

R E S O L U T I O N

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 April 16, 2015 regarding Specific Design Plan SDP-1003-06 for Smith Home Farm, Sections 1A, 1B, 2, and 3, the Planning Board finds:

1. **Request:** To revise the Section 3 layout to include 140 two-family dwellings, reduce the number of townhouses from 210 to 130, to add several models to the approved architecture for the specific design plan (SDP), and to revise the permit trigger for the approval of the SDP for the Westphalia Central Park.

2. **Development Data Summary:**

	<b>Existing</b>	<b>Approved</b>
<b>Zones</b>	R-M	R-M
<b>Uses</b>	Vacant	Residential
<b>Acreage of Smith Home Farm</b>	757	757
<b>Acreage of SDP</b>	250.85	250.85
<b>Total Number of Units SDP</b>	1,049	1,109
<b>Acreage of Section 3</b>	27.85	27.85
<b>Number of Townhouse Units</b>	210	130
<b>Number of Two-Family Units</b>	0	140
<b>Total Number of Units Section 3</b>	210	270

3. **Location:** Smith Home Farm is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6. Sections 1A, 1B, 2, and 3, totaling 265 acres, are located in the western portion of the larger Smith Home Farm development. Section 3, measuring approximately 27.85 acres, is a triangular portion of land in the northern/northeastern portion of the SDP formed by the intersection of Central Park Drive to the southeast and Rock Spring Drive to the southwest.
4. **Surrounding Uses:** Specific Design Plan SDP-1003 is bounded to the north by existing subdivisions and undeveloped land in the R-R and R-A Zones and undeveloped land in the I-1, C-M, C-O, and R-T Zones; to the east by other portions of the Smith Home Farm development; to the south by existing development, such as the German Orphan Home and single-family detached

houses, and undeveloped land in the R-A Zone; to the west by existing development (Mirant Center) in the I-1 Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and M-X-T Zones. Section 3 is bounded to the north by vacant land that is proposed to become Phase 4 of the Smith Home Farm development; with vacant land that is proposed to become Phase 7 of this development to the east; to the southeast by the proposed Westphalia Central Park; to the southwest by a stream valley with Phases 1B and 2 of this development beyond.

5. **Previous Approvals:** The larger Smith Home Farm development measures 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the Local Activity Center (L-A-C) Zone, which was rezoned from the R-A Zone through Zoning Map Amendments A-9965-C and A-9966-C for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. Zoning Map Amendments A-9965-C and A-9966-C were approved by the Prince George's County District Council on February 13, 2006 (Zoning Ordinance Nos. 4-2006 and 5-2006), subject to three conditions. On May 22, 2006, the District Council amended this zoning approval to move the L-A-C line further south about 500 feet, retaining the same acreage in the L-A-C Zone.

On June 12, 2006, Comprehensive Design Plan CDP-0501 for Smith Home Farm was approved by the District Council, subject to 34 conditions. A single revision, CDP-0501-01, was approved by the District Council on May 21, 2012, subject to five conditions.

On April 6, 2006, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-05080 for Smith Home Farm, as formalized in PGCPB Resolution No. 06-64. Subsequently, two reconsiderations of 4-05080 were filed and approved as memorialized in PGCPB Resolution No. 06-64(A), adopted by the Planning Board on September 7, 2006; and PGCPB Resolution No. 06-64(A/2)(C), adopted by the Planning Board on June 14, 2012 and administratively corrected on February 19, 2013.

Specific Design Plan SDP-0506 for road infrastructure was approved by the Planning Board on July 27, 2006 and PGCPB Resolution No. 06-192 was adopted on September 7, 2006 formalizing that approval. A single revision to that SDP (SDP-0506/01) was approved on December 12, 2007 by the Planning Director as designee of the Planning Board to revise A-67 to a 120-foot right-of-way and to add bus stops and a roundabout. Specific Design Plan SDP-0506-02 was approved by the Planning Board on February 23, 2012 and PGCPB Resolution No. 12-14 was adopted on March 29, 2012.

Specific Design Plan SDP-1002 for stream restoration was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012 formalizing that approval, subject to seven conditions.

Specific Design Plan SDP-1003 for Sections 1A, 1B, 2, and 3 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 resolution

with two additional conditions. Two revisions, SDP-1003-01 and SDP-1003-03, for Sections 1A and 1B respectively, have since been approved, but do not have any bearing on the subject application. 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-1003-04 was approved on January 16, 2014 to add Ryland townhouse architecture for Section 1A. The resolution, PGCPB No. 14-02, was adopted on February 6, 2014 formalizing that approval. Specific Design Plan SDP-1003-05 was pre-reviewed, but has been dormant since comments were returned to the applicant.

Lastly, the project is subject to approved Stormwater Management Concept Plan 24819-2006-03 dated March 25, 2015 and valid until March 4, 2017.

6. **Details of the Request and Design Features:** The subject approval is for revisions to the Section 3 layout including 130, 24-foot-wide, rear- and front-loaded townhouse dwellings and 70, 24-foot-wide, two-family dwellings (for a total of 135 units), shifting Silver View Lane and Still Creek Place and the northernmost alley to the west, adding units to the approved architecture for the project, and a revision to the trigger for the approval of the SDP for the Westphalia Central Park in the R-M Zone. More specifically, the revision will enable the inclusion of Stanley Martin architecture for the townhouses and the two-family dwellings, and the delay of the trigger for the approval of a SDP for the Westphalia Central Park from prior to issuance of the 90<sup>th</sup> building permit to prior to issuance of the 200<sup>th</sup> building permit for the project. The project has already reached the first threshold of 89 building permits and all of the permits in excess of 90 have been put on hold because of noncompliance with the condition.

The road network in Section 3 shall remain essentially the same as that which was originally approved in SDP-1003, with Silver View Lane and Still Creek Place shifted slightly west and the northernmost alley also shifted to the west. The lot layout has been revised to accommodate the house types that Stanley Martin proposes to build. Section 3 previously consisted of 16-, 18-, 20- and 25-foot-wide rear-loaded units and 22-, 42-, and 46-foot-wide front-loaded townhouses, for a total of 210 units. The revised layout herein approved consists of 24-foot-wide two-family dwellings and townhouses, for a total of 270 units. The applicant has stated the reason for the desired change as “changing market conditions” and “that it is the desired product mix of the contracted builder.” The Planning Board finds that, as posited in the statement of justification submitted for the project dated February 18, 2015, the increase in density is desirable in this location because of its proximity to the proposed clubhouse and Central Park, and that the increased density remains below the maximum densities and trip caps established in the approval of Preliminary Plan 4-05080.

The final revision herein approved is of Condition 32 of the District Council’s Order approving SDP-1003. The condition is included in its entirety below with the Planning Board’s revisions indicated by striking through the text to be deleted and underlining and bolding the language to be inserted.

32. The Central Park shall be planned in phases. An SDP for Phase I shall be approved prior to issuance of the ~~90th~~ **200<sup>th</sup>** 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 shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.

The applicant has acknowledged to the Planning Board that the modification of the trigger for the approval of the SDP for the Westphalia Central Park from the 90th to the 200th building permit does not change any other conditions of prior approvals, which remain in full force and effect.

Other miscellaneous revisions that shall be made to the plans as they are necessary to accomplish the above are as follows:

- a. Update the coversheet to reflect the new lot and unit counts;
- b. Update Sheet 1B to reflect the new yard areas for the Section 3 lots;
- c. Add house templates for the following Stanley Martin architecture:
  - (1) The Marion (a 24-foot-wide front-loaded townhouse);
  - (2) The Jordan and Rathburn (24-foot-wide rear-loaded two-family dwellings attached vertically);
  - (3) The Odessa (a 24-foot-wide rear-loaded townhouse).
- d. Add entrance features at the intersections of Parkstone Drive and Central Park Drive (Sheet 34, Parcel T6) and Parkstone Drive and Rock Spring Drive (Sheet 35, Parcel T34);
- e. Shorten the above-mentioned entrance features from 20 to 15 feet in length;
- f. Revise the landscaping to reflect the new layout;
- g. Revise the Type II tree conservation plan (TCPII) to reflect the new layout and adjusted afforestation acreage; and
- h. Revise the location of light fixtures.

As the template sheet (No. 2A) incorrectly labels the template's elevations, and elevation drawings are absent from the plan set, a condition of this approval requires that, prior to signature approval, reference to the templates as elevations be removed from the plan set and that the elevations approved as part of this SDP be added.

Section 3 includes one centralized recreational facility (Sheet 34). It includes:

- A 4,000-square-foot activity pool;
- An 180,616-square-foot clubhouse;
- A 25-meter-long competition pool with a small pergola area at its southern end;
- An event lawn located behind an entry feature monument wall;
- A multipurpose recreational lawn;
- A 5,060-square-foot pre-teen lot; and
- A 2,580-square-foot tot lot.

Another revision, SDP-1003-05, has been submitted, but has not been accepted for processing.

There is a second entry feature monument wall at the intersection of Parkstone Park Drive and Central Park Drive.

In an exhibit dated September 18, 2014, and updated at the Planning Board hearing on the project by a revised exhibit dated April 15, 2015, the applicant indicated that their proposed highly-visible lots for the redesign of Section 3 in Specific Design Plan SDP-1003-06, Smith Home Farm, Sections 1A, 1B, 2, and 3, would include the following lots: 42, 43, 53, 54, 58, 62, 63, 68, 70, 81, 82, 94, 95, 102, 135, 136, 137, 150–153, 164, 165–167, 180–183, 194–197, 210–213, 216–219, 226–229, 236–239, 250–253, 274, and 275.

The Planning Board has reviewed this exhibit and determined, and a condition of this approval requires, that the applicant include the following additional lots in a revised highly-visible lots exhibit to be included in the plan set prior to certificate approval of the project: 48, 49, 59, 67, 71, and 75.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9965-C:** On August 18, 2006, the District Council approved Zoning Map Amendment A-9965-C to rezone 757 acres of the subject property from the R-A Zone to the R-M Zone.
8. **Comprehensive Design Plans CDP-0501 and CDP-0501-01:** On February 23, 2006, Comprehensive Design Plan CDP-0501 for Smith Home Farm was approved by the Planning Board subject to 30 conditions. The District Council approved the CDP on May 22, 2006. On December 1, 2011, CDP-0501-01 was approved by the Planning Board subject to four conditions, modifying Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01. Each relevant condition of the CDP approvals is included in **boldface** type below and is followed by Planning Board comment:

- 3.<sup>1</sup> Prior to issuance of each building permit for the Smith Home Farms, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD4/Westphalia interchange and interim improvements or, if determined, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farms, the applicant, its heirs, successors and/or assigns exceed the current or final cost estimate of \$80 million and any overpayment of the total per dwelling unit fees may be reimbursed to the applicant.**

This condition was slightly modified and included as a condition of approval as part of previous SDP-1003 approvals. Therefore, this condition will be applicable to this application without the need to repeat it as part of this approval.

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

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

The subject revision affects views from the Westphalia Central Park, as it increases the number of side elevations visible from the park and decreases the number of front elevations fronting on Central Park Drive, which separates Section 3 from the Central Park. A proposed condition in the Recommendation section of this staff report, in furtherance of the purpose of this existing condition, would require that the architecture of the sides of the units fronting on Central Park Drive and visible from the Westphalia Central Park be treated with quality materials and balanced architectural design in terms of fenestration. The final design of these units shall be approved by the Planning Board or its designee prior to signature approval.

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

The subject revision involves an area of the site that is for the most part internal to the Smith Home Farm development. The only location where it is not is across Central Park Drive, where the Central Park is proposed to be located, and no single-family detached houses are included in its design.

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

The specified tabulation is provided on the submitted SDP and, by a proposed condition in the Recommendation section of this staff report, will be updated to reflect that which is approved in the subject revision application prior to certificate approval of the plans.

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

**R-M Zone**

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

**Notes:**

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

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

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

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

The submitted plans for the subject application include the above regulation schedule and conform to its requirements.

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

This requirement was carried forward as a condition of this approval.

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

This condition does not apply to the subject SDP, as the portion being revised (Section 3) is not adjacent to any existing single-family detached units.

- 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.**

The architecture approved in the subject approval proposes a maximum height of 40 feet and 50 feet for the townhouses and condominiums, respectively, which is within the limits set by the CDP and the original SDP-1003 approval.

9. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for Smith Home Farm, as formalized in PGCPB Resolution No. 06-64. Of those conditions, the following are applicable to the review of this SDP.

- 5. Prior to the approval of building permits associated with residential development, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.**

A Declaration was recorded for Smith Home Farm in Liber 34665 at Folio 572.

- 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.**

The above condition is satisfied with a five-foot-wide sidewalk along both sides of the internal roads.

- 18. Prior to the approval of each final plat the applicant shall demonstrate that existing adequate public streets, connecting this development to the external public street system, shall exist to support the development.**

This condition is required to ensure sequential platting to provide access to adequate street rights-of-way.



- 31. The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the Central Park individually at the time of approval of the final plat of any right-of-way (public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.**

The above condition was delayed by the dedication of Central Park Drive to public use by two deeds. The first deed was an off-site piece of Central Park Drive that connects with Presidential Parkway, and was recorded as Liber 34138 at folio 546. The second road dedication deed connects from the off-site dedication of Central Park Drive to its intersection with Rock Spring Drive. Section 3 of SDP-1003-06 proposes access from Central Park Drive to Parkstone Drive and Glassy Creek Way. As all conditions of previous approvals remain concurrently applicable, this condition has not been brought forward as a condition of this approval.

10. **Specific Design Plan SDP-1003 and its revisions:** Specific Design Plan SDP-1003 was approved by the Planning Board on March 8, 2012 (PGCPB Resolution No. 12-21), subject to 31 conditions. The District Council reviewed the case on July 24, 2012 and affirmed the Planning Board’s resolution with two additional conditions, for a total of 33. The relevant conditions of this approval are included below in **boldface** type, followed by Planning Board comment:

- 8. The recreational facilities to be included in the subject project shall be bonded and constructed in accordance with the following schedule:**

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200 <sup>th</sup> building permit overall	Complete by 400th building permit overall
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
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.		

This condition is not impacted by the proposed revisions and remains in effect. Further, this revision to the SDP does not impact the recreational area other than a minor adjustment to the parcel size to allow for a median within Parkstone Drive.

- 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.**

The specified tabulation is provided on the submitted SDP and is required by a proposed condition of this approval to be updated in accordance with the subject revision prior to certificate approval of the plans.

- 11. Prince George's County Zoning Ordinance:** The subject SDP is in compliance with the applicable requirements of the Zoning Ordinance as follows:

- a. The subject SDP is consistent with Sections 27-274(a)(7), 27-507, 27-508, and 27-509 of the Zoning Ordinance governing development in the R-M Zone.
- b. Section 27-528 requires 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 and the applicable standards of the Landscape Manual.**

The subject SDP has been evaluated for conformance with approved CDP-0501 and CDP-0501-01 as discussed above in Finding 8. The relevant conditions of approval have been carried forward to ensure conformance to the requirements of the CDP approvals. Therefore, it may be said that the plan conforms to the approved CDP approvals. As detailed in Finding 12 below, the subject revision approval conforms to the applicable standards of the 2010 *Prince George's County Landscape Manual*.

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

Findings for adequate public facilities including fire, rescue, police, and transportation have been made in conjunction with the preliminary plan and subsequent SDPs for infrastructure. The subject revision application will have no effect on the previous findings of adequacy made in conjunction with the preliminary plan of subdivision and 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 March 24, 2015, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is not consistent with the requirements of approved Stormwater Management Concept Plan 24819-2006-02. However, the applicant then successfully pursued a revision to the approved stormwater management concept plan (24819-2006-03, approved March 25, 2015 and valid until May 4, 2017) with which, DPIE later informed the Planning Board, the subject SDP was in conformance. Therefore, it may be said that adequate provisions have been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

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

The subject revision approval is being approved together with Type II Tree Conservation Plan TCPII-011-12-02. Therefore, it may be said that the project conforms to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. This is discussed further in Finding 13 below.

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

The land area covered by the subject revision contains no regulated environmental features. Therefore, this otherwise required finding need not be made.

12. **2010 Prince George's County Landscape Manual:** The Planning Board has reviewed the submitted landscape plan against the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and finds the following:

The project is subject to the requirements of the Landscape Manual. More specifically, and as detailed on page 58 of the landscaping and lighting plan provided for the project, it is subject to the requirements of Sections 4.1, 4.3, 4.6, 4.9, and 4.10. Section 4.2, applies to the area between the parking compound within the recreational area and the street and will be reviewed with SDP-1003-05. A review of the provided schedules for these schedules against the requirements of the Landscape Manual indicates that the application conforms to the requirements of the relevant sections. The subject approval is also subject to the requirements of Section 4.4, which requires the screening of loading spaces, maintenance areas, outdoor merchandise storage areas, mechanical equipment, and trash collection and parking facilities in certain instances. The project conforms to the applicable portion of that section, as well. The project also conforms to the requirements of Section 4.10, relating to the location of street trees along the private roadways.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved tree conservation plan. The site is subject to the requirements of the WCO because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. Environmental conditions have been included in this approval bringing the approval into conformance with the requirements of the WCO. As approval in this case is made subject to those conditions, the subject project conforms to the applicable requirements of the WCO.
14. **Prince George's County Tree Canopy Coverage Ordinance:** A tree canopy coverage schedule has been included on the landscape plan submitted for the subject project. It indicates that 739,525 square feet of tree canopy coverage is required for the SDP land area. The schedule also indicates that the applicant is providing 8,665,267 square feet of tree canopy for this SDP, exceeding that requirement. Therefore, it may be said that the subject project is in conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the following agencies or divisions:
  - a. **Historic Preservation:** The subject project would have no effect on any historic sites, historic resources, or historic districts.
  - b. **Archeological Review:** Archeological investigations were completed on the subject property in 2006. Further, all of the archeological conditions have been satisfied and the proposal will not impact any historic sites or resources, documented properties, or any known archeological resources.
  - c. **Community Planning:** The proposed revisions to Section 3 of the Smith Home Farm project are consistent with the land use policies for the site contained in the Plan Prince George's 2035 General Plan (Plan Prince George's 2035). Further, the subject site is located in the Interim Land Use Control (ILUC) impact area, and noise contours and imaginary surface boundaries shall, by condition of this approval, be shown on all plans.

The 27.85-acre site including Sections 1A, 1B, 2, and 3 of the Smith Home Farm project is located off Presidential Parkway and Central Park Drive within the Westphalia sector. Further, Sections 1A, 1B, and 2 are currently being developed and Section 3 is currently undeveloped.

The development approved herein includes 130, 24-foot-wide, front- and rear-loaded, single-family attached units (townhouses) and 140, 24-foot-wide, two-family dwelling units, for a total of 270 units. Previous approvals allow for 210, mixed-use width, front- and rear-loaded townhouses. The approval also revises Condition 32 of the District Council's affirmation of the Planning Board's approval of the SDP for Phase 1 of the Central Park from issuance of 90 building permits to issuance of the 200<sup>th</sup> building permit.

Regarding Plan Prince George's 2035 and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA), Plan Prince George's 2035 designates Westphalia as a local town center. The plan indicates that local town centers include a range of auto-accessible centers that anchor larger areas of suburban subdivisions. Overall, the centers are less dense and intense than other center types and may be larger than a half-mile-wide in size due to their automobile orientation. The centers typically have a walkable core or town center. Often the mix of uses is horizontal across the centers rather than vertical within individual buildings. While master plans may call for future heavy or light rail extensions or bus rapid transit, no transit alternatives have been approved for construction. Plan Prince George's 2035 identifies the land use as residential medium, which includes residential areas between 3.5 and 8 dwelling units per acre (primarily single-family dwellings, both attached and detached). The Westphalia Sector Plan and SMA identifies the land use in Section 3 of the Smith Home Farm project, as low-density residential.

- (1) The approved R-M Zone was based on a comprehensive planning study, the Westphalia Comprehensive Concept Plan (WCCP), that further examined the recommendations of the 1994 Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78) and the 2002 Prince George's County Approved General Plan for this area. This study was in large part promoted by various developers in the sector plan area as a means to promote and advocate for a unified vision for the sector plan area which would include residential use of various densities, a mixed-use retail center, and a Central Park on the subject site that serves the entire Westphalia area. Subsequently, this vision was further refined in the Westphalia Sector Plan and SMA.
- (2) The community vision for the Westphalia Sector Plan area is to provide for new residential neighborhoods with a range of housing types and densities, a network of attractive roads that unifies the community and meets projected traffic needs, clustered development, and incremental increases in densities up to a high-density urban core at the center.
- (3) The proposed revisions within Section 3 increase the density. Previously, 210 single-family attached units had been proposed and approved for Section 3. With this revision (SDP-1003-06), the applicant is proposing 270 units, which is a mix of 130, 24-foot-wide, front- and rear-loaded, single-family attached units (townhouses) and 140, 24-foot-wide, two-over-two multifamily units. This introduces two-family dwellings to Section 3 and increases the density of the overall Smith Home Farm project, adjacent to the community club house and Central Park. The revisions approved herein implement the intent of the Westphalia Sector Plan. The revisions to Section 3 also include a well-balanced mixture of front- and rear-loaded single-family attached and two-family dwellings,

with varied architecture.

- (4) However, with the increase in density, it appears the applicant has reduced the number and/or area of parcels to be dedicated to the homeowners association (HOA). The applicant should provide a detailed analysis of the location, size, and number of previously proposed and currently proposed parcels to be dedicated to the HOA in Section 3. The overall area of these pocket areas to be dedicated shall not, by condition of this approval, be significantly reduced from that originally proposed.
  - (5) Guest parking shall be provided by condition of this approval.
  - (6) Sections 1A, 1B, 2, and 3 of the project are located within the 70–75 dBA Ldn noise contours. Noise contours are shown on the plans, and interior acoustical buffering shall be required for all structures built in high noise areas.
  - (7) The applicant has requested modification of a trigger for approval of the SDP for Phase 1 of the Central Park from the 90<sup>th</sup> to the 200<sup>th</sup> building permit. Staff is not opposed to this change; however, if other Central Park triggers are affected by this change, they should be evaluated for concurrent modification.
- d. **Transportation Planning:** The changes approved herein will have no effect on the trip cap established by the previous approvals. From a standpoint of transportation, the site layout approved herein is consistent with the previous approvals. All conditions of prior approvals, including that of the preliminary plan, remain valid.
- e. **Subdivision Review:** The subject property is located within the area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and is located on Tax Map 90 in Grids D 1-4, E 1-4, and F 1-3; and Tax Map 91 in Grids A 1-3 and B-3. The property is zoned Residential Medium Development (R-M), which is a comprehensive design zone. The property is included in the Westphalia Sector Plan and SMA. The sector plan identifies this property on the Regional Center Concept Map as low-density residential, and this specific project is mentioned in the master plan.

Specific Design Plan SDP-1003-06 is 250.85 acres. The property was the subject of Preliminary Plan of Subdivision 4-05080 and PGCPB Resolution No. 06-64(A/2)(C), which is valid through June 14, 2018. The preliminary plan was approved for 759 acres, for a total of 1,506 lots, 355 parcels, and 3,648 dwelling units. The dwelling unit breakdown is as follows: 285 detached; 1,577 attached; and 1,786 multifamily.

This SDP revision approved herein is a redesign to Section 3 to include attached two-family dwelling units and to increase the dwelling units in Section 3 from 210 to 270, or by 60 dwelling units. Specific Design Plan SDP-1003 was approved with 1,053 lots,

75 parcels, and a dwelling unit total of 1,053. Specific Design Plan SDP-1003-06 includes 974 lots, 71 parcels, and an overall dwelling unit total of 1,109. For the dwelling unit type, 289 are proposed to be detached and 820 are proposed to be attached. Although the revision is within the amount of lots, parcels, and dwelling units approved with the preliminary plan, if the SDP is platted as proposed, the subdivision would have 527 lots, 280 parcels, and 2,539 dwelling units remaining within the preliminary plan approval. Any lots, parcels, or dwelling units over the approved amount would require the filing of a new preliminary plan.

For the Planning Board's discussion of the conditions of approval of Preliminary Plan 4-05080 (PGCPB Resolution No. 06-64(A/2)(C)) relevant to the subject approval (Conditions 5, 16, 18, and 31), see Finding 9 of this approval.

- (1) In Section 3, the preliminary plan was approved with open space parcels totaling 245,837 square feet. Parcels 36, 37, and 38 are the useable green areas which total 114,055 square feet. Specific Design Plan SDP-1003 was approved with open space parcels totaling 511,126 square feet. Specific Design Plan SDP-1003-06 is approved herein with less open space. The open space totals of SDP-1003 and SDP-1003-06 are similar and adequate. Functional open space has been provided. The relationship of open space to the lots created a visual balance as it relates to the street views, which are found to be in conformance to the preliminary plan. The size and width of the open space elements results in a desirable viewshed along Rock Spring Drive. This is consistent with the previous Planning Board approval in SDP-1003 (PGCPB Resolution No. 12-21).
- (2) The approved preliminary plan proposed 20-foot-wide private alleys to service the lots in Section 3. The approved SDP-1003 was approved with 20-foot-wide private alleys with a 16-foot-wide paved area. This SDP revision proposes 20-foot-wide private alleys with a 16-foot-wide paved area, which is consistent with the previous approvals. The Planning Board notes that there is a significantly greater number of dwelling units being served solely by these narrow alleys, which may no longer be sufficient in width to accommodate the capacity needed to support the dwelling units being served. An analysis by the Planning Board is necessary to determine if adequate on-site circulation is provided and conformance to the preliminary plan found.

The revised plans have no impact on the previous findings of adequate on-site circulation.

- (3) Overlapping easements are shown on the SDP. Clarity is needed on the apparent collocation of stormwater easements and public utility easements. The easements should cross at right angles and not run parallel. A ten-foot-wide public utility easement should be shown along both sides of all public street rights-of-way and one side of private rights-of-way. If an alternate utility layout is preferred by the applicant, concurrence from all of the affected utility companies should be

provided.

The applicant shall work with the public utility companies to address this concern prior to certificate of approval of the plans.

- (4) Guest parking areas are shown on approved SDP-1003. This SDP-1003-06 revision does not show guest parking. The increase of dwelling units results in a spatial relationship which precludes the ability to provide guest parking. The lack of guest parking may result in a detriment to the functionality of the road and alley system when guests park in areas that block driveways and alleys. The Transportation Planning and Urban Design sections should determine if the development has adequate parking provided for guests to ensure that the functionality of the on-site circulation will not be compromised.

The Planning Board reviewed the plans for the need for additional parking areas for guests. The majority of the private road system is designed with 26 feet of pavement. This allows for on-street parallel parking with some minor adjustments. The applicant has provided 23 additional guest parking spaces accordingly.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

Prior to approval of any additional plats in the Smith Home Farm development (Preliminary Plan of Subdivision 4-05080), the applicant shall provide evidence that the Central Park has been conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC), pursuant to Condition 31 of the preliminary plan (Resolution No. 06-64(A/2)(C)).

- f. **Trails:** The subject SDP has been reviewed for conformance with the requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. If a master plan trail is located within a city, county, or state right-of-way, an additional two to four feet of dedication may be required to accommodate the construction of the trail. The type of master plan or bikeway included in the project was a mixture of Prince George's County and Maryland State Highway Administration (SHA) right-of-way, sidewalk, and Prince George's County Department of Parks and Recreation facilities.
  - (1) The subject approval is an amendment to the approved SDP which includes revisions to the unit types, slight modifications to the layout, adjustments to the entrance features, and a change to the trigger for completion of the SDP for the Westphalia Central Park. Bicycle, pedestrian, and trail facilities were addressed through multiple prior approvals, including Preliminary Plan 4-05080 and Specific Design Plan SDP-1003. The conditions of approval addressed issues



including the location and timing of trail construction, sidewalk construction, and road cross section issues. As noted in the applicant's statement of justification dated November 19, 2014, "the road network in Section 3 in the -06 revision remains essentially the same as that which was originally approved under SDP-1003. Silver View Lane and Still Creek Place shifted slightly horizontally and the northern-most alley shifted to the west. All other roads remain unchanged." These revisions do not impact the planned and approved trail network, and the slight modifications to the roads retain the necessary sidewalk connection approved in the earlier plans. The modified entrance features are outside of the public right-of-way and do not impact sidewalk or bicycle access and, although the unit types are changing in some locations, appropriate sidewalk connections are still provided.

- (2) The trails coordinator then reviewed the conditions of the original SDP-1003 (PGCPB Resolution No. 12-21) related to trails and other pedestrian/bicycle facilities.

See Finding 10 of this staff report to reference the trails-related issues regarding Condition 8 of that approval, which relates to the timing and construction of trail facilities.

The revisions to SDP-1003 approved herein do not negatively impact the previously approved bicycle, pedestrian, or trail facilities, as trail facilities are not impacted and the necessary sidewalk connections are retained along the roads where the alignment has been shifted. Additionally, the prior conditions of approval remain in effect and no additional conditions are necessary at this time.

The revisions to SDP-1003 approved herein are in accordance with the previously approved bicycle, pedestrian, or trails facilities conditions for the project. Further, the previously approved sidewalk connections have been retained. No additional trails-related conditions are necessary at this time.

- g. **Prince George's County Department of Parks and Recreation (DPR):** In a memorandum dated March 19, 2015, DPR offered the following:

DPR staff has reviewed the above-referenced revision to specific design plan application SDP-1003 for conformance with the requirements of Comprehensive Design Plan CDP-0501, Preliminary Plan 4-05080, the recommendations of Plan Prince George's 2035, the Westphalia Sector Plan and SMA, and the current zoning and subdivision regulations, as well as existing conditions in the vicinity of the proposed development as they pertain to public parks and recreational facilities.

This specific design plan application is for Phases 1, 2, and 3 of the Smith Home Farm development. The applicant is proposing a revision to Condition 32 of SDP-1003 to change the trigger from 90 to 200 building permits, which is related to the development of

a SDP for Phase 1 for the Central Park as follows:

32. The Central Park shall be planned in phases. An SDP for Phase I shall be approved prior to issuance of the ~~90<sup>th</sup>~~ 200<sup>th</sup> 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.

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

**Specific Design Plan SDP-1003, Condition 32**

32. **The Central Park shall be planned in phases. An SDP for Phase I shall be approved prior to issuance of the 90<sup>th</sup> 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.**

DPR and the Planning Board met with the applicant and discussed the proposed revision. In general, DPR and the Planning Board have no objection to delaying approval of the SDP for the Phase 1 Central Park; however, the applicant is hereby informed that this revision may have a cascading effect on previous conditions of approval related to the development of construction documents (permit and bid ready) for the construction and grading of the Central Park.

**Comprehensive Design Plan CDP-0501, Condition 10**

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.**

This has been completed.

- b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the Central Park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50<sup>th</sup> building permit.**

The schematic design plan is substantially completed.

- c. \$200,000 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the Central Park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100<sup>th</sup> building permit.**

This is pending. The applicant is currently in discussion with DPR relating to this issue, and is not asking for relief from the above trigger (100th building permit) at this time.

- d. \$300,000 shall be used by the applicant for the grading of the Central Park prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).**

This is pending, and the applicant is not asking for relief at this time.

- e. \$4,200,000 shall be used by the applicant for the construction of the Central Park. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. A portion of the \$4.2 million contribution from the applicant for the Central Park shall be allocated to the construction of a tennis facility. The exact amount of the contribution shall be determined at the time of approval of the limited SDP for the Central Park.**

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

- 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 application for the Central Park (Phase 1) has been submitted for review.

**DPR Recommendation**

DPR recommended and the Planning Board herein approves the following revision to Condition 32 of SDP-1003, as proposed by the applicant:

- (1) The Central Park shall be planned in phases. An SDP for Phase I shall be approved prior to issuance of the ~~90<sup>th</sup>~~ **200<sup>th</sup>** 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 shall also include a detailed analysis of the feasibility of constructing an amphitheater and other recreational facilities in the Central Park.
- h. **Permit Review:** Permit Review comments have either been addressed in revisions to the plans or by conditions of this approval.
- i. **Special Projects:** The subject revision to SDP-1003 has been reviewed by the Planning Board in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which requires 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.” More specifically, with respect to fire and rescue service, the Planning Board reviewed the subject project for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations. Further, the Planning Board cited Section 24-122.01(e)(1)(E), which states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision (development) is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.” The Planning Board also stated that the herein approved project is served by Forestville Fire/EMS, Company 23, a first due response station (a maximum of seven minutes travel time), located at 8321 Old Marlboro Pike. These findings conform to the requirements of the 2008 *Approved Public Safety Facilities Master Plan*.

With respect to police facilities, the Planning Board stated that the development herein approved is located within the service area of Police District II, Bowie. Further, the Planning Board stated that there is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and that the requirement for police facilities is established at 141 square feet for each 1,000 residents of Prince George's County. Per the July 1, 2013 (U.S. Census Bureau), the county population is 890,081, so a rate of 141 square feet per 1,000 residents (125,501 square feet) is required. The current square footage of police facilities in Prince George's County (267,660) meets and exceeds this requirement.

Regarding sufficiency of public schools, the Planning Board offered an analysis for 65 dwelling units. More particularly, the Planning Board stated that Prince George's County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. Further, the Planning Board stated that CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,035 and \$15,489, to be paid at the time of issuance of each building permit.

The Planning Board then stated that 2013 Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing being constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within one-quarter mile of a Metro station; or within the Bowie State MARC Station community center designation area, as defined in the 2010 Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment. Further, the Planning Board stated that the bill established an exemption for studio or efficiency apartments that are located within County urban centers as defined in Section 27A-106 of the Prince George's County Code; within an approved transit district overlay zone, or where there is no approved transit district overlay within one-quarter mile of a Metro station. The act, the Planning Board said, is effective from October 1, 2013 to September 30, 2019 and that the school facilities surcharge may be utilized for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Regarding water and sewerage findings, the Planning Board offered that Section 24-122.01(b)(1) of the Subdivision Regulations state that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." In closing on the subject, the Planning Board stated that the 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

- j. **Environmental Planning:** The Planning Board previously reviewed this property for a Water and Sewer System Area Change Request, 04/W-10, as an application for rezoning from R-A to R-M and L-A-C, Zoning Map Amendments A-9965 and A-9966, which were approved subject to conditions. The corrected final conditions for these zoning cases are contained in revised Zoning Ordinance Nos. 4-2006 and 5-2006, approved by the District Council on May 22, 2006.

The property was reviewed with a Natural Resources Inventory, NRI-006-05, which was signed by the Planning Board on August 8, 2005. An -01 revision to the NRI was signed on November 14, 2006. An -02 revision, which was limited to the delineation of wetlands and wetland buffers, was approved on July 25, 2012.

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 were approved by the Planning Board on February 23, 2006, subject to conditions of approval contained in PGCPB Resolution No. 06-56. A further revision CDP-0501-01 was approved by the Planning Board on December 1, 2011, subject to conditions contained in PGCPB Resolution No. 11-112, revising Conditions 3, 7, and 9 attached to CDP-0501 which are not environmental in nature. The remainder of the conditions attached to CDP-0501 remained unchanged and valid.

Preliminary Plan 4-05080 and revised Type I Tree Conservation Plan TCPI-038-05/01 were approved by the Planning Board on October 14, 2005, subject to conditions contained in PGCPB Resolution No. 06-64(A).

Specific Design Plan SDP-0506 and TCPII-057-06 were limited to infrastructure for portions of the roadways identified as C-631 and C-627 in the R-M Zone, and was approved by the Planning Board on July 27, 2006 subject to conditions contained in PGCPB Resolution No. 06-192. Specific Design Plan SDP-0506-01 and TCPII-057-06-01 were subsequently revised at staff level for the purpose of revising A-67 to a 120-foot right-of-way and to include other transportation improvements.

A second revision to SDP-0506 and TCPII-057-06/02 to modify the 120-foot right-of-way for A-67 to its original width of 100 feet wide was approved by the Planning Board on February 23, 2012, subject to conditions contained in PGCPB Resolution No. 12-14.

Specific Design Plan SDP-1002 for stream restoration, as required by conditions of the preliminary plan and SDP-0506, was approved by the Planning Board on January 26, 2012, subject to conditions contained in PGCPB Resolution No. 12-07. No stream restoration is proposed within the limits of SDP-1003, and no TCPII was approved in association with this application.

Specific Design Plan SDP-1003 for infrastructure, consisting of 265 acres associated with Sections 1A, 1B, 2, and 3 of the overall 760.93-acre development, and proposing a total of 1,080 single-family lots and four associated Type 2 Tree Conservation Plans

(TCP2-008-12, TCP2-009-12, TCP2-010-12, and TCP-011-12) were approved by the Planning Board on March 29, 2012, subject to conditions contained in PGCPB Resolution No. 12-21.

Specific Design Plan SDP-1003-01 and the four associated Type 2 Tree Conservation Plans (TCP2-008-12, TCP2-009-12, TCP2-010-12, and TCP-011-12) were approved by the Planning Board on May 30, 2013, subject to conditions contained in PGCPB Resolution No. 13-62.

The current approval for SDP-1003-06 and TCPII-011-12-02 (Section 3 only) proposes, among other things, to revise the layout of Section 3 from Parkstone Drive north. This revision does not include revisions to the clubhouse layout, clubhouse architecture, and signage previously submitted as SDP-1003-05, which is currently pending review.

The subject approval is grandfathered from the requirements in Subtitles 24 and 27 of the 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 most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved TCP.

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.

The subject property is 265 acres located south of Westphalia Road (C-626) on the east and west sides of Melwood Road, and is zoned R-M. The property is subject to the WCO because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. Type 1 Tree Conservation Plans TCPI-38-05 and TCP1-038-05-01 were previously approved for the site. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafra, and Westphalia soil series. According to available information, Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Joint Base Andrews. Melwood Road is a designated scenic and historic road that bisects this property. Westphalia Road, which is adjacent to this development on the north, is a designated historic road. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. The current approval includes regulated areas, evaluation areas, and network gaps as identified in the

2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). The site is located within the Established Communities of the Growth Policy Map and environmental strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

Zoning Map Amendment (Basic Plan) A-9965-C was approved by the District Council on March 9, 2006, subject to environmentally-related conditions. The conditions of approval were carried forward for implementation with the appropriate step of the development process, and were evaluated during the original review and approval process for SDP-1003. The current revision approval does not affect the environmental conditions approved with the basic plan.

**District Council Final Decision for A-9966-C**

Basic Plan A-9966-C was approved by the District Council May 22, 2006, subject to conditions. Some of the conditions were addressed with the review and approval of the CDP, while other conditions relating to noise and the design of residential structures on the site were carried forward to be addressed at the time of SDP and/or final plat. Conditions related to interior noise mitigation are addressed with any SDP which includes the approval of residential architecture.

**District Council Final Decision for CDP-0501**

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 were approved by the District Council on June 12, 2006, subject to conditions. Most of the conditions were addressed, or will be addressed at the appropriate stage of the development process. A pertinent condition to the current revision approval is the establishment of a woodland conservation threshold (WCT) for the site and required mitigation rates for clearing within the primary management area.

1. **Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:**
  - n. **Revise the Type I Tree Conservation Plan (TCP I) as follows:**
    - (1) **Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;**
    - (2) **Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."**

These conditions of approval establish the woodland conservation requirements for the Smith Home Farm development project which are more stringent than



required by the ordinance, and were correctly addressed in the approved TCPI-038-05.

Natural Resources Inventory NRI-006-05 was submitted with CDP-0501 and approved on August 29, 2005. Natural Resources Inventory NRI-006-05-01 was submitted for an -01 revision to revise the area of existing woodland on the site, and signed by the Planning Board on November 11, 2006. Natural Resources Inventory NRI-006-05-02 was submitted to revise the wetland delineation of the site and was approved by the Planning Board on July 25, 2012.

The WCO establishes a 20 percent WCT requirement in the R-M Zone. The District Council approved conditions raising the WCT requirement to 25 percent for the subject property. At the time of TCPI approval with CDP-0501 (TCPI-038-05), the WCT for the site, based on a 25 percent threshold, was determined to be 159.52 acres, exceeding the 145.84 acres of existing forest on the net tract. As a result, the WCT was reduced to the total amount of existing woodlands on the net tract, from 159.53 to 145.84 acres, a net reduction of 13.68 acres. The WCT was reduced to 22.5 percent of the net tract area and a minimum WCT of 145.84 was required to be provided on-site. Because the amount of existing woodlands on the property was established as the threshold, all woodland clearing falls below the WCT and is subject to replacement at a rate of two acres of woodland conservation for each acre of woodland cleared.

**District Council Final Decision for CDP-0501-01 and TCPI-038-05/01**

The revised Comprehensive Design Plan and Type I Tree Conservation Plan, TCPI-038-05-01, were approved by the District Council on May 21, 2012, subject to conditions. Environmental conditions related to the site were addressed, or will be addressed at the appropriate stage of the development process.

**Conditions of PGCPB Resolution No. 06-64(A) for Preliminary Plan 4-05080**

Preliminary Plan 4-05080 and Type I Tree Conservation Plan TCPI-038-05/01 were approved by the Planning Board (Resolution No. 06-64(A)), subject to conditions. All of the conditions have been addressed, or will be addressed at the appropriate stage of the development process.

**Conditions of Approval for SDP-0506 (PGCPB Resolution No. 06-192)**

The Planning Board approved Type II Tree Conservation Plan TCPII-057-06 and Specific Design Plan SDP-0506 for the project site on July 27, 2006, subject to conditions, which have been addressed or will be addressed at the appropriate step in the development process.

**Conditions of Approval for SDP-1003 (PGCPB Resolution No. 12-21)**

The Planning Board approved SDP-1003 and four sectional TCPIIs (TCPII-008-12, TCPII-009-12, TCPII-010-12, and TCPII-011-12) on March 29, 2013, subject to conditions. The District Council issued an order affirming the Planning Board's decision

on July 24, 2013. The conditions of SDP-1003 are valid and continue to be in effect.

- (1) The revised SDP and TCPII are hereby found in conformance with Zoning Map Amendments A-9965-C and A-9966-C from an environmental perspective.
- (2) The revised SDP and TCPII are hereby found in conformance with CDP-0501 and TCPI-038-05 from an environmental perspective.
- (3) The revised SDP and TCPII are hereby found in conformance with Preliminary Plan 4-05080 and TCPI-038-05 from an environmental perspective.
- (4) The regulated environmental features on the subject property are hereby found to have been preserved and/or restored to the fullest extent possible. The primary management area impacts shown on SDP-1003-06 are consistent with those approved with Preliminary Plan 4-05080.

- k. **Prince George's County Fire/EMS Department:** In a memorandum dated February 7, 2015, the Fire/EMS Department offered comment on private road design, accessibility, and the location and performance of fire hydrants, including that private roads must measure a minimum of 22 feet in width and be able to accommodate vehicles of up to a 43-foot wheel base, in accordance with the requirements of the Prince George's County Fire Code, as relayed by a representative of the Fire/EMS Department. Further, it was stated that each unit must have the property address displayed on the side of the unit to which vehicular access is provided.

The Planning Board met with the representative of the Fire/EMS Department who explained that the fire trucks will service the front of the unit from the public or private street. It is not necessary to require access through alleyways and it is not practical.

- l. **The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):** In a memorandum dated March 24, 2015, DPIE offered the following regarding the subject project:

DPIE has no objection to revising the layout of the referenced residential subdivision (Section 3), which will include attached single-family and two-over-two multifamily units, and approving the revision of Specific Design Plan SDP-1003-06.

The property is located east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway, approximately 3,500 feet east of said intersection, and south of Westphalia Road. Right-of-way dedication and frontage improvements along Presidential Parkway are required in accordance with the Prince George's County Department of Public Works and Transportation (DPW&T) specifications and standards, as well as any proposed internal subdivision streets. These roadways are to be consistent with the approved master plan for this area.

The proposed site development, to include 275 attached single-family and two-family dwellings, the subdivision, is consistent with approved Stormwater Management Concept Plan 24819-2006-02 dated March 5, 2013, as revised in Stormwater Management Concept Plan 24819-2006-03 dated March 25, 2015. After DPIE originally issued their comments for the project, the applicant successfully pursued a revision to the approved stormwater management concept plan (24819-2006-03, approved March 25, 2015 and valid until May 4, 2017). DPIE has now stated that the subject approval conforms to the approved stormwater management concept plan, as revised. The site development technical plan is to be revised to match the SDP approved herein.

The final stormwater plan for this site was originally approved on August 25, 2006 (Stormwater Management Concept Plan 24819-2006, parent approval 36059-2005).

The previous approval predated environmental site design requirements.

The final erosion and sediment control plan for this site was originally approved on January 11, 2013 (Approval 78-13).

Based on the approval issued, this site is waived from environmental site design (ESD) requirements. Stormwater management controls not compliant with ESD must be built prior to May 4, 2017.

This memorandum incorporates the site development plan review pertaining to stormwater management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

- (1) Final site layout, exact impervious area locations are shown on plans.
- (2) Exact acreage of impervious areas has not been provided.
- (3) Proposed grading is shown on plans.
- (4) Delineated drainage areas at all points of discharge from the site have not been provided.
- (5) Stormwater volume computations have not been provided.
- (6) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- (7) A narrative in accordance with the code has not been provided.

m. **The Prince George's County Police Department:** In a memorandum dated January 22, 2015, the Police Department stated that they had reviewed the plans and then offered the following crime prevention through environmental design (CPTED) related suggestions:

- (1) The inclusion of lighting along the private alleyways to enhance safety and security for all individuals accessing these areas. Illuminating these areas would also deter various personal and property crimes and provide residents with a sense of safety and security as they utilize these locations.
- (2) A certain species of evergreen trees should be addressed because as the trees mature they will grow into each other creating a wall effect and thereby not following the CPTED principle of natural surveillance. Further, this principle suggests that areas should be designed to allow maximum surveillance (defined as seeing and being seen) which deters criminal activity by making offender's behavior more noticeable to users of the space or a police officer on patrol.

Specifically, the Police Department suggested that, on Sheet 35 of the landscape and lighting plan, either the space between the planned White Spruce and Canadian Hemlock evergreen trees be increased or that the trees be relocated from the open area along Richmond Run Drive.

Conditions of this approval require that, prior to certificate approval, the plans be revised to increase the spacing between the above-mentioned trees or relocate them, and that lighting be included along the alleys in accordance with the Police Department's comments.

n. **The Prince George's County Health Department:** In a memorandum dated February 9, 2015, the Health Department's, Environmental Engineering, Public Policy Program, noted that they completed a health impact assessment review of the subject SDP and offered the following comments and recommendations:

- (1) Health Department permit records indicate that there are less than five existing carry-out/convenience store food facilities within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
- (2) There are no market/grocery stores with a one-half mile radius of this location. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity.

- (3) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.
- (4) Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties.
- (5) Indicate the noise control procedures to be implemented during the construction phase of this project. No construction noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- (6) The site is located in the Joint Base Andrews noise zone. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.
- (7) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.
- (8) Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.

Conditions of this approval implement those of the Health Department's concerns that are within the Planning Board's jurisdiction to condition. Note that the Planning Board reviews development projects for noise and light impacts, the Planning Board reviews development projects for conformance to requirements generating from the subject site's proximity to Joint Base Andrews, and the Planning Board reviews projects to ensure safe and adequate pedestrian access to the site. Further, the Planning Board hereby places conditions on the subject project regarding these issues.

- o. **The Maryland State Highway Administration (SHA):** In comments received January 22, 2015, the SHA stated that they had no comments on the subject project, as no

work is proposed within the state right-of-way.

- p. **Verizon:** In an e-mail received March 11, 2015, a representative of Verizon stated that they would like a ten-foot-wide public utility easement included adjacent and parallel to, and continuous with, the right-of-way line of all roadways, free and clear of any surface obstructions.
- q. **Potomac Electric and Power Company (PEPCO):** No comment was received from PEPCO regarding the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-011-12-02), and further APPROVED Specific Design Plan SDP-1003-06 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Indicate the actual and required setbacks of the structures.
  - b. Provide top and bottom of wall measurements on all retaining walls.
  - c. Indicate a specific height limit for the ground-mounted signage of not more than six feet in height.
  - d. Provide the dimensions of the "wording area" and sign panel for all signage.
  - e. Indicate the actual setback from the right-of-way of all ground-mounted signage on the site plan.
  - f. Provide the detail of signage on piers, including the exact location and dimensioned size of the signage.
  - g. The applicant shall revise the plans to indicate land set aside for a community garden. Upon a majority vote of the homeowners association, land use may be change from a community garden to enhanced landscaping.
  - h. The applicant shall add the following general notes to the plans:
    - (1) The applicant shall conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

- (2) The applicant shall conform to the construction activity noise control requirements of Subtitle 19 of the Prince George's County Code.
  - (3) The subject project is located within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) impact area and within Imaginary Surface D (Inner Horizontal Surface), establishing a height limit of 150 feet above the runway surface, and within Imaginary Surface E (Conical Surface), within the 70-75 dBA Ldn noise contour, but not within an Accident Potential Zone.
- i. In accordance with crime prevention through environmental design (CPTED) principles, the following revisions shall be made to the plans for the project:
  - (1) Adequate lighting shall be provided in the private alleys. Such lighting shall be shielded and positioned so as to minimize light trespass caused by spill light.
  - (2) The evergreens (White Spruce and Canadian Hemlock) shall either be relocated elsewhere on the site or the spacing between them shall be increased.
- j. The applicant shall have the plans revised to include the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) and imaginary surface boundaries.
- k. General Note 20 which states that mandatory park dedication is of land for the Westphalia Central Park shall be removed from the plan set.
- l. General Note 31 which states that the property is in the Developing Tier shall be removed from the plan set.
- m. The previously approved lot chart on Sheet 1 of the plan set shall be updated.
- n. On Sheet 1A, the note in the legend that states that SDP-1003 is for "infrastructure only" shall be removed.
- o. The word "typical" shall be removed from the signage and landscaping details included on Sheet 41 of the plan set. The details for the signage and landscaping shall be revised so as to be specific to what will be installed as part of the eventual construction of the subject project.
- p. Adequate guest parking, not solely for the recreational facilities, shall be provided in Section 3. The final design, including quantity of spaces, shall be approved by the Planning Board or its designee.
- q. The conflicts between the stormdrain and public utility easements shall be reconciled to the satisfaction of all involved utilities and the applicant shall present to staff an agreement among the same stating that they find that the placement and size of the easements is

adequate for the purpose of providing utility service to Sections 1A, 1B, 2, and 3.

- r. Sixty percent of the single-family attached townhouses in Section 3 shall feature a full brick or other masonry front façade. In aggregate, the total area of the front façades of the two-family attached dwellings within Section 3 shall contain a minimum of 70 percent brick, excluding windows and doors, or other masonry front façade. All of the units in Section 3 which front on Central Park Drive shall have a full brick or other masonry front and side façades.
- s. The tabulation of all lots that have been approved previously for this project provided on the SDP shall be updated in accordance with the approval of the subject SDP-1003-06 approval. The tabulation shall include the breakdown of each type of housing units approved, SDP number, and Planning Board resolution number.
- t. Prior to certificate approval of SDP-1003-06, Type II Tree Conservation Plan TCPII-011-12-02 shall be revised as follows:
  - (1) A TCPII revision table shall be provided on the cover page which indicates the TCP number, the revision number, the associated plan number, the revisions included, and the plan sheets affected.
  - (2) On the overall worksheet, the line labeled “Afforestation Located on Future Section” shall add in parenthesis “(See Note 3 below).”
  - (3) The individual TCPII worksheet shall be revised to indicate that the woodland conservation required for the section, based on the overall worksheet, is 10.78 acres and that the total woodland conservation requirement is also 10.78 acres.
  - (4) Have the revised plan signed and dated by qualified professional who prepared it.
- u. The applicant shall add a plan to the plan set for the project that depicts the geographic area owned by SHF Project Owner LLC, and which is covered by the Public Facilities Financing and Implementation Program (PFFIP) District for Westphalia Center and the Park Club agreement. The plan shall be reviewed for adequacy and correctness by the Planning Board or its designee.
- v. Revise the plans to reinstate the previously approved open space and connections of Parcels T20, T22, and T24.
- w. Adjust the location of street trees and sidewalks to adhere to the requirements of Section 4.10, of the 2010 *Prince George’s County Landscape Manual* or, if not feasible, obtain alternative compliance of a departure.



2. Prior to issuance of grading permits for any phases of the Smith Home Farm site, the applicant must demonstrate how the woodland conservation requirements will be implemented by bonding of afforestation/reforestation requirements and/or submitting recorded transfer certificates for off-site woodland conservation requirements. 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 Environment Strategy Area (ESA 2), or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out appropriate location opportunities for off-site woodland.
3. The Central Park shall be planned in phases. A specific design plan (SDP) for Phase 1 shall be approved prior to issuance of the 200<sup>th</sup> 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 1 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 16, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of May 2015.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator