservation worksheet shall be provided to address revisions to Section 6, and any other technical revisions required. Additional afforestation mitigation provided on Section 6 shall be added to the overall and individual woodland conservation worksheet as off-site mitigation provided on this property. Additional technical revisions may be required to be in conformance with the approved TCPI-038-05-02 prior to certification.

The Planning Board concluded that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The temporary and permanent PMA impacts shown on SDP-1302-03, TCPII-019-13-03, and TCPII-020-13-03 are generally consistent with those approved with Preliminary Plans 4-05080 and 4-16001, SDP-1002, and SDP-1302-02.

Both Tree Conservation Plans TCPII-020-13-03 (Section 5) and TCPII-019-13-03 (Section 6) can be found to be in general conformance with Type I Tree Conservation Plan TCPI-038-05-02, if revised in accordance with the conditions that have been included in this resolution.

16. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage (TCC) Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy coverage. According to the TCC schedule, Sections 5 and 6 are 158.64 acres in size, resulting in a tree canopy coverage requirement of 23.8 acres, or 1,036,728 square feet. The TCC schedule shows the requirement will be met on-site through a combination of woodland preservation, reforestation, and proposed landscaping of 1,547,449 square feet. The site area, as shown on the TCC schedule, is larger than the area shown on the SDP, which is also different from the acreage of the approved Preliminary Plan of Subdivision 4-16001. A condition has been included in this resolution requiring the applicant to revise the schedule to reflect the correct site acreage.

17. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation Commission (HPC)**—In a memorandum dated November 26, 2018, (HPC, Berger to Zhang), incorporated herein by reference, the Historic Preservation Commission reviewed the subject application and recommends approval of this SDP with two conditions that have been included in this resolution. HPC's findings and conclusion are summarized as follows:

The Parkside development includes a Prince George's County Historic Site, Blythewood (78-013). The area included within the boundaries of this SDP includes area to the south of the Blythewood Historic Site. The subject application proposes grading and filling in the western portion of the Blythewood Environmental Setting for the construction of Woodyard Road (MC-632) and the new entry lane to the historic site, visible on Sheets 11 and 13 of the Specific Design Plan. The stormwater management ponds shown on the plans were approved through HAWP 2016-055 and have been constructed.

The area included within the subject specific design plan was surveyed for archeological resources in 2006. No significant archeological sites were identified. No further archeological investigations are recommended.

The applicant submitted a viewshed study that provides sections illustrating the topography and visible features from the Blythewood Historic Site to the developing property to the southwest, south and southeast.

**Section A** details the view from Blythewood to the southwest and shows that existing trees on the Blythewood property, along with proposed plantings on either side of Woodyard Road (MC-632) and on the townhouse lots will provide screening of the new construction from the historic site. The landscaping proposed by the applicant in this portion of the development should be sufficient to screen the views from the Blythewood Historic Site to the new development.

**Section B** details the view from Blythewood to the south. This section shows that there is a substantial vegetative buffer within the Blythewood Environmental Setting. This is the portion of the development that will be most visible from Blythewood. An enhanced vegetative buffer should be provided along the north side of Alley 6B as shown on Sheet 12 of the Landscape and Lighting Plan.

**Section C** details the view from Blythewood to the southeast. This section shows that the existing vegetation within the Blythewood Environmental Setting, along with existing trees in the Westphalia Central Park and proposed plantings in the reforestation area will substantially screen this portion of the development from the historic site.

Any grading proposed in this plan that is within the Blythewood Environmental Setting will require approval through the Historic Area Work Permit process.

- b. **Subdivision Review**—The Planning Board reviewed the subject SDP for conformance with the conditions attached to the approval of 4-16001 and approved his SDP with two conditions that have been included in this resolution.
- c. **Transportation Planning**—The Planning Board conducted a review of the SDP's conformance with most recent Preliminary Plan of Subdivision 4-16001 and concluded that the subject development will be adequately served within a reasonable time with existing or programmed public facilities, either shown in the appropriate Capital Improvement Program or provided as part of the private development.
- d. **Environmental Planning**—The Planning Board conducted a comprehensive analysis of the SDP's conformance with all applicable environmentally related conditions attached to previous approvals that has been included in above findings. Additional findings are as follows:

The site has previously approved impacts to regulated environmental features associated with Preliminary Plan 4-05080 and 4-16001. The impacts involve the installation of one stormwater management facility outfall, one water loop, five sanitary sewer outfalls, three road crossings, and one grading area. Prior to approving an SDP, the Planning Board must find that the plan demonstrates that the regulated environmental features are fully preserved and/or restored to the fullest extent possible in accordance with the requirement of Section 24-130(b)(5) of the Subdivision Regulations. The Statement of Justification (SOJ) submitted with the subject application (SDP-1302-03) states that there are no new environmental impacts proposed with the current application, and that the impacts shown are consistent with prior approvals.

The Planning Board approved Specific Design Plan SDP-1302-03 and revised Type II Tree Conservation Plans; TCPH-019-13-03 and TCPH-020-13-03 subject to three conditions that have been included in this resolution.
- e. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated November 6, 2018 (Giles to Zhang), DPIE stated that they have no objection to the proposed development in Sections 5 and 6. They also noted that a revision to the previously approved Stormwater Management Concept Plan and the Storm Drain and Paving Plan are required. A condition has been included in this resolution requiring that prior to the certification of the plans, the applicant should amend the approved concept plan accordingly.
- f. **Soil Conservation District**—At the time of this resolution, the Soil Conservation District did not provide comments on the subject application.

- g. **Special Projects**—The Planning Board reviewed the SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance and determined that police and water and sewer service will be adequate to serve the proposed development. Regarding fire and rescue adequacy, the Planning Board found that:

The proposed project is served by Forestville Fire/EMS Co. 823, which is located at 8321 Old Marlboro Pike. The Fire Chief, as of May 16, 2016, outlined the adequacy of personnel and equipment as required by Section 24-122.01(e).

The Assistant Fire Chief James V. Reilly, Emergency Services Command of the Prince George's County Fire/EMS Department, reaffirmed in writing that "as of November 15, 2018" *only a portion* of the project is within a seven-minute travel time from the first due station". The applicant may offer to mitigate for the failed portion.

The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with the DPE.

The Planning Department has established a practice regarding the designation of lots that are split by the seven-minute travel time response line. If any portion of a proposed lot is beyond the response time, the lot will be considered as beyond the response time and mitigation will be required. At the time of PPS 4-16001 (PGCPB No. 18-91), 115 lots were considered beyond the seven-minute response time line and the fee per dwelling unit was established in Condition 40 of that approval.

This SDP revised the lot layout and increased the number of properties; therefore, a total of 122 units are now beyond the response time and mitigation will be required at the time of grading or building permit as conditioned by the PPS.

- h. **Trails**—The Planning Board reviewed the SDP application for conformance with all applicable conditions attached to prior approvals. The relevant comments have been included in the above findings. The Planning Board approved this SDP with one condition regarding interpretative and wayfinding signage as shown on the BPIS exhibit that has been included in this resolution.
- i. **Prince George's County Health Department**—In a memorandum dated November 2, 2018 (Adepoju to Zhang), incorporated herein by reference, the Health Department provided three comments regarding engaging stakeholders in the review process, lack of healthy food choices in the area and water conservation practices for the proposed building and landscaping. Those comments have been transmitted to the applicant during the review process.
- j. **Prince George's County Police Department**—At the time of this resolution, the Police Department did not provide comments on the subject project.



- k. **Prince George's County Fire/EMS Department**—In a memorandum dated November 14, 2018 (Reilly to Zhang), incorporated herein by reference, the Fire Department provided comments regarding water pressure, hydrant location, and turning radii, most of which will be addressed through the Fire Department's permitting process. However, the following warrant discussion:

With regard to fire department access, any code required fire access road must be 22 feet wide. Fire access roads shall extend to within 150 feet of an exterior door, other than the garage door, on every unit. Specifically, we have concerns about the following units/lots that front on alleys where fire access is not assured and where responding fire department responders may have difficulty locating or determining the address of a unit:

|          |                               |
|----------|-------------------------------|
| Sheet 5  | Lots/Units 162-185            |
| Sheet 7  | Lots/Units 120-139            |
| Sheet 10 | Lots/Units 43-48 and 67-71    |
| Sheet 12 | Lots/Units 7-18               |
| Sheet 14 | Lots/Units 40-44 and 45-51    |
| Sheet 19 | Lots/Units 98-105 and 148-150 |

Applicant's submission should show a minimum 22-foot drivable width of all roads (paved surface from the face of the curb to the face of the opposite curb) and a minimum of 18-foot alleys (width of total paved surface to include asphalt and depressed curb) not required for fire department access.

All the comments above have been transmitted to the applicant during the review process. As far as the roadway width is concerned, a condition has been included in this resolution that requires a minimum 18 feet of pavement width to be provided for all alleys.

- l. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated November 20, 2018 (Zyla to Zhang), DPR recommends approval of this SDP with four conditions that have been included in this resolution, as appropriate.
- m. **Westphalia Section Development Review Council (WSDRC)**—At the time of the writing of this resolution, WSDRC did not provide comments on the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type II Tree Conservation Plan TCPII-020-13-03, APPROVED Type II Tree Conservation Plan TCPII-019-13-03, and APPROVED Alternative Compliance AC-18019, and further APPROVED Specific Design Plan SDP-1302-03 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:

- a. Obtain signature approval of Preliminary Plan of Subdivision 4-16001.
- b. Provide a tot lot of at least 2,500 square feet at a central location in the townhouse cluster in Section 5, as shown on the applicant's exhibit # 3, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- c. Relocate lighting fixtures off of single-family lots where possible. In the event relocation of the lighting fixtures are not possible, provide evidence of an access and maintenance easement for the homeowner's association to maintain the fixtures.
- d. Revise the parking table to provide the required number of parking spaces in Sections 5 and 6.
- e. Distribute the visitor parking spaces evenly throughout the townhouse pods within Section 6 to be reviewed and approved by the Urban Design Sections as the designees of the Planning Board.
- f. Provide additional parking spaces for visitors for a total of 39 spaces to be evenly distributed in the townhouse pods within Section 5 to be reviewed and approved by the Urban Design Sections as the designees of the Planning Board.
- g. Update and correct the density chart for tracking purposes, to demonstrate full conformance with the previously approved CDP, the preliminary plan and specific design plans for the overall site, in accordance with Condition 12 of Comprehensive Design Plan CDP-0501.
- h. Revise the Tree Canopy Coverage schedule to reflect the correct gross tract area.
- i. Revise the Stormwater Management Concept Plan No. 14846-2006-02.
- j. Revise the landscape plan as follows:
  - (1) Eliminate Block A, Lots 51 and 52 in Section 6, or revise the plans to demonstrate conformance with Section 4.6 of the *2010 Prince gorge's County Landscape Manual* for these lots.
  - (2) Update the Section 4.6 Buffer Matrix Tables for Sections 5 and 6:
    - (a) To correct the provided buffer widths;
    - (b) Include all applicable lots;
    - (c) Indicate which lots are subject to Alternative Compliance AC-18019.

- (3) Demonstrate conformance with Section 4.6 of the *2010 Prince George's County Landscape Manual* for Block A, Lots 151 and 169 in Section 6, and any other lots, as required, that are not approved in Alternative Compliance AC-18019.
- k. With the exception of the alleys approved in SDP-1302-02, revise the plan to reflect a pavement width of 18 feet for all alleys, not including alleys that must have 22 feet of pavement width for fire access, that do not meet the minimum requirement pursuant to Section 24-128(b)(7)(A)(ii) of the Subdivision Regulations.
- l. Type II Tree Conservation Plan TCPII-020-13-03 for Section 5 shall be revised as follows:
- (1) Revise note 9 to reference the grandfathering provisions of Section 25-119(g) of the code (not 117(G) as stated).
  - (2) Revise note 1 to remove SDP-1003 and revise the SDP number as SDP-1302-03.
  - (3) Revise the last sentence of Standard Note 10 to “Revisions to the TCPII may require a revision to the recorded easement prior to signature approval of this TCPII.”
  - (4) Revise the plan to add standard note regarding the recordation of the required on-site woodland conservation easement.
  - (5) Standard details for root pruning (DET-10) and the standard detail for tree pruning (DET-11) found in the Environmental Technical Manual must be added to the plan for edge and/or specimen tree treatments.
  - (6) A revised overall woodland conservation worksheet shall be provided to include revisions to Section 6, and any other technical revisions required to find conformance with TCP1-038-05-02 and the Environmental Technical Manual. Additional afforestation mitigation provided on Section 6 shall be added to the overall and individual woodland conservation worksheet as off-site mitigation provided on this property.
  - (7) Any areas of off-site grading shall be labeled as follows: “Off-site grading with this plan is subject to the submittal of written permission from property owner prior to the issuance of grading permits. Replacement requirements for off-site clearing of woodlands must be addressed with the current application.”
  - (8) A note shall be added to the Specimen Tree Table that states the following:

“Note: The specimen trees indicated for removal in Section 5 are not subject to approval of a Subtitle 25 variance because of prior approval for removal under TCP2-020-19-13-02.”

- (9) On Sheet 4, SP-233 which falls within the LOD, shall be shown for removal, and the specimen tree table disposition shall be revised.
  - (10) On all plan sheets, include bearings and distance for property and parcel lines.
  - (11) After all revisions have been made, revise and reconcile calculations and tables as necessary.
  - (12) Have the plan signed by the qualified professional who prepared it.
- m. Type II Tree Conservation Plan TCPII-019-13-03 for Section 6 shall be revised as follows:
- (1) Revise Note 9 to reference the grandfathering provisions of Section 25-119(g) of the code (not 117(G) as stated).
  - (2) Revise Note 1 to remove SDP-1003 and revise the SDP number as SDP-1302-03.
  - (3) Revise the last sentence of Standard Note 10 to: “Revisions to the TCPII may require a revision to the recorded easement prior to signature approval of this TCPII.”
  - (4) Revise the plan to add standard note regarding the recordation of the required on-site woodland conservation easement.
  - (5) Standard details for root pruning (DET-10) and the standard detail for tree pruning (DET-11) found in the Environmental Technical Manual must be added to the plan for edge and/or specimen tree treatments.
  - (6) On the cover sheet, the Afforestation Area Summary Table and the Woodland Afforestation-Not Credited Summary Table shall be combined, and a note shall be provided regarding Condition 2(a) of PGCPB Resolution No. 18-62.
  - (7) A revised overall woodland conservation worksheet shall be provided to include revisions to Section 6, and any other technical revisions required to find conformance with TCP1-038-05-02 and the Environmental Technical Manual. Additional afforestation mitigation provided on Section 6 shall be added to the overall and individual woodland conservation worksheet as off-site mitigation provided on this property.

- (8) Any areas of off-site grading shall be labeled as follows: "Off-site grading with this plan is subject to the submittal of written permission from property owner prior to the issuance of grading permits. Replacement requirements for off-site clearing of woodlands must be addressed with the current application."
  - (9) A note shall be added to the Specimen Tree Table that states the following:

"Note: The specimen trees indicated for removal in Section 5 are not subject to approval of a Subtitle 25 variance because of prior approval for removal under TCP2-020-19-13-02."
  - (10) The legend and sheet summary tables shall be revised to indicate that "Woodland Afforestation – Not Credited" is "Woodland Afforestation Provided per PGCPB Resolution No. 18-62, Condition 2(a)."
  - (11) On TCP Sheet 5, the limit of disturbance and Tree Protection Fence shall be revised to show the retention of Specimen Trees 88, 89, and 90, or their disposition shall be revised.
  - (12) On all plan sheets, include bearings and distance for property and parcel lines.
  - (13) After all revisions have been made, revise and reconcile calculations and tables as necessary.
  - (14) Have the plan signed by the qualified professional who prepared it.
- n. Show the approved limits of Marlboro clay, as shown on Type I Tree Conservation Plan TCPI-038-05, or as modified by an updated geo-technical study. Any lots within the 1.5 safety factor line shall be relocated outside of that line, unless a slope stability study to determine a new mitigated 1.5 safety factor line is submitted and approved by appropriate staff.
  - o. Provide on the site plan the details and specifications for the interpretative and wayfinding signage indicated on the BPIS exhibit.
  - p. Show a 24-foot-wide curb cut along Rock Spring Drive to accommodate future planned development on adjacent parkland. This entrance shall be located at the intersection with Alley 5R, Parcel A4, or at a location mutually acceptable to DPW&T and DPR.
2. Prior to final plat, the applicant shall submit a variation request from Section 24-128(b)(7)(A) to allow lots that do not have frontage on or pedestrian access to a public right-of-way to be served by alleys.

3. Prior to issuance of the grading permit in Section 5, the applicant shall raze any remaining structures on adjacent parkland located on the north side of Rock Spring Drive.
4. Prior to approval of a grading permit for portions of the development within the Blythewood Environmental Setting, the applicant shall obtain a Historic Area Work Permit.
5. Prior to issuance of the first building permit within Parkside Sections 5 & 6, the applicant shall install the Section 4.7 landscape buffer adjacent to the Blythewood Historic Site, as shown on the specific design plan.
6. Prior to issuance of the 190th building permit for Section 5, all trails in the section shall be completely constructed, with bonding prior to issuance of the first building permit.
7. Prior to the issuance of the 220th townhouse building permit for Section 5, the tot lot in Section 5 shall be completed and open to the residents.
8. Prior to issuance of the 151st building permit for Section 6, all trails in the section shall be completely constructed, with bonding prior to issuance of the first building permit.
9. Prior to issuance of the 205th townhouse building permit for Section 6, the tot lot and pre-teen lot in Section 6 shall be completed and open to the residents.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

PGCPB No. 18-130  
File No. SDP-1302-03  
Page 48

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, December 13, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of January 2019.

Elizabeth M. Hewlett  
Chairman



By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:gh



# PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

County Administration Building • 14741 Governor Oden Bowie Drive, 4<sup>th</sup> Floor, Upper Marlboro, Maryland 20772  
pgplanning.org/HPC.htm • 301-952-3680

September 16, 2020

## MEMORANDUM

**TO:** Andrew Bishop, Urban Design Section, Development Review Division

**VIA:** Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**  
 Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JRS**  
 Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

**FROM:** Historic Preservation Commission

**SUBJECT:** SDP-1302-08 Parkside, Sections 5 & 6, Dan Ryan Homes

The Historic Preservation Commission (HPC) reviewed the subject application at its September 15, 2020 meeting. The HPC voted 6-0-1 (the Chair voted "present") to recommend approval of the subject application and to forward the following findings, recommendations, and conditions to the Planning Board for its review.

### Background

The subject property comprises 147.79 acres and is located along the east and west sides of Melwood Road at its intersection with Moore's Way in Upper Marlboro, Maryland. The subject property is part of the larger Parkside development, containing approximately 757 acres. This application proposes architecture for Dan Ryan Builders for the 16', 20', and 22' rear loaded, and 22' and 24' front loaded single-family attached units in Section 5 and five single-family detached models in Section 6 of the Parkside development. Section 5 is located to the southwest and Section 6 is located to the south of and adjacent to the Blythewood Historic Site (78-013). Most of these models were previously approved under SDP-1003 and SDP-1205 and its various revisions for Sections 1A, 1B, 2, and 3. These sections were not reviewed by the Historic Preservation Commission because they are not adjacent to the Blythewood Historic Site.

### Findings

1. The Parkside development includes a Prince George's County Historic Site, Blythewood (78-013). Built circa 1830, with later additions, Blythewood is a multi-section frame farmhouse, and the principal feature of a large farm complex. The two-story, side-gabled main block of the house was built circa 1830; a shed-roof kitchen wing was added circa 1860 at one end, and a one-story enclosed porch was built at the other end in the 1920s. The principal west façade of the main block is fronted by a two-story portico, also added in the 1920s. The house and domestic buildings stand on high ground overlooking a complex of agricultural outbuildings to the south. Originally developed for William F. Berry, the Blythewood complex is an excellent example of a complete nineteenth and twentieth-century farm establishment. The area included



within the boundaries of this specific design plan (SDP) application is adjacent to the Blythewood Historic Site to the southwest and southeast.

2. The Historic Preservation Commission reviewed Preliminary Plan 4-16001, Parkside, at its June 19, 2018 meeting. The HPC recommended two conditions to the Planning Board for review of the architecture of any buildings in the vicinity of the Blythewood Historic Site (78-013). The Planning Board adopted the HPC's recommendations and conditions. The following conditions of PGCPB No. 18-91 are relevant to the review of this plan:

8. *Prior to approval of any Specific Design Plans that include buildings in the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, the applicant shall provide viewshed studies that demonstrate the extent to which proposed new construction will be visible.*

**Comment:** Viewshed exhibits were submitted with SDP-1302-03, reviewed by the Historic Preservation Commission at its November 20, 2018 meeting. Application SDP-1302-05, which was reviewed at the Planning Director level and was not reviewed by the HPC, proposed the realignment of certain portions of the development to add a greater variety of townhouse types. The lot sizes for the units in Section 5 that will be visible from the historic site were not altered. Additional viewshed exhibits were submitted with this application to determine the visibility of these units from the historic site. The exhibits indicate that the townhouse units closest to the Blythewood Historic Site in Section 5 should be substantially screened. The single-family detached houses in the eastern portion of Section 6 should not be visible from the historic site due to the rolling topography and distance from the house.

9. *Based on the findings of the required viewshed studies for the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, any proposed new construction determined to be visible from the historic site shall be subject to a limited specific design plan review for scale, mass, proportion, materials, architecture, landscaping, and lighting as they would impact the character of the historic site.*

The subject SDP provides the scale, mass, proportion, materials, and architecture for the units most visible from the Blythewood Historic Site in Sections 5 and 6.

3. The following six single-family-attached models and five single-family-detached models are proposed by Dan Ryan Builders in Sections 5 and 6 of the Parkside development: Single-family-attached models – 1) Alden II, a 16' rear loaded unit with 14 different elevations with ranges in finished area from 1,567 – 2,208 square-feet; 2) Camden II, a 20' rear-loaded unit with 14 different elevations with ranges in finished area from 1,991 – 2,407 square-feet; 3) Oakton II – a 22' rear-loaded unit with 12 different elevations and a finished area of 2,074 square-feet; 4) Davenport II – a 22' front-loaded unit with 17 different elevations with ranges in finished area of 1,458 – 2,685 square-feet; 5) Harlow II – a 22' front-loaded unit with 18 different elevations with ranges in finished area of 1,777 – 2,303 square-feet; and 6) Grable II – a 24' front-loaded unit with 18 different elevations with ranges in finished area of 1,937 – 3,616 square-feet.

Single-family detached Models: 1) Castlerock II – 10 different elevations ranging in finished area from 2,643 – 3,307 square-feet; 2) Emory II – 12 different elevations ranging in

finished area from 3,472 – 4,113 square-feet; 3) Montgomery II – 9 different elevations ranging in finished area from 2,795 – 3,888 square-feet; 4) Newbury II – 10 different elevations ranging in finished area from 2,514 – 2,652 square-fee; and 5) Oakdale II – 8 different elevations ranging in finished area from 2,484 – 2,964 square-feet.

Dan Ryan Builders proposed architecture provides for multiple options, such as extensions, sunrooms, and decks of varying widths, as well as optional lofts on all single-family-attached models. With the wide variety of house types, elevations and add-on options, homebuyers will have a wide selection of homes at varying price points from which to choose. The 20' rear-loaded units (Camden II) located along Woodyard Road are the only lots that will be visible from the Blythewood Historic Site. The fronts of these units will be primarily visible from the historic site, with only two lots having the sides visible. The proposed architecture includes side elevations that have at least three optional windows and stone or brick veneer that can be used on highly visible sides.

4. A landscape buffer was previously approved with SDP-1302-03 and SDP-1302-05. The required landscape buffers should provide sufficient screening of the new construction from the Blythewood Historic Site.

### **Conclusions**

1. The applicant's proposed townhouse models provide high-quality materials. The Camden II model proposed by the applicant is the only type of unit compatible in size with the lots that will be visible from the Blythewood Historic Site. Most of the units in Section 5 that will be visible from the historic site will have their fronts facing it. The sides of only a few units will be within the sightlines of the historic site.
2. The applicant's landscape plan indicates that the proposed buffer will provide sufficient screening of any visible elevations from the historic site. The required landscape buffer for development adjacent to a historic site, together with additional plant units required along Woodyard Road (MC-632), should provide sufficient buffering of any new construction.

### **Recommendation**

The Historic Preservation Commission recommend to the Planning Board, approval of SDP-1302-08 Parkside Sections 5 and 6 with no conditions.

# **Additional Back-up**

**For**

**SDP-1302-08**

**Parkside**

**Smith Home Farm (Parkside) Sections 5 & 6  
SDP-1302/08**

**Revised Conditions (Applicant Exhibit A)**

5. The following number of dwelling units in any horizontal, continuous, or attached group of townhouse dwellings shall have a roof feature containing either a reverse gable and/or dormer window(s):
  - a. Four dwelling units in any building group containing five or ~~six~~ more units; or
  - b. Three dwelling units in any building group containing four units; or
  - c. Two dwelling units in any building group containing three units.
  
8. Prior to issuance of each approval of any residential building permits, for construction of a unit within the 65 dBA Ldn line, plans for the building shall be certified by an acoustical engineer stating that internal noise levels shall be 45 dBA Ldn or less. ~~a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that shells of structures have been designed to reduce interior noise level to 45 dBA Ldn or less.~~