

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 February 25, 2016, regarding Specific Design Plan SDP-1101 for Westphalia Central Park – Phase I, Parkside (previously known as Smith Home Farm), the Planning Board finds:

1. **Request:** The subject application is a limited specific design plan (SDP) for the Westphalia Central Park, as required by Condition 23 attached to the previously approved Comprehensive Design Plan, CDP-0501.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	APPROVED
Zones	R-M/L-A-C	R-M
Use	Park	Park
Acreage	137.31*	131.03
of which Phase I	46.61	46.61

*The total acreage of the park is 137.31 acres, including 131.54 acres in the R-M Zone and 5.77 acres in the L-A-C Zone. After the approval of the Comprehensive Design Plan, CDP-0501, the land ownership of the proposed Central Park changed. SHF Project Owner, LLC now owns all park land in the R-M Zone and DASC, LLC owns the remaining portion of the park land in the L-A-C Zone. The subject SDP-1101 application is only for the portion of land that is owned by SHF Project Owner, LLC, which is approximately 131.03 acres in the R-M Zone.

3. **Location:** The larger Parkside (previously 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. The subject SDP includes the entire Westphalia Central Park that is located in the eastern quadrant of the intersection of Central Park Drive (MC-631) and P-615, in an irregular shape of a goldfish with a long tail. The two roadways intersect in the front and to the west of the Central Park, in the middle of the larger Parkside project site. Another master plan roadway, MC-632, divides the entire park in the north/south direction from the middle into distinct eastern and western parts. The proposed Phase I is located in the western part.

4. **Surrounding Uses:** The subject site includes the entire Central Park. The two master plan roadways (MC-631 and P-615) provide the northern and southern boundaries for the park right in the middle of the larger Parkside project site. To the north side of MC-631 are Sections 3, 4, and 7, including single-family detached houses, a mixed-retirement development in the Residential Medium Development (R-M) Zone, and development in the Local Activity Center (L-A-C) Zone; to the south side of P-615 are Sections 1A and 5, of the Smith Home Farm project, including predominantly single-family attached houses and some single-family detached houses in the R-M Zone; and to the west are Section(s) 1B and 2, to the southeast is Section 6.

The Parkside project, as a whole, is bounded to the north by the existing subdivisions and undeveloped lands in the R-R (Rural Residential), R-A (Residential-Agricultural), C-M (Commercial Miscellaneous), C-O (Commercial Office), and R-T (Townhouse) Zones; to the east by undeveloped lands in the R-R and the 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 I-1 (Light Industrial) Zone, existing residences in the R-R and the R-A Zones, and undeveloped land in the I-1 and M-X-T (Mixed Use–Transportation Oriented) Zones.

5. **Previous Approvals:** The subject special purpose application is for the Westphalia Central Park, within a larger project known as Parkside, which has 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the L-A-C Zone. The Parkside project was rezoned from the R-A Zone through Zoning Map Amendments A-9965 and A-9966 to the R-M Zone (3.6–5.7) with a mixed-retirement development and 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 A-9965 and A-9966 subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner (ZHE) approved 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 A-9965 and A-9966 on February 13, 2006, and the approved Ordinances 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 Smith Home Farm 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. One December 17, 2015, the Planning Board granted a request for reconsideration relating to previous conditions of approval associated with the design, grading, and construction of the park. The Planning Board’s action is pending District Council review as of the writing of this resolution.

On July 27, 2006, the Planning Board approved **Preliminary Plan of Subdivision 4-05080** (PGCPB Resolution No. 06-64(A)) for 1,176 lots (for a total of 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 Presidential Parkway, also known as A-67. On December 12, 2007, the Development Review Division, as designee of the Planning Director, approved Specific Design Plan SDP-0506-01 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 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 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 range in size from 1,300 to 1,800 square feet in Amendment 1 and further established a minimum lot size for single-family attached dwellings in the R-M Zone 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 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 the 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 formalizing that approval. Specific Design Plan SDP-0506-03 was approved by the Planning Board on July 17, 2014 and PGCPB Resolution No. 14-70 was adopted on July 31, 2014 formalizing that approval.

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 was approved by the Planning Board on March 12, 2012, as formalized in PGCPB Resolution No. 12-21. Subsequently, the District Council reviewed the case on July 24, 2012 and affirmed the Planning Board's decision with two additional conditions.

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, never having been accepted or approved.

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 formalizing that approval.

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 formalizing the approval. As of this writing, that case is pending finality in the required 30-day call up/appeal period.

Specific Design Plan SDP-1003-06 to revise Section 3 was approved by the Planning Board on April 16, 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.

Note: SDP-1003-06 was approved on April 16, 2015 and before SDP-1003-05 was approved on September 10, 2015, the name of the project was changed from Smith Home Farm to Parkside.

On December 17, 2015, the Planning Board granted a request for reconsideration relating to the development of the Westphalia Central Park and the issuance of building permits. The Planning Board's action is pending District Council review as of the writing of this report.

Lastly, the project is subject to approved Stormwater Management Concept Plan 36059-2005-03 dated March 25, 2015 and valid until May 4, 2017.

6. **Design Features:** This application is a limited SDP for the Westphalia Central Park, Phase I. The SDP shows development of the first phase west of MC-632 that has approximately 46.61 acres in the R-M Zone. This SDP for Phase I of the Central Park is to be developed by the applicant, and future phases are to be developed by the Prince George's County Department of Parks and Recreation (DPR). The park shown in this SDP is designed to provide an active and passive recreation experience around the theme of art and nature to create a source of respite for both body and mind, and to provide an active and passive recreational experience for all citizens of the County.

The site plan shows a grand promenade providing a main pedestrian access to the Central Park from the intersection of Central Park Drive (MC-631) and P-615. There are two segments of entrance walls with entrance signage marking the beginning of the Central Park. The grand promenade is defined on both sides with a linear wave-form wall with seating. The grand promenade will connect to a paved plaza, which will include a signature cloud pavilion consisting of sculpted glowing forms in lightweight fabric situated at the beginning tip of an oval-shaped grand performance lawn extending toward the middle of the park. The fabric-tensile membrane roof of the cloud pavilion is a sculptural focal point in the park and is an excellent example of sustainable building technologies. The paved plaza also includes a concession stand, restrooms, and a pump structure providing the water feature within the cloud structure. The cloud pavilion, as currently designed, is more than 100 feet long and 60 feet wide with a minimum 20-foot vertical clearance and downward nozzles to eject water synchronized with computerized music. Beyond the cloud pavilion is an outdoor sitting area and, further east into the park, an oval-shaped grand performance lawn. To the left of the grand performance lawn are playgrounds (a school-age playground and a tot lot) embedded into resilient safety-surfaced plazas, which feature colorful leafy patterns. To the right of the great performance lawn are two basketball courts, a location for a future skate park, and a web of circular trails and pedestrian paths. At the end of the grand performance lawn is a huge ear-shaped pond with a fountain. East of the pond is a future outdoor amphitheater. Space for additional future recreational amenities is shown in the eastern corner of proposed Phase I, bounded by the right-of-way of Central Park Drive.

The site plan shows two vehicular access points to the park. The main vehicular access to the park is provided from a roundabout at the intersection of P-615 with Central Park Drive and the second vehicular access is provided from Central Park Drive located approximately 520 feet east of the main access to the park. A winding linear parking lot provides access to all of the major components of the proposed Phase I facilities. The left wing of the parking lot connects to the park entrance on Central Park Drive and the right wing of the parking lot terminates at the proposed amphitheater. An additional overflow parking lot is located at the large picnic area.

Three types of lighting fixtures are proposed in this phase of the park. There are single head-mounted fixtures (Type A) at a height of 16 feet, another single head-mounted fixture (Type B) at a height of 24 feet, and dual head-mounted fixtures (Type C) at a height of 16 feet. In addition, building-mounted lighting fixtures are also included.

Numerous park facilities include benches, sitting areas, picnic pavilions, drinking fountains, charcoal grills; and fabric shade structures. Many customized play structures imitating trees, ferns, and other nature's charms are included in the detail sheets in addition to traditional play equipment such as spring animals, seesaws, etc.

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, of which the following are applicable to the review of this SDP:

2(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.**

The subject application is a limited SDP for the Central Park and it is the sixth SDP for the development. This condition has been met.

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.**

As noted above, this SDP is a limited plan for the Central Park. There are neither lots nor residential buildings included in this application. The section is divided by two master plan roadways from the rest of the Smith Home Farm project. The use of park is compatible to the surrounding residential neighborhoods. The above condition will be reviewed at the time of other full-scale SDPs that abut the existing properties in the vicinity of the project.

8. **Comprehensive Design Plan CDP-0501 and its revision:** Comprehensive Design Plan CDP-0501, as approved, includes a maximum of 3,648 dwelling units, of which 2,124 dwelling units are in the R-M Zone, including 319 single-family detached, 552 single-family attached, 361 two-over-two, and 892 multifamily condominium units; 1,224 dwelling units are in the R-M Zone under mixed retirement development and 300 condominium dwelling units and 140,000 square feet of commercial/retail is in the L-A-C Zone. Comprehensive Design Plan CDP-0501 was approved by the Planning Board with 30 conditions. The District Council approved CDP-0501 on May 22, 2006 with 34 conditions, without approving the accompanying three variances. Of the 34 conditions attached to the CDP approval (see attached Council Order),

Conditions 10, 11, 12, 16, 23, 29, 31, 32, and 34 are SDP-related conditions that warrant discussion, as follows:

- 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 50th 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 100th building permit.**
 - d. \$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. 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).**
 - 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 50th 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.**
- 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 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 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>		

On December 17, 2015, the Planning Board approved the request for reconsideration of five conditions attached to the previously approved CDP-0501 based on mistake and other good cause in furtherance of substantial public interest. The five conditions include Conditions 10, 11, 24, 31, and 32 attached to the final approval by the District Council. The subject SDP is in conformance with the applicable conditions. The reconsideration request is currently pending final approval by the District Council. Conditions 10 and 11 have been revised from the original language as follows:

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.

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

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

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.**

This SDP is a limited application for the Central Park only and does not include any residential lots.

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

The total acreage of the Central Park is approximately 137, to be in general conformance with DPR Exhibit A.

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.**

This subject SDP is prepared in accordance with this condition. The proposed development in this SDP consists of Phase I of the park development, and additional phases have been shown for illustrative purposes only.

- 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 including parkland dedication. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

On December 17, 2015, the Planning Board approved a request for reconsideration of Condition 24 of CDP-0501 based on mistake and other good cause. The Planning Board approved a request for deletion of Condition 24 because the requirement for a recreational facilities agreement (RFA) for Phase I of the Central Park had been incorporated into a new proposed CDP-0501, Condition 10(f). The reconsideration request is currently pending final approval by the District Council.

- 31. The SDP for the central park shall provide for the construction of a tennis facility during the first phase of construction.**

On December 17, 2015, the Planning Board approved a request for reconsideration of Condition 31 of CDP-0501 based on mistake and other good cause. The Planning Board approved a request for deletion of Condition 31. The reconsideration request is currently pending final approval by the District Council.

- 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.**

On December 17, 2015, the Planning Board approved a request for reconsideration of Condition 32 of CDP-0501 based on mistake and other good cause in furtherance of substantial public interest. The Planning Board approved a request for deletion of Condition 32. The reconsideration request is currently pending final approval by the District Council.

- 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.**

This condition is intended for regulating structures within close proximity of the Central Park in order to prevent high structures from blocking views into the Central Park. This SDP is a limited SDP for the Central Park and this condition is not applicable to this SDP.

On December 1, 2011, the Planning Board approved Comprehensive Design Plan CDP-0501-01, which is a revision to the previously approved CDP-0501, to change the following three conditions:

- 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 swimming pool; and
- Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone.

The Planning Board approved the applicant's requests and added two new conditions regarding the timing of construction and completion of the second community building and possible additional community buildings with the approval of CDP-0501-01. None of the conditions attached to CDP-0501-01 is applicable to the review of this limited SDP for the Central Park.

9. **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 limited SDP for Westphalia Central Park is an application filed pursuant to the specific condition attached to previously approved CDP-0501 and is consistent with Sections 27-507, 27-508, 27-509, and 27-510 of the Zoning Ordinance governing development in the R-M Zone.
 - b. The subject limited SDP for Westphalia Central Park is also in conformance with the applicable requirements of Sections 27-274(a)(7), Design Guidelines, of the Zoning Ordinance.
10. **Preliminary Plan of Subdivision 4-05080:** The Planning Board approved Preliminary Plan of Subdivision 4-05080 for the entire Smith Home Farm on July 27, 2006 with 77 conditions. On May 24, 2012, the Planning Board reconsidered the subject preliminary plan and adopted an amended resolution with underlining indicating new language. The conditions that are applicable to the review of this SDP are discussed below:

2. A Type II Tree Conservation Plan shall be approved with each specific design plan.

A Type II Tree Conservation Plan TCPII-021-2015 has been submitted with this SDP that fulfills the requirement.

3. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.

An unapproved copy of the site development concept plan for Phase I was submitted with the current application. Prior to certification of the SDP, a copy of the approved site development concept plan for Phase I is required to confirm the location of stormwater management facilities on the site.

- 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.**

This SDP is a limited plan for the Central Park only. Neither lots nor buildings, except for park purposes, are included in the application. This SDP, if approved by the Planning Board, establishes a framework for the orderly development of the Westphalia Central Park.

- 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.**

Both Melwood Road and C-632 (which is currently knows as MC-632) are outside the Phase I area of the Central Park that is contained in this SDP. However, since a portion of Melwood Road is located within the future phase of the park, the trails planner provided various practical ideas of how to make full use of Melwood Road as a pedestrian/trail corridor.

- 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.**

As discussed above, this SDP is limited to the Central Park, which is designed differently from those of the regular residential subdivision with separate trail and pedestrian network that is not usually tied up with vehicular roadways. Sidewalks have been provided on both sides of the major perimeter roadways bounded by the park. Inside the park premises, an independent pedestrian network has been provided to link all destinations.

- 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.

The stream valley trail is located outside the first phase of the Central Park. The trail and its associated trailhead will be considered by DPR at the time of development of future phases.

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.

The schedule of plant materials for afforestation within the 100-year floodplain of the Central Park was proposed by the applicant and evaluated by DPR. The applicant revised the plans according to DPR's comments.

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."

The areas where Marlboro clay are expected to be present, and adjacent areas which require evaluation for the presence of Marlboro clay, are located in future phases of the Central Park. These areas are specifically located along the eastern boundary of the Historic Blythewood Homesite Parcel's environmental setting and along Cabin Branch. Review for Marlboro clay concerns is the responsibility of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) which confirms the location of the 1.5 unmitigated and mitigated safety factor lines, which are required on final plats. Within the Central Park, no development is currently proposed outside of Phase I or east of MC-632.

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.

According to the review by the Environmental Planning Section (Finch to Zhang, December 31, 2016), the TCPII includes a phased woodland conservation worksheet for the overall Smith Home Farm/Parkside development. The Central Park was previously considered to be one section on previous approvals of the overall worksheet. The overall worksheet now proposes it as two phases of development of the Central Park: "Park 1" and "Park Future." The Environmental Planning Section does support the separation of the TCPII into two phases. The two columns for Park 1 and Park Future shall be combined into one column on the overall worksheet, and the individual worksheets shall be revised to reflect the entire Central Park area.

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

The specific location and grading of proposed trails have been shown with the limits of Phase I on the SDP and TCPII. The conceptual location and required clearing for proposed trails outside of Phase I on land to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC) should also be shown on the TCPII, and should be further refined with future development phases. A previous recommended condition further addresses this requirement.

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.

This SDP is limited to the Central Park only. The review for conformance with this condition will be carried out at the time of the SDP covering the stated area.

11. **Specific Design Plan SDP-1003 and its revisions:** The District Council affirmed the Planning Board's approval of Specific Design Plan SDP-1003 for infrastructure for 1,078 residential dwelling units and attendant recreational facilities for Sections 1A, 1B, 2, and 3 (approximately 265 acres) of the Smith Home Farm project that covers a total of 757 acres, with 33 conditions. The conditions that are pertinent to the review of this SDP are discussed as follows:

6. The SDP for the central park shall include an appropriate location and design of facilities for a trailhead for the Cabin Branch Trail as part of its design program.

This SDP is for Phase I of the Central Park and does not include any Cabin Branch Trail, which is included in the future phases.

7. Unless the timing is modified by the District Council, the applicant shall submit the required SDP for the central park to be approved by the Planning Board, prior to issuance of the 90th building permit.¹

¹District Council will modify the timing of this condition as outlined in Conditions 32 and 33.

This condition of timing has been revised in the SDP-1003-06 revision by the District Council, as discussed below.

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

Since this SDP is limited to the Central Park and contains no residential lots. This condition will be reviewed with other SDPs that have lots in the future.

32. **The Central Park shall be planned in phases. An SDP for Phase I shall be approved prior to issuance of the 90th building permit. The timing for the design and construction documents for Phase II of the Central Park shall be established by District Council at the time of the Phase I SDP for the Central Park and include analysis of the anticipated funding expected to be available. Phase II design shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.**

This condition of timing has been revised in the SDP-1003-06 revision by the District Council, as discussed below.

33. **The Applicant and DPR staff shall develop mutually acceptable boundaries for Phase I. Applicant shall submit an Exhibit showing the boundaries and remaining portions of the Central Park prior to submission of the SDP for Phase I of the Central Park.**

This limited SDP contains the proposed Phase I of the Central Park as agreed upon between the applicant and DPR. This applicant also shows the remaining portions of the Central Park in future phases.

Specific Design Plan SDP-1003 has been revised eight times. Of the eight approved revisions, **SDP-1003-06** was approved by the Planning Board on April 16, 2015 with three conditions. The District Council affirmed the Planning Board's decision on July 21, 2015, with three conditions. The one condition that is applicable to the review of this SDP warrants discussion as follows:

3. **The Central Park shall be planned in phases. A specific design plan (SDP) for Phase I shall be approved prior to issuance of the 200th building permit. The timing for the design and construction documents for Phase 2 of the Central Park shall be established by the District Council at the time of the Phase I SDP for the Central Park and include analysis of the anticipated funding expected to be available. Phase 2 design shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.**

On December 17, 2015, the Planning Board approved the request for reconsideration of Condition 3 and findings related to the approval of SDP-1003-06, for the purpose of addressing the development of the Westphalia Central Park and the issuance of building permits. The subject SDP is in conformance with this condition. The reconsideration request is currently pending final approval by the District Council. Condition 3 has been revised as follows

3. The Central Park shall be planned in phases. A specific design plan (SDP) for Phase I shall be approved prior to issuance of the ~~[200th]~~ *500th building permit. The timing for the design and construction documents for ~~[Phase-2]~~ *future phases of the Central Park shall be ~~[established by the District Council at the time of the Phase I SDP for the Central Park and include analysis of the anticipated funding expected to be available]~~ *done accomplished by the Prince George's County Department of Parks and Recreation (DPR) through the Capital Improvement Program, subject to available funding from the Westphalia Park Club Fund and/or other sources. ~~[Phase-2]~~ *Future phased design shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.

12. **2010 Prince George's County Landscape Manual:** The limited SDP for the Central Park is subject to requirements of Section 4.3, Parking Lot Requirements for interior parking lot planting; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

- a. **Section 4.3, Parking Lot Requirements**—Requires that a proposed parking lot larger than 7,000 square feet provide interior planting islands throughout the parking lot to reduce impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The SDP contains several parking lots that need to provide interior planting. A condition has been included in this resolution to require the applicant to provide Section 4.3 schedules for parking lot interior planting and planting materials, consistent with the applicable requirements, prior to certification.
- b. **Section 4.9, Sustainable Landscaping Requirements**—Requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental trees	50%
Evergreen trees	30%
Shrubs	30%

The landscape plan does not provide the required information. A condition has been included in this resolution to require the applicant to provide Section 4.9 schedules and planting materials consistent with the requirements prior to certification.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) 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 are previously approved Type I and Type II Tree Conservation Plans (TCP I/38/05 and TCPII/057/06).

Type I Tree Conservation Plan TCPI/38/05 was approved with CDP-0501 for the entire Smith Home Farm property, subject to conditions. A revision to the previously approved TCPI (TCPI/38/05-01) was submitted at the time of Preliminary Plan 4-05080 review and was approved by the Planning Board for the entire Smith Home Farm property.

- a. Natural Resources Inventory NRI-006-05-02 was approved during the review of SDP-1003 which reduced the quantity of wetlands and wetland buffers located on the subject property, and reduced the areas of primary management. This was relevant to the calculation of the woodland conservation requirement for the site because of the specific mitigation requirements related to clearing within the primary management area (PMA). The environmental features and PMA shown on the approved NRI are correctly delineated on the SDP and TCPII associated with the current application. No further information regarding the NRI is required at this time.
- b. Type II Tree Conservation Plan TCPII/57/06 was submitted with the original SDP-0506 for infrastructure that covers a very limited part of the Smith Home Farm project around two segments of the two major roadways, and approved by the Planning Board. Although the subject development is only proposed for Phase I of the Central Park at this time, a TCPII covering all property to be conveyed to M-NCPPC as part of the Central Park has been determined to be the best approach. Type II Tree Conservation Plan TCPII-021-2015 has been assigned to all areas of the Central Park. Type II Tree Conservation Plan TCPII-021-2015, as submitted, proposes to address the Central Park in two parts, Phase I and Future Park, when the overall worksheet previously showed only one column for the park as a section. The sectional line shown between Phase I and Park Future should be removed, as the park will be one section. The line now shown graphically as a "section line" between SDP-1101, Phase I, and Park Future shall be replaced by a different graphic element and labeled "SDP-1101 Phase I limits." The Planning Board approved TCPII-021-2015, subject to conditions that have been included in this resolution.
14. **Prince George's County Tree Canopy Coverage Ordinance:** Usually parks and public open spaces are located in the Reserved Open Space (R-O-S) and Open Space (O-S) Zones that are exempt from the requirements of minimum tree canopy coverage (TCC). However, this Central Park has been designed and preserved in a comprehensive design zone, specifically in the R-M Zone that requires a minimum 15 percent of TCC, in accordance with Section 25-128 of the

Tree Canopy Coverage Ordinance. A TCC schedule should be provided on the landscape plan to show conformance with the requirements.

15. **Further Planning Board Findings and Comments from Other Entities:**

- a. **Community Planning**—The application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) future land use category of Mixed-Use. The 2007 Westphalia Sector Plan and SMA identifies the land use in the proposed Central Park as public/private open space. It was further noted that Historic Blythewood and its environmental setting are situated east of Melwood Road. The applicant has proposed a Central Park plan that incorporates many of the active and passive recreational facilities recommendations of the sector plan, including a cloud structure/ice rink, concession areas, a performance lawn, a recreational pond, basketball courts, sand volleyball courts, picnic areas, a tot lot, a school age playground, skate park, a tennis center, and an amphitheater. Although the construction phasing is still being worked out, the general park programming is in conformance with the Westphalia Sector Plan.

The applicant has worked closely during the review process with the Historic Preservation Section (M-NCPPC) and DPR to accurately establish the boundary of Historic Blythewood. The Historic Preservation Committee (HPC) has reviewed the new boundary of the historic setting of Blythewood and approved a final layout at their December 2015 meeting that will be used by the applicant to carry out parkland dedication to DPR in future. The entrance section to Historic Blythewood should be dedicated for public use and constructed as part of MC-631. The perpetual maintenance responsibility of the entrance area right off MC-631 should reside with the future owner of the Blythewood property.

- b. **Subdivision Review**—The Planning Board reviewed the conditions attached to the approval of Preliminary Plan 4-05080 that are applicable to the review of this SDP, as follows:

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.

As written, Condition 31 would allow the phasing of dedication by ownership. Currently, the property to be conveyed as the Central Park is under two different ownerships. The ownership information should be delineated on SDP-1101. The

entirety of the Central Park, per Exhibit A (Preliminary Plan 4-05080) should be reflected on SDP-1101, with acreage, bearings, and distances. Delineate the dedication of the Central Park by Smith Home Farm, as well as the future dedication of Central Park by DASC, LLC. The property to be dedicated to M-NCPPC and the parcel lines should be dimensioned, including bearings and distances.

Historic Blythewood

- 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.**

Condition 29 directs the applicant to revise the preliminary plan prior to signature approval. The requirements of Condition 29 were not reflected on the certified plan and are required to be reflected thereon. The Blythewood Homesite Parcel was to be revised to include the “tree-lined lane leading to the house and outbuildings, and the land connecting these two stems.” The two stems referenced in the condition are the proposed commercial entrances provided off of the traffic circle for the future reuse of the historic site and the original tree-lined lane. The SDP shall be revised to make this correction.

- 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.**

Condition 33 refers to the tobacco barn that is adjacent to the north of the tree-lined lane that was the original driveway for Blythewood (referred to in Condition 29). The condition requires that, prior to final plat approval, the applicant shall obtain approval from the HPC for the removal of the tobacco barn, or that the parcels be adjusted so that the tobacco barn is not included in the lands to be conveyed to M-NCPPC. The applicant has two options prior to the approval of this SDP; either adjust the parceling to incorporate the tobacco barn within the

Blythewood Homesite Parcel to be retained by the applicant, and not to be conveyed to M-NCPPC, or obtain approval from the HPC to relocate the tobacco barn.

Master Plan Road P-615

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**

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.

The preliminary plan was approved with master-planned road P-615, a 60-foot-wide right-of-way. Road P-615 delineates the southern boundary of the Central Park (the ring road). Specific Design Plan SDP-1101 shall be revised to label P-615 to be dedicated to public use as required by Condition 44 of the preliminary plan. The Central Park access for Phase I is not a standard driveway connection with P-615, P-615 is being treated as if it was a driveway. As shown, the park entrance will need to be rebuilt when P-615 is constructed. Specific Design Plan SDP-1101 should be revised to correct the entrance to result in a perpendicular intersection with P-615, in conformance with 4-05080.

Realignment of Master Plan MC-632

Specific Design Plan SDP-1101 proposes to realign MC-632 approximately 156 feet west of the alignment shown on the approved preliminary plan. The proposed alignment is consistent with the MC-632 alignment on the approved Preliminary Plan (4-08002) for Westphalia Center, which is the adjacent subdivision to the south of this SDP. Staff supports the realignment of MC-632. The additional land area to the west of realigned MC-632 should be included in the M-NCPPC park parcel to the north for use as an access

road, and remain outside of the environmental setting of the Historic Blythewood Homesite Parcel, as determined by the HPC.

- c. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated November 23, 2015 (Asan to Zhang), DPR provided a comprehensive background review of the Central Park and the pertinent park-related conditions attached to all previous approvals for this project, as follows:

The Westphalia Sector Plan (CR-2-2007)

The Westphalia Sector Plan designates the Westphalia Central Park as a regional draw and icon for Westphalia. 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, skate park, splash park, sport fields and courts, dog park, trails (pedestrian, bicycle, and equestrian), and other similar features. The sector plan recommends that a park fee of \$3,500 per new dwelling unit (in 2006 dollars) be established to fund construction of the public park facilities recommended in the sector plan.

Westphalia Central Park Parkland Dedication

The developer of Smith Home Farm is required to dedicate 130 acres of land for the Westphalia Central Park. The dedicated parkland includes steep slopes, 100-year floodplain, and a 26-acre portion of the environmental setting associated with Blythewood, a historic site that will be surrounded by parkland on three sides. These features limit the development potential of the dedicated parkland. M-NCPPC recognized the need for additional parkland suitable for active recreation and, in 2014, acquired an additional 111.9 acres as an addition to the future Central Park. This acquisition allowed expansion of the Westphalia Central Park to 241 acres.

Financing of the Design and Construction of the Westphalia Central Park

During the development of plans for Smith Home Farm, Westphalia Center, the Moore Property, Cambridge Place at Westphalia, and the Cabin Branch Village project, the developers of these projects agreed to contribute \$3,500 per dwelling unit (in 2006 dollars) into a “park club” or provide an equivalent amount of in-kind services for the construction of the recreational facilities that would make up the Westphalia Central Park. Monetary contributions will be used for design, construction, operation, and perhaps maintenance of the recreational facilities in the Westphalia Central Park and/or other recreational amenities that will serve the Westphalia study area. The park club is administered by DPR. The following table provides information about the number of dwelling units approved in these projects:

Smith Home Farm (R-M zone)	3,648 dwelling units (d.u.)
Smith Home Farm (L-A-C zone)	300 d.u.
Westphalia Center	4,356 d.u.
Moore Property	640 d.u.
Cambridge Place at Westphalia	301 d.u.
Cabin Branch Village	206 d.u.
<hr/>	
Total d.u.	8,811 d.u.

The total anticipated developer contributions for 8,811 dwelling units at \$3,500 per unit yields **\$30,838,500** (in 2006 dollars). This contribution amount will be adjusted for inflation using the Consumer Price Index (CPI) on an annual basis.

Westphalia Central Park Schematic Design Plan

Per Condition 10(b) of CDP-0501, the applicant, in cooperation with a design team from DPR, County Council staff, and the Westphalia Advisory Group developed a schematic design plan for the Central Park. The Central Park is designed as an urban park with an art and nature theme. The schematic design plan includes a promenade; a plaza with a shade structure designed in the shape of a cloud, which includes a water feature, restrooms, and a concession building; a grand performance lawn; an amenity pond; adventure playgrounds; picnic areas; volleyball courts; basketball courts; an amphitheater with a plaza and restroom facility; a tennis center; skate park; group picnic areas; sculptures; gardens; a dog park; parking lots in four locations providing vehicular access to the recreational amenities of the park; a nature center; formal and community gardens; an extensive network of pedestrian, bicycle, and equestrian trail; and the environmental setting for the Blythewood historic site.

DPR reviewed the submitted revisions to the SDP and finds that the following conditions of the previous approvals are applicable to the above application:

Comprehensive Design Plan CDP-0501, Condition 23 states:

- 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.**

The SDP for the Phase I Central Park has been prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and the Urban Design Section.

Specific Design Plan SDP-0506/02, Condition 5 states:

- 5. Prior to the approval of the final plat of MC-631, adjacent to the Central Park, the plat shall reflect an easement over the stormwater management facility to the benefit of DPW&T, which provides functional maintenance of the SWM pond C by DPW&T.**

The portion of MC-631 adjacent to the Central Park has not been platted yet; however, the applicant is in the process of conveying parkland to M-NCPPC which contains stormwater Management Pond C. DPR believes that, prior to conveyance of parkland to M-NCPPC, the applicant must develop an easement agreement with M-NCPPC and the County which demonstrates that functional maintenance of Pond C on parkland will be provided by the Prince George's County Department of Public Works and Transportation (DPW&T).

Specific Design Plan SDP-1003/06, Condition 3 states:

- 3. The Central Park shall be planned in phases. A specific design plan (SDP) for Phase I shall be approved prior to issuance of the 200th building permit. The timing for the design and construction documents for Phase 2 of the Central Park shall be established by the District Council at the time of the Phase I SDP for the Central Park and include analysis of the anticipated funding expected to be available.**

Phase 2 design shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.

Per the applicant's offer at the time of CDP-0501 approval, the applicant provided design services in lieu of a financial contribution into the Westphalia Park Club, as set forth in CDP-0501, Condition 22. The design services provided for the development of a master plan, a schematic design plan, and a SDP for Phase I.

The applicant is also in the process of developing construction documents for construction of Phase I of the Central Park. It is anticipated that the cost for these services will be reimbursed to the applicant from an escrow account for park design and construction, established by, administered by, and maintained by the M-NCPPC.

This SDP for Phase I is for a 46-acre portion of the 130-acre Central Park. Phase I is located in the western portion of the park and will be accessible from the roundabout located at the intersection of Central Park Drive and Rock Spring Drive. The SDP for Phase I was developed in accordance with the requirements of Section 27-527 of the

Zoning Ordinance. The SDP for Phase I includes a site plan showing buildings, functional use areas, circulation, and relationships between them, preliminary architectural plans, including floor plans and exterior elevations, a landscape plan prepared in accordance with the provisions of the Landscape Manual, a TCPII; and an NRI.

The SDP for Phase I includes the most active portion of the park. Phase I includes two vehicular access ways to the park from a public road; a pedestrian promenade connecting to a major plaza, which will include a signature shade structure designed in the shape of a cloud with a water feature, pump building, restroom buildings, and a concession building; a grand performance lawn; an amenity pond; an adventure playground; a group picnic area; volleyball courts; basketball courts; an amphitheater with a plaza and restroom facility; group picnic areas; sculptures; a 200-space parking lot; and an extensive network of pedestrian and bicycle trails and bridges. DPR reviewed the submitted SDP and found it in general conformance with the requirements of the Zoning Ordinance. The modifications proposed to the SDP by DPR are listed on attached DPR Exhibit A.

It is anticipated that a portion of the Phase I Central Park shall be constructed by the applicant. 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 and/or other sources. The timing for the design and construction documents for future phases of the Central Park shall be determined by DPR through the Prince George's County Capital Improvement Program, subject to available funding from park club fees and/or other sources. The design of the future phases shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.

In a revised memorandum dated February 8, 2016 (Asan to Zhang), DPR provided the following:

The applicant (SHF Project Owner LLC) proposes to establish the boundaries of the proposed Westphalia Central Park and the Blythewood Historic Site as shown in Specific Design Plan (SDP-1101). While re-evaluating the proposed boundaries of the Westphalia Central Park, DPR staff noted again that public access to the eastern portion of the park may be challenging due to the steep slopes along master-planned roads MC-631 and MC-632. In some instances, MC-632 will be elevated 17 to 35 feet above the existing grade of adjoining parkland. DPR staff, in coordination with the applicant, the Planning Department and Department of Public Works and Transportation (DPW&T) staff, determined that the public right-of-way should be extended 100 feet east of MC-632 to provide access to the public right-of-way for both the proposed Westphalia Central Park and Blythewood. DPW&T staff recommended establishment of a 100-foot by 50-foot public right-of-way for a stub street. The parties agreed that the applicant should be responsible for the construction of the stub street at the time of construction of

MC-632 and that the owners of Blythewood should be responsible for the maintenance of this stub street because a section of it will be a part of the Blythewood driveway connection to MC-632.

Since submission of the DPR memorandum, the applicant has submitted revised plans which address DPR proposed revisions as described in Exhibit “A” of the original memorandum. DPR staff finds the revised plans to be acceptable; therefore, we recommend deletion of Condition-1 of the original memorandum.

Further, we recommend removal of Condition-5 since the applicant provided a recorded Storm Water Management (SWM) Easement (L-36155, F-076) which states that SWM Pond “C” located on parkland will be maintained by the County. However, this agreement has a provision which states: “The County, its successor and/or assignees, is granted the right to restrict the Landowner, its successors and/or assignees, from construction any structures or building and/or improvement or fill or excavation upon the said easement, or conduct any activity that may interfere with the proper functioning of the detention/retention basin(s), unless the prior written consent of the County is given thereto”. The proposed SDP plan shows portions of the park trails located within the SWM easement. DPR staff does not believe that these trails will interfere with the proper functioning of the detention/retention basin of the SWM Pond “C.” However, written consent from the DPW&T is required under easement agreement.

DPR recommends approval of SDP-1101, with seven conditions that have been included in this report.

- d. **Environmental Planning**—The Planning Board reviewed all of the previous approvals governing the subject application and the following applications and associated plans for the subject site:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9965-C A-9966-C	N/A	District Council	Approved	5/22/2006.	N/A (Final Decision)
NRI-006-05	N/A	Planning Director	Signed	8/8/2005	N/A
NRI-006-05-01	N/A	Planning Director	Signed	11/14/2006	N/A
NRI-006-05-02	N/A	Planning Director	Approved	7/25/2012	N/A
CDP-0501	TCPI-038-05	Planning Board	Approved	2/23/2006	PGCPB No. 06-56.
CDP-0501-01	TCPI-038-05	Planning Board	Approved	12/01/2011	PGCPB No. 11-112
4-05080	TCPI-038-05-01	Planning Board	Approved	10/14/2005	PGCPB No. 06-64(A)
SDP-0506	TCPII-057-06	Planning Board	Approved	7/27/2006	PGCPB No. 06-192
SDP-0506-01	TCPII-057-06-01	Planning Board	Approved	2/23/2012	PGCPB No. 12-14
SDP-0506-02	TCPII-057-06-02	Planning Board	Approved	2/12/2015	PGCPB No. 15-18

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
SDP-1002	TCPII-057-06-02	Planning Board	Approved	1/25/2012	PGCPB No. 12-07
SDP-1003	TCPII-008-12 TCPII-009-12 TCPII-010-12 TCPII-011-12	Planning Board District Council	Approved Approved	3/29/2012 7/24/2012	PGCPB No. 12-21
SDP-1003-01	TCPII-008-12-01 TCPII-009-12-01 TCPII-010-12-01 TCPII-011-12-01	Planning Board District Council	Approved Approved	5/30/2013 9/23/2013	PGCPB No. 13-62
SDP-0506-03	TCPII-057-06-02	Planning Board	Approved	7/17/2014	PGCPB No. 14-70
SDP-1003-06	TCPII-011-12-02	Planning Board District Council	Approved Approved	4/6/2015 7/21/2015	PGCPB No. 15-36
SDP-1003-05	TCPII-011-12-03	Planning Board	approved	9/10/2015	PBCPB No. 15-91
SDP-1003-07	TCPII-010-12-02	Planning Board	Approved	11/19/2015	PGCPB No. 15-121
SDP-1003-08	N/A	Planning Director	Approved	12/14/2015	N/A
SDP-1101	TCPII-021-2015	Planning Board	Pending	Pending	Pending

Grandfathering

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, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it had a previously approved tree conservation plan.

It is not grandfathered from Section 25-122(b)(6), regarding the location of off-site woodland conservation, because no off-site location was previously identified and the off-site location is generally identified at the time of grading permit.

Environmental Review

The environmental review of SDP-1101 and TCPII-021-2015 has been limited to the Central Park property to be conveyed to M-NCPPC, specific revisions proposed with the current application, and areas of Section 6 which are affected.

- (1) Natural Resources Inventory NRI-006-05-02 was approved during the review of SDP-1003 which reduced the quantity of wetlands and wetland buffers located on the subject property and reduced the areas of PMA. This was relevant to the calculation of the woodland conservation requirement for the site because of the specific mitigation requirements related to clearing within the PMA. The environmental features and PMA shown on the approved NRI are correctly delineated on the SDP and TCPII associated with the current application.

No further information regarding the NRI is required at this time. There is a considerable amount of PMA, mostly 100-year floodplain, located within the Central Park which is under review with the current application.

- (2) This site is subject to the provisions of the WCO because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and there are prior TCPs approved for the site. Type I Tree Conservation Plan TCPI-038-05 was previously approved with CDP-0501, and revised (-01) with Preliminary Plan 4-05080.

Although development is only proposed for Phase I of the Central Park at this time, a TCPII covering all property to be conveyed to M-NCPPC as part of the Central Park has been determined to be the best approach. The sectional line shown between Phase I and Park Future should be removed, as the park will be one section. The line now shown graphically as a “section line” between SDP-1101, Phase I, and Park Future shall be replaced by a different graphic element and labeled “SDP-1101 Phase I limits.”

Type II Tree Conservation Plan TCPII-021-2015 has been assigned to all areas of the Central Park. Type II Tree Conservation Plan TCPII-021-2015, as submitted, proposes to address the Central Park in two parts, Phase I and Future Park, when the overall worksheet previously showed only one column for the park as a section. The overall work sheet should not be used to introduce phasing within the TCPII for this section. There is no benefit to phasing of this plan for implementation. The TCPII shall be revised to show one column in the overall worksheet for the Central Park on TCPII-021-2015. Likewise, the Woodland Conservation Summary Table, the Woodland Area Summary Table, and the Afforestation Area Summary Table shall be revised to reflect that “Park 1” and “Park Future” have been combined into a single section called “Park.” The Afforestation Area Summary Table shall be combined into a single table, and renumbered consistently.

- (3) It is general practice to place a permanent tree protection device (split-rail fence or equivalent) along the vulnerable edges of any afforestation/reforestation area to protect the new planting from construction activities and mowing while it is established. Because the construction of the Central Park will be a long-term development project, DPR requests that the use of split-rail fencing be limited to those areas of the park where active grading and construction is occurring, general Phase I, or areas adjacent to infrastructure development.

In other areas of the site where construction and maintenance are not proposed, DPR prefers the use of a standard post-type tree protection signage detail placed 50 feet on center to delineate the vulnerable edge of afforestation areas. The

standard detail shall be revised to use the DPR woodland conservation signage in lieu of signage referencing DPIE. The usage of a split-rail fence versus post-type woodland conservation signage may be subject to revision, based on the future pattern of construction on the site.

- (4) The proposed TCPII shows the removal of specimen trees outside of Phase I development in portions of the site where no limit of disturbance is shown. No removal of specimen, champion, or historic trees outside of the limits of Phase I shall be shown on the TCPII. The removal of specimen, champion, or historic trees is subject to approval of future revisions of the TCPII when development is proposed for those portions of the site. In addition, any tree over two inches diameter at breast height within the environmental setting of Blythewood shall be deemed historic and shall be shown on the TCPII. The removal of a historic tree is subject to approval of a historic area work permit by the HPC and approval of a revised TCPII.
- (5) The overall development site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Impacts to the PMA for the former Smith Home Farm development were approved with Preliminary Plan 4-05080.

The PMA impacts proposed with Phase I of SDP-1101 and TCPII-021-15 were found to be consistent with those approved at the time of preliminary plan, and with those approved on the comprehensive design plan.

The minimization of PMA impacts proposed outside of Phase I development, including the stream valley trail and connector trails within the Central Park, will be addressed with future applications.

The Planning Board approved the subject limited Specific Design Plan SDP-1101 and TCPII-021-2015 for the Central Park, subject to conditions.

- e. **Transportation Planning**—There are no transportation-related issues in this SDP.
- f. **Trails**—The Planning Board reviewed the submitted SDP application 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), as well as trail-related conditions attached to prior approvals for this site in order to implement planned trails, bikeways, and pedestrian improvements.
- g. **Special Projects Section**—The Planning Board reviewed this application in accordance with Section 27-528(a)(2) of the Zoning Ordinance to ensure that 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. This application is a special SDP for the Central Park development only, the required findings have been made.

- h. **Prince George's County Department of Permitting, Inspection and Enforcement (DPIE)**—In a memorandum dated December 4, 2015 (Giles to Zhang), DPIE provided standard comments on many issues such as roadway improvements, utility, storm drainage system, street lighting, street tree, sidewalks, soils, and 100-year floodplain. DPIE also noted that the subject site is covered by a stormwater management approval for the larger Smith Home Farm project, but also has a specific stormwater management plan for Phase I of the Westphalia Central Park. The application is consistent with the approved stormwater concept. The requirements of DPIE will be enforced at the time of the specific permit review.
- i. **Maryland State Highway Administration (SHA)**—In a memorandum (Pranoy to Zhang), SHA offered no comments and indicated that any work within SHA right-of-way will require SHA plan review.
- j. **Historic Preservation Commission (HPC)**—The HPC reviewed the subject specific design plan application at its December 15, 2015 meeting and would like to forward the following findings, conclusions, and recommendations to the Planning Board. The HPC voted 6-0-1 in favor of the enclosed recommendations, as follows:

Findings

- (1) The HPC reviewed zoning applications (basic plans) A-9965 and A-9966 at its September 22, 2005 meeting. At that time, Blythewood was classified as a Historic Resource in the 1992 *Historic Sites and Districts Plan*. The Planning Board approved the rezoning applications on September 29, 2005, and the resolutions (PGCPB No. 05-199/200) were adopted on October 7, 2005. Subsequently, the cases were appealed and heard by the Zoning Hearing Examiner on October 7, 2005. On October 26, 2005, the recommendation 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, identical for both applications.

At the time of Comprehensive Design Plan (CDP), the applicant was required to submit a timetable and plan for the ultimate reuse of Blythewood and its associated outbuildings for appropriate recreational or interpretive uses. The applicant was in negotiations with the Prince George's County Historical Society to convey Blythewood to that organization for use as its headquarters. Blythewood was ultimately not conveyed to the Prince George's County Historical Society.

The applicant was also required to define an environmental setting for Blythewood and submit a security and maintenance plan for all the structures within the Blythewood environmental setting, to be documented by semi-annual reports to Historic Preservation staff until the final plan for that area was implemented.

- (2) At its October 18, 2005 meeting, the HPC evaluated the Blythewood Historic Resource. The HPC voted 4-0-1 to designate Blythewood as a Prince George's County Historic Site with an approximately 33-acre environmental setting as shown in the staff exhibit. Metes and bounds for the approximately 33-acre environmental setting were not provided at that time.
- (3) The HPC reviewed CDP-0501 at its January 17, 2006 meeting. The 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. A number of conditions recommended by the HPC were included in the Planning Board's approval. The historic preservation conditions addressed the submission of a timetable and plan for the ultimate reuse of the historic buildings, the execution of a legally binding agreement with the adaptive user of Blythewood and its outbuildings, and the requirement for additional archeology within the approximately 33-acre Blythewood environmental setting if any ground disturbance was proposed. Most conditions of CDP-0501 have been satisfied and several were carried forward to the preliminary plan reviewed by the Planning Board.

An adaptive user for the Blythewood Historic Site was not identified and a timetable and plan for ultimate reuse of the historic buildings was not submitted to Historic Preservation staff. For some time, the applicant used the Blythewood house for offices. No ground disturbance or alterations within the Blythewood Environmental Setting was proposed with CDP-0501 and no further archeological investigations were required at that time.

- (4) Preliminary Plan 4-05080 was reviewed by the HPC at its February 21, 2006 meeting and several conditions were recommended. Seven historic preservation conditions (23, 24, 25, 26, 27, 28, 29, and 33) were approved by the Planning Board on September 7, 2006 and administratively corrected on February 19, 2013 (PGCPB No. 06-64 (A/2)(C)).

The applicant's consultant archeologist conducted additional historical research on the early history and occupation of the Smith Home Farm property and on the enslaved laborers held by the Berry family, former owners and occupants of Blythewood. This additional research was incorporated into the final Phase I and II archeological reports for the Smith Home Farm property.

A draft security and maintenance plan was submitted to Historic Preservation staff on May 9, 2006. This security agreement was not recorded among the Prince George's County land records. The applicant or his heirs, successors and/or assigns, has not submitted semi-annual conditions reports for the Blythewood Historic Site.

The approximately 33-acre Blythewood Environmental Setting was to be shown on the approved Preliminary Plan of subdivision. A separate parcel was created within the Environmental Setting to include the Blythewood house, its outbuildings, the original tree-lined entry lane and a commercial vehicular access. The approved preliminary plan does not correctly show the Blythewood environmental setting or the "Historic Blythewood Homesite Parcel." Because the environmental setting was incorrectly shown on the Preliminary Plan, the applicant planted trees in a small 0.04-acre area in the southeast corner of the setting without an approved historic area work permit as part of the required afforestation for the overall Smith Home Farm development.

- (5) The subject specific design plan application (SDP-1101) will correct the improperly and inadequately recorded boundaries of both the Blythewood Historic Site environmental setting and the limits of the Historic Blythewood Homesite Parcel (now referred to as the "Blythewood Historic Parcel") to reflect current conditions at the property to be located within the Westphalia Central Park.

At the December 15, 2015 meeting, Mr. Robert Antonetti, Esq., submitted a revised version of Applicant's Exhibit 1 for SDP-1101, Westphalia Central Park that shows the environmental setting approved by the Historic Preservation Commission, adjusted to 31.17 acres. The Blythewood Historical Parcel has been expanded to include 8.70 acres that encompass the Blythewood historic house, outbuildings, most of the original tree-lined entry lane, the proposed commercial entrance as required by Condition 29 of the Preliminary Plan of subdivision, a public right-of-way to provide access to the Blythewood House and the public park, and the two tenant houses to the southeast of the farm building complex. Since the approval of the preliminary plan of subdivision (4-05080), the tobacco barn at the end of the tree-lined entry lane has collapsed. Because the tobacco barn remains within the environmental setting, the applicant, his heirs, successors and/or assigns must obtain a historic area work permit before the ruined barn can be removed.

- (6) The subject specific design plan application delineates 3.94 acres of afforestation within the 31.17-acre Blythewood environmental setting. Afforestation is the establishment of a forest or stand of trees in an area where there is currently no forest. The proposed afforestation will aid in the protection of Melwood Branch from further siltation. Prior to submission of the subject SDP, 0.04 acre of trees were planted as part of the applicant's afforestation requirements. At the time of

planting, the applicant presumed that the area was located outside the environmental setting as incorrectly represented on the preliminary plan. In fact, the planting area has always been within the environmental setting and should be included for after-the-fact approval in the HAWP required for the 3.94 acres of proposed afforestation.

Conclusions

- (1) Several conditions remain from Preliminary Plan 4-05080, approved for the Smith Home Farm property, and continue to be relevant. These conditions, modified to reflect current circumstances, should be carried forward with the subject specific design plan application.
- (2) Because the Blythewood main house and a number of outbuildings have not been in use for some time, the applicant should be required to submit a baseline conditions report for the Blythewood historic site and its associated farm complex. Subsequent to the submittal and acceptance of the baseline report by the Historic Preservation Section, the applicant, his heirs, successors and/or assigns should submit semi-annual conditions reports to the HPC until a final adaptive reuse for the historic site is identified and implemented.
- (3) The applicant's proposed afforestation on 3.94 acres within the Blythewood environmental setting will not adversely affect the historic site. Native species should be considered within the proposed afforestation area. The required afforestation must be protected by fencing and/or signs, the installation of which may impact archeological resources. As such, the required HAWP should address the potential need for Phase I archeological investigation of any area to be disturbed for fencing or signage. The HPC supports the applicant's proposed afforestation within the environmental setting and the submission of an HAWP application for that planting, fencing, signage, and the after-the-fact approval of plantings already within the environmental setting.
- (4) Applicant's Exhibit 1 (dated December 7, 2015) correctly shows the metes and bounds of the Blythewood Historic Site (78-013) environmental setting, containing 31.17 acres and the Blythewood Historic Parcel, containing 8.70 acres.

The two conditions recommended by the HPC have been included in this resolution.

- j. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated September 18, 2015 (Mapes to Zhang), WSSC provided standard comments on this application. The requirements of WSSC will be enforced at the time of appropriate permit review by the agency.

- k. **Prince George's County Health Department**—At the time of the preparation of this resolution, the Health Department had not responded to the referral request. No residential lots are included in this limited SDP for the Central Park.
 - l. **Westphalia Sector Development Review Council (WSDRC)**—At the time of the preparation of this resolution, the WSDRC had not responded to the referral request.
16. **Required findings:** Section 27-528 of the Zoning Ordinance requires that the Planning Board make the following findings for approval of a 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, 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);**

The subject SDP has been evaluated for conformance with previously approved CDP-0501 and CDP-0501-01 that govern the subject site, as discussed above in Finding 8. The relevant conditions of approval have been reviewed to ensure conformance to the requirements of the CDP approvals. As detailed in Finding 12 above, the subject application conforms to the applicable standards of the Landscape Manual.

- (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;**

This project is not a regional urban community.

- (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 or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The Planning Board reviewed the subject application for conformance with this requirement to ensure that the development will be adequately served by the existing and programmed infrastructures. Adequate transportation findings have been made in conjunction with the preliminary plan and subsequent SDPs. The subject SDP is for Phase I of the Central Park only and no additional development component is involved. This SDP will have no effect on the previous findings of adequacy made in conjunction with the preliminary plan and previous SDPs.

(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;

In a memorandum dated December 4, 2015, DPIE stated that the subject project is consistent with the requirements of approved Stormwater Management Concept Plan 36059-2005-00 that covers the entire Smith Home Farm project. In addition, DPIE also stated that an individual stormwater concept plan specifically for Westphalia Central Park, Phase I, was also approved on November 29, 2015. Therefore, this finding has been made.

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

The subject revision application is being approved together with Type II Tree Conservation Plan TCPII-021-2015. Finding 14 above discusses TCP conformance, and it may be said that the project conforms to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.

(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).

Subtitle 24-130(b)(5) of the Subdivision Regulations is as follows:

- (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

The land area covered by the subject SDP contains regulated environmental features. The Planning Board concluded that the on-site regulated features are preserved and/or restored to the fullest extent possible.

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 Plan (TCPII-021-2015), and further APPROVED Specific Design Plan SDP-1101 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall:
 - a. Revise the parcel configuration to widen the stem of the Historic Blythewood Homesite to include the original "tree-lined lane."
 - b. Either obtain approval from the Historic Preservation Committee for the removal of the tobacco barn, or adjust the parcel line of the Historic Blythewood Homesite Parcel to include the barn.
 - c. Label P-615 right-of-way to be dedicated by plat. Revise the park entrance to result in a perpendicular intersection with P-615.
 - d. Label that the MC-632 right-of-way shall be dedicated by plat and aligned with the approved subdivision to the south, as shown on the applicant's "MC-632 Proposed ROW Exhibit."
 - e. Revise the landscape plan to show conformance with the requirements of Sections 4.3 and 4.9 of the 2010 *Prince George's County Landscape Manual*. The applicable landscape schedules shall be provided.
 - f. Revise the SDP to include the landscaping plan for the planned stormwater management, Pond C, and submit it to the Prince George's County Department of Parks and Recreation for review and approval.
 - g. At all locations where stairs are placed along trails, a bicycle stair trough or other comparable facility shall be included to accommodate bicycles.
 - h. Revise the Blythewood Historic Site (78-013) environmental setting to include 31.17 acres and revise the Historic Blythewood Homesite Parcel to include 8.70 acres, as depicted on Applicant's Exhibit 1 for Specific Design Plan SDP-1101.
 - i. Submit a current conditions assessment for the Blythewood Historic Site (78-013) to the Historic Preservation Section and the Historic Preservation Commission (HPC) for review and approval. To ensure proper maintenance of the Blythewood historic site, a conditions

assessment report and a regular maintenance plan for the property shall be submitted semi-annually (August and February) to M-NCPPC and the HPC until an adaptive reuse for the property is identified and implemented.

- j. Provide a note on the SDP, the Type II tree conservation plan, and the final plat for the Westphalia Central Park that states that no disturbance is permitted within the Blythewood historic site environmental setting including, but not limited to, the installation of stormwater management facilities, grading for stormwater management or for public or private roads, for the removal or addition of buildings, or for the alteration of any building exterior without a historic area work permit approved by the Historic Preservation Commission, or its designee.
- k. Submit a copy of the valid approved stormwater management concept plan to confirm that all ponds have been designed to eliminate impacts to the primary management area (PMA) associated solely with pond grading within Phase I, to the fullest extent possible. Review of PMA impacts outside of Phase I shall be evaluated with future SDPs.
- l. Provide written authorization from the Prince George's County Department of Parks and Recreation for the proposed woodland conservation within the limits of the Central Park.
- m. Revise the overall woodland conservation worksheet to indicate where additional on-site woodland conservation shall be provided to satisfy the deficit of on-site woodland conservation to meet the woodland conservation threshold for the overall Smith Home Farm development of 159.04 acres. If additional minor woodland conservation is proposed in a section or sections with a previously approved Type II tree conservation plan (TCPII), the affected TCPII(s) shall be revised at staff level prior to certification of the current application. If additional woodland conservation is proposed within a section or sections that does not have a TCPII yet, it shall be satisfactorily demonstrated where the additional woodland conservation shall be provided.
- n. Revise the SDP to show a 50-foot-wide by 100-foot-long right-of-way extension at the entrance to Blythewood property as shown on attached Exhibit B.
- o. Obtain written consent from the Prince George's County Department of Public Works and Transportation (DPW&T) for the construction and maintenance of the trails within the stormwater management easement area, or the SDP shall be revised to relocate trails outside of the easement area and approved by the designee of the Planning Board.
- p. Provide legible bearings and distances on all property lines, and indicate on the plan sheet to whom the land is to be conveyed/dedication (homeowners association/M-NCPPC).
- q. Label MC-635/P-615 abutting the south side of the Central Park as being dedicated to public use, in accordance with Preliminary Plan of Subdivision 4-05080.

- r. Dimension and label the prescriptive right-of-way of historic Melwood Road on each sheet of the site plan.
 - s. Add a note that: It is intended that Historic Melwood Road is to be vacated and all rights in interest and ownership in the road are to be transferred from Prince George's County to the property owner and the property owner's heirs, successors, and/or assignees by quit claim deed upon completion of the road closure process required by Subtitle 23, as required by Prince George's County.
 - t. Label and dimension the access extension from MC-632 east to serve the public park and the Blythwood historic site as public right-of-way dedication.
2. Prior to approval of final construction documents for the Central Park playground, as well as the details for the poured-in-place surface material design, the plans shall be refined in consultation with the Prince George's County Department of Parks and Recreation (DPR), and shall be approved by DPR.
 3. Prior to approval of final construction documents for the Central Park, the size and details of the architectural elements of the Central Park including the cloud pavilion, restrooms facilities, the concession building, and the pump structure shall be refined in consultation with the Prince George's County Department of Parks and Recreation (DPR), and shall be approved by DPR.
 4. Any concrete structures proposed on parkland as part of planned stormwater management ponds or Washington Suburban Sanitary Commission sewer realignment, including riser structure or headwalls, shall be finished with a stone veneer. The plans for the stone veneer shall be approved by the Prince George's County Department of Parks and Recreation.
 5. Prior to the afforestation of 3.94 acres within the Blythwood Historic Site's environmental setting, the applicant shall obtain a historic area work permit from the Historic Preservation Commission.
 6. Prior to issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S. within the Central Park, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
 7. At time of the construction of MC-632, the applicant shall construct the stub street within a 50-foot-wide by 100-foot-long right-of-way as shown on attached Exhibit B, in accordance with Prince George's County Department of Public Works and Transportation approved plans.
 8. Prior to certification, the specific design plan (SDP) and Type II tree conservation plan (TCPII) shall be revised as follows:

- a. The sheet layout of the TCPII and the SDP shall match for the current application.
- b. The environmental setting for the Blythewood historic site, as approved by the Historic Preservation Commission, shall be correctly shown and labeled on the SDP and TCPII for the Central Park, including metes and bounds.
- c. All afforestation areas and site features approved within the environmental setting of Blythewood by the Historic Preservation Commission, per Historic Area Work Permit (HAWP) 2016-07, shall be shown and the conceptual features not approved under the HAWP shall be removed.
- d. The Blythewood historic parcel, as approved by the Historic Preservation Commission, shall be correctly delineated and labeled on the plans, including metes and bounds.
- e. A determination shall be made by the Prince George's County Department of Parks and Recreation about the correct property boundaries for the park conveyance with regard to the property currently labeled as part of "Retained" in the northeast corner of the site. The final determination of the ultimate Central Park boundaries shall be reflected on all affected SDP and TCPII plan sheets, and labeled as "Future Conveyance to M-NCPPC." Metes and bounds shall be included on all property boundaries.
- f. The SDP and TCPII shall be revised to include the following note on the appropriate plan sheets:

"The conceptual location of the Cabin Branch Trail, with an assumed width of 28 feet including the trail and adjacent clear zones, is proposed to be located within the 35-foot-wide WSSC easement leading east from Parcel CP3."
- g. The SDP and TCPII shall only include stormwater management features within the Central Park which meet one of the following criteria:
 - (1) The stormwater feature was approved as part of a previous SDP and deemed authorized by the Prince George's County Department of Parks and Recreation; or
 - (2) The stormwater feature is proposed within the boundaries of Phase I of the park development, and is authorized by the Prince George's County Department of Parks and Recreation; or
 - (3) The stormwater feature is proposed outside of the boundaries of Phase I of the park development and has been conceptually authorized by the Prince George's County Department of Parks and Recreation, and written authorization is provided.

- h. The coversheet shall be revised to label the SDPs and TCPIIs for the Central Park, Sections 5 and 6.
- i. The note underneath the section and location plan shall be amended to include consistency with TCPI-038-05-01.
- j. The note under the Afforestation Area Summary Table shall be revised as follows:
 - “Areas 30, 31, and 32, previously located in Section 6 (SDP-1302 and TCPII-019-13), have already been planted for the benefit of Section 2, TCPII-010-12.”
- k. On Sheets 4 and 5, the limits of off-site clearing into Infrastructure 2 and Section 5 shall be completely delineated, and off-site clearing shall be included in the Sheet Summary Table.
- l. Woodland conservation signage shall be minimized to the extent possible, as follows:
 - (1) Signage is not required along utility easements, unless the utility easement contains a trail where adjacent mowing is anticipated.
 - (2) Separate specimen tree signage is not required when the tree is located within a larger woodland conservation area with appropriate signage.
 - (3) Post-type signs shall be placed approximately 100 feet on center, or as appropriate, to delineate the vulnerable edges of woodland conservation areas.
- m. All existing and proposed utility easements shall be shown on the plan and labeled by type, width, and ownership. Afforestation/reforestation and woodland preservation shall not be shown within any existing or proposed utility easement.
- n. All existing and proposed stormwater management facilities shall be labeled and referenced to the approved stormwater concept approval plan.
- o. All woodland conservation areas proposed shall be a minimum of 35 feet in width and a minimum of 2,500 square feet in area.
- p. All plans, calculations, and worksheets shall be revised to reflect the required technical revisions, as well as, any other adjustments required by conditions of approval.
- q. Have the revised plan signed and dated by the qualified professional who prepared it.

9. Prior to certification of Specific Design Plans SDP-1101 and SDP-1302 and Type II Tree Conservation Plan TCPII-019-13 for Smith Home Farm, Section 6, shall be revised for approval at staff level, as follows:
 - a. The area of park conveyance which will be included in the Central Park, SDP-1101, and TCPII-021-2015 shall be removed from the plans.
 - b. The overall and individual woodland conservation worksheets on TCPII-019-13 shall be revised to reflect the resultant changes in area.
 - c. Revisions shall be made, as necessary, to the applicable TCPII sheets for Smith Home Farm, Section 6, to reflect the changes of area.
 - d. The following note shall be added to the applicable TCPII sheets showing the correct location, acreage, and limits of the Blythewood environmental setting:

“No disturbance is permitted within the environmental setting for the Blythewood historic site including, but not limited to, stormwater management, grading for stormwater management and public or private roads, or removal of historic trees without the approval of a historic area work permit by the Historic Preservation Commission.”
 - e. The worksheet notes shall be revised as follows:

“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.”
 - f. A detail for standard post-type woodland conservation signage shall be added to the TCPII details sheet, for use as an acceptable alternative to standard woodland conservation protective devices where determined appropriate.
 - g. Split-rail fencing as a permanent tree protective device shall be retained adjacent to all afforestation areas within the Central Park with vulnerable edges.
 - h. All plans, calculations, and worksheets shall be revised to reflect the required technical revisions, as well as, any other adjustments required by conditions of approval.
 - i. Have the revised plan signed and dated by the qualified professional who prepared it.

10. As development progresses on the Central Park, the Type II tree conservation plan (TCPII) shall be revised as necessary to provide appropriate temporary and/or permanent protection for woodland conservation areas. No removal of specimen, champion, or historic trees outside of Phase I of the park development is approved with this application. The future removal of specimen or historic trees in the Central Park is subject to approval of a revision of the TCPII when development is proposed for those portions of the site. No historic trees shall be removed within the environmental setting of the Blythewood historic site without prior approval of a historic area work permit by the Historic Preservation Commission.
11. Prior to issuance of the first grading permit for the Central Park, all afforestation/reforestation areas within the Central Park area, as shown on Type II Tree Conservation Plan TCPII-021-2015, shall be bonded at \$0.30 a square foot by the applicant and the applicant's heirs, successors, and/or assignees for implementation. The bonding shall be held for a minimum of two years after planting and until satisfactory survival levels of afforestation/reforestation have been demonstrated.
12. The required afforestation in the Central Park which is located outside of Phase I shall be implemented in the first growing season after this issuance of the grading permit for Phase I, except for afforestation/reforestation Areas 12, 15, and 16, which are located with 100 feet of the future MC-632 right-of-way, and a planting certification shall be submitted to the Environmental Planning Section.
13. Required afforestation/reforestation shown within 100 feet of the future MC-632 right-of-way (Areas 12, 15, and 16) shall be implemented in the first growing season after issuance of the grading permit for MC-632, and a planting certification shall be submitted to the Environmental Planning Section.
14. The required afforestation in Phase I of the Central Park shall be implemented before the issuance of any building permits for Phase I of the Central Park. If future disturbance to implement afforestation occurs with future development on the site, it shall be addressed during required permitting.

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.

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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, Bailey, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 25, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of March 2016.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:rpg