

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



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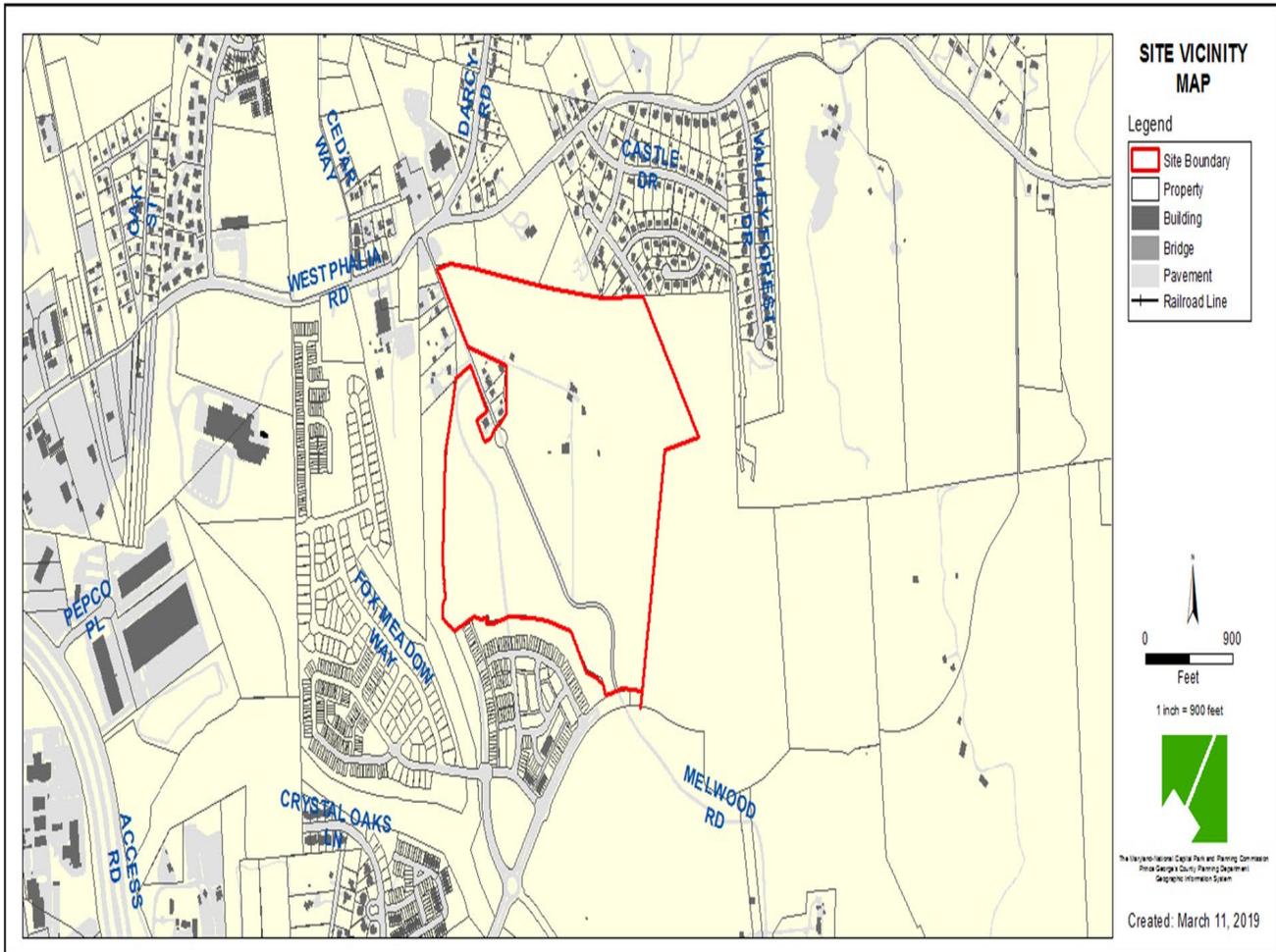
Specific Design Plan

SDP-1601-02

Application	General Data	
Project Name: Parkside, Section 4 Location: At the terminus of Melwood Road, approximately 1,570 feet south of its intersection with Westphalia Road. Applicant/Address: SHF Project Owner, LCC 1999 Avenue of the Stars, Suite 2850 Los Angeles, CA 90067	Planning Board Hearing Date:	04/25/19
	Staff Report Date:	04/09/19
	Date Accepted:	12/28/18
	Planning Board Action Limit:	04/28/19
	Plan Acreage:	96.49
	Zone:	R-M
	Dwelling Units:	N/A
	Gross Floor Area:	N/A
	Planning Area:	78
	Council District:	06
	Election District:	15
	Municipality:	N/A
	200-Scale Base Map:	205SE08

Purpose of Application	Notice Dates	
A mixed retirement development with improvements for 168 single-family detached residential lots and 127 single-family attached residential lots.	Informational Mailing:	05/08/18
	Acceptance Mailing:	12/14/18
	Sign Posting Deadline:	03/25/19

Staff Recommendation		Staff Reviewer: Andrew Bishop Phone Number: 301-952-4897 Email: Andrew.Bishop@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-1601-02
Type II Tree Conservation Plan TCPII-014-2016-02
Parkside, Section 4

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

EVALUATION

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

- a. The requirements of Zoning Map Amendment A-9965-C;
- b. The requirements of the Prince George's County Zoning Ordinance in the Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) Zones;
- c. The requirements of Comprehensive Design Plan CDP-0501, its amendment, and reconsideration;
- d. The requirements of Preliminary Plan of Subdivision 4-05080;
- e. The requirements of Specific Design Plan SDP-0506 and its amendments;
- f. The requirements of Specific Design Plan SDP-1002;
- g. The requirements of Specific Design Plan SDP-1601 and its amendment;
- h. The requirements of the 2010 *Prince George's County Landscape Manual*;
- i. The requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance;
- j. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- k. Referral comments.

FINDINGS

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

1. **Request:** The subject application requests a specific design plan (SDP) for a mixed retirement development (MRD) with improvements for 168 single-family detached residential lots and 127 single-family attached residential lots in the Residential Medium Development (R-M) Zone, for Parkside, Section 4, part of the larger Parkside development. This SDP includes the location and design of the public roadways and private alleys, the lot and parcel layout, on-street parking, landscaping, utility location, fencing, and sidewalks, but excludes architecture.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-M/M-I-O	R-M/M-I-O
Use	Residential	Residential
Gross Acreage	96.49	96.49
Flood Plain Acreage	2.49	2.49
Net Acreage	94	94
Total Lots	0	295
Total Parcels	2	30

OTHER DEVELOPMENT DATA

Parking Requirements

	Required	Provided
Section 4		
Single-Family Detached 2.0 x 168	336	336
Single-Family Attached at 2.04 x 127	260	254
Standard Visitor Parking Spaces	-	43*
Parallel Visitor Parking Spaces	-	17*
Total Parking:	596	650

Note: *The 60 parking spaces for visitors are not evenly distributed, particularly in Blocks J and K, which contain single-family attached townhomes. Staff recommends that additional on-street parking be provided, wherever feasible, in these areas, in order to ensure sufficient parking for visitors. See a detailed discussion in the findings below, and a condition has been included in the Recommendation section of this staff report requiring this revision.

3. **Location:** The larger Parkside subdivision (formerly Smith Home Farm) is a tract of land consisting of wooded and partially developed land, approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 757 acres, in Planning Area 78, Council District 6. The subject property, Section 4 of the Parkside development, is located in the north-central portion of the development, north of Central Park

Drive at the terminus of Melwood Road, approximately 1,570 feet south of its intersection with Westphalia Road.

4. **Surrounding Uses:** The subject site is bounded to the north by vacant land and single-family detached residential units in the Rural Residential (R-R) and Open Space Zones; to the east by Section 7 of the Parkside development, which is currently undeveloped and in the Local Activity Center (L-A-C) and R-M Zones; to the south by Section 3 of the Parkside development, Central Park Drive, and the proposed Westphalia Central Park; and to the west by the proposed Rock Spring Drive, with Section 2 of the Parkside development in the R-M Zone and some scattered existing development in the Commercial Shopping Center, Commercial Office, Commercial Miscellaneous, and the R-R Zones beyond.
5. **Previous Approvals:** The subject application is for Section 4 within a larger project currently known as Parkside, formerly known as Smith Home Farm, which is comprised of 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the L-A-C Zone. The larger Parkside project was rezoned from the Residential-Agricultural Zone to the R-M Zone (3.6–5.7 dwelling units per acre) and to the L-A-C Zone, with a residential component including a mixed retirement component for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space, through Zoning Map Amendments A-9965 and A-9966. The Prince George’s County District Council approved both zoning map amendments on February 13, 2006, and the Orders of Approval became effective on March 9, 2006.

On February 23, 2006, the Prince George’s County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 (PGCPB Resolution No. 06-56(C)) for the entire Parkside project, with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board’s decision with five conditions. On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-05080 and a revised Type I Tree Conservation Plan, TCPI-038-05-01, (PGCPB Resolution No. 06-64(A)) for 1,176 lots (a total of 3,628 dwelling units) and 355 parcels, with 77 conditions. A new PPS (4-16001) for Sections 5 and 6 was approved by the Planning Board on September 13, 2018 (PGCPB Resolution No. 18-91) for 441 lots and 81 parcels. This approval superseded PPS 4-05080 for Sections 5 and 6 only, and does not impact Section 4.

On July 27, 2006, the Planning Board approved infrastructure SDP-0506 and associated Type II Tree Conservation Plan TCPII-057-06 (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This application also showed a portion of the roadway between MC-631 and Presidential Parkway, also known as A-67.

On December 12, 2007, SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, SDP-0506-02, was approved by the Planning Board on March 29, 2012 (PGCPB Resolution No. 12-114), subject to conditions contained herein. A third amendment, SDP-0506-03, was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to conditions.

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

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

The original SDP-1601 for Section 4 was approved by the Planning Board on October 27, 2016 (PGCPB Resolution No. 16-125) for infrastructure and the grading and installation of three stormwater management (SWM) ponds. On December 19, 2017, SDP-1601-01 was approved by the Planning Director for the purpose of rough grading and detailed engineering for the restoration of Stream Reach 6-2.

This SDP is subject to SWM Concept Plan 14846-2006-03, for Sections 4, 5, and 6 of the Parkside development, which was approved on March 19, 2019 and is valid until May 25, 2020.

6. **Design Features:** The subject application proposes to include all site design elements for the proposed MRD, such as the location and design of public and private roadways and alleys, lot and parcel layout, on-street parking, landscaping, utility locations, fencing, and sidewalks, excluding architecture. Stormwater is being accommodated within existing ponds within the overall boundary, and by additional on-site infiltration, including bioretention facilities and submerged gravel wetlands.

The submitted site plan shows the proposed alley rights-of-way at 20 to 28 feet wide to accommodate parallel parking and drive aisles that are generally 18 feet in width, with the exception of Alley 2 on Parcel K2, which is shown as 16 feet in width and shall not be less than 18 feet to provide safe, efficient, vehicular access to individual lots pursuant to Section 24-128(b)(7) of the Subdivision Regulations. A condition has been included herein requiring that all of the alleys be shown at 18 feet in width. The public and private rights-of-way are 50 feet wide and propose a pavement width of 26 feet. Victoria Park Drive runs along the

southern portion of the site and connects Rock Spring Drive with Section 7 of the Parkside development, east of the subject site. Victoria Park Drive includes a 60-foot-wide right-of way and 36 feet of pavement.

A number of retaining walls, up to a maximum of approximately 14 feet high, are proposed on-site, adjacent to the residential lots. The approximately 10-foot-high retaining wall proposed to the north of Lot 28, Block B, is approximately 6 feet away from the future single-family attached house. A condition has been included in the Recommendation section of this report requiring that this retaining wall be moved at least 10 feet from the property line to ensure the future safety of the house and usability of the lot.

The Urban Design Section is concerned about the lack of sufficient parking for visitors in the proposed development. Overall, Section 4 provides more parking than required. However, not counting the visitors' parking spaces, Section 4 provides less parking than required. As such, the real number of parking spaces for visitors will be less than that shown in the parking table. For example, in Section 4, the applicant provides six spaces less than the required parking for townhouses units. This means that a reduced number of visitor parking spaces will be available if they are occupied by homeowners. Therefore, additional parking spaces for visitors should be provided. At a minimum, 5 percent of the total required parking spaces will be needed for visitors. The parking spaces for visitors in Section 4 meets the 5 percent minimum. However, additional spaces should be provided for the proposed townhouses, particularly in Blocks J and K, and be evenly distributed amongst the pods. A condition has been proposed in the Recommendation section of this report regarding these revisions.

Recreational Facilities

At this time, no passive or active recreational facilities are proposed with this SDP. Private recreational facilities on homeowners association (HOA) parcels will be evaluated at the time of future SDPs.

Architecture

No architecture is included in the subject application. Architecture will need to be reviewed in a future SDP.

Lighting

The photometric plan indicates the use of a decorative light-emitting diode fixture on a 14-foot-high black pole. Details of the proposed lighting fixture and photometrics are provided on the SDP. However, lighting and lighting levels are not shown for all of the proposed private roads and alleys, and should be, to allow for safe passage and usage. Therefore, a condition is included in the Recommendation section of this report requiring this to be provided.

Signage

No signage is included in the subject application. Any proposed signage will need to be reviewed with a future SDP.

COMPLIANCE WITH EVALUATION CRITERIA

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

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

A. Land use types and quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

- **Total area: 727± acres***
Of which residential use: 572.4 acres
Mixed Retirement Development: 154.6 acres
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 Units**
- **Proposed Residential Development: 1,224 Units**

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

The subject application for Section 4 includes a total of 97.20 acres of land within the R-M zoned property. The overall density of the development has been shown in a table on the SDP, for tracking purposes, in conformance with the requirements above, and includes the CDP and PPS approvals, regarding the final density of the overall site. PPS 4-05080 was approved for the entire Parkside development (formerly Smith Home Farm). PPS 4-16001 was recently approved for Sections 5 and 6 and superseded PPS 4-05080 for Sections 5 and 6 only. The density tracking table has been updated to include the dwelling units approved in 4-16001.

In a memorandum from the Subdivision and Zoning Section, dated March 28, 2019 (Onyebuchi to Bishop), staff noted that the CDP established the dwelling unit limit for the entire property at 3,648. Subsequently, PPS 4-05080 was approved for 3,648 dwelling units and PPS 4-16001 was approved for 441 lots and 81 parcels containing a total of 527 dwelling units. The 527 dwelling units approved with PPS 4-16001 shall be counted against, and not in addition to, the 3,648 dwelling unit limit established by CDP-0501, which still governs the overall site development limitation. During the review, staff requested that the applicant provide this information within the tracking table, in order to clarify the relationship between the two PPSs and the CDP. The revised chart created by staff has been included as an attachment in the backup of this report, and notes that the SDPs approved with Sections 5 and 6 of the Parkside development propose a total of

84 parcels, 3 more than approved. The revised plans should show the addition of PPS 4-16001 with the associated development, and clarify the lots, parcels, and unit counts proposed for the overall development.

To date, 1,814 dwelling units have been approved through several SDPs. The applicant is proposing an additional 295 dwelling units with this application. Approval of this SDP would bring the total dwelling unit count for the entire Parkside development to approximately 2,109, which is well within the 3,648 dwelling unit limit established with the CDP. A condition has been included in the Recommendation section of this report requiring the applicant to update and correct the tracking table prior to certification.

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

E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.

No recreational facilities are included in the subject application and, at this time, no passive or active recreational facilities are proposed. Private recreational facilities should be located on HOA parcels and will be evaluated at the time of future SDPs.

H. At the time of the first Specific Design Plan, the Applicant shall:

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

The applicant has provided the most up-to-date comprehensive trail plan for the project and the plans have been reviewed and found to be adequate.

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

This condition relates to the design of residential structures on the site and will be addressed, as appropriate, at the time of an SDP that includes architecture.

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

Minimization of impacts to the regulated environmental features of the site were addressed during the review of PPS 4-05080. Staff has reviewed this application and determined that this SDP is consistent with prior approvals.

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

Staff has reviewed the revised TCPII and determined that this condition has been addressed.

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

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

The required note has been provided with the revised Type II Tree Conservation Plan (TCPII-014-2016-02) submitted with this application, as required.

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

No woodland conservation has been provided on residential lots, satisfying this condition.

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

Noise impacts associated with Joint Base Andrews aviation shall be mitigated through acoustical shell certification prior to issuance of building permits. Acoustical shell certification will be required for all residential units proposed in Section 4.

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

This condition has been fulfilled. The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and this subject application conforms with Section 4.7, Buffering Incompatible Uses, as discussed in Finding 15 below.

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

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

An MRD is defined in the Zoning Ordinance as a residential community for retirement-aged persons developed under a uniform scheme of development containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two types

of dwelling units. This use is permitted in the R-M Zone, subject to Footnote 28 of Section 27-515(b), which reads as follows:

The owner of the property shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with State and Federal Fair Housing laws, for a fixed term of not less than sixty (60) years. The covenant shall run to the benefit of the County.

This requirement was addressed by Condition 51 of the PPS 4-05080 approval and will be enforced through that approval.

- b. Military Installation Overlay Zone: A portion of the project is also located within the Noise Impact Zone (60–74 dBA noise contour) of the M-I-O Zone. A Phase II noise study will be needed at the time of a full-scale SDP, which shows that all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less.

The eastern portion of the property is located within Height Zone D and the rest of the property is located within Height Zone E. The maximum building height limits are approximately 234 to 360 feet. The proposed single-family detached and attached buildings that will be constructed with this application measure approximately 40 feet in height, below the maximum building height limits.

- c. Section 27-528(a) of the Zoning Ordinance sets forth the following criteria for approval of an SDP:

- (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 application was found in conformance with the approved CDP. While the current SDP application proposes increased density in Section 4, it was found that the application is in general conformance with CDP-0501.

- (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;**

The subject application is not in a regional urban community, and it should be noted that this use is permitted in the R-M Zone, subject to Footnote 28 of Section 27-515(b), as discussed.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the**

appropriate Capital Improvement Program, 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;

Conformance to Section 24-124(a)(8) of the Subdivision Regulations was found with the approval of PPS 4-05080, and it is noted that this application will not change that prior finding. Therefore, it is determined that the development will be adequately served within a reasonable period of time with existing or programmed public facilities.

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

The application has an approved SWM Concept Plan, 14846-2006-03 (for Sections 4, 5, and 6) and, in a memorandum dated February 19, 2016 (Giles to Bishop), the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with the approved SWM concept plan. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

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

The Environmental Planning Section (EPS) stated, in a memorandum dated March 27, 2019 (Finch to Bishop), that the subject project is in conformance with TCPII-014-2016-02, subject to conditions that have been included in the Recommendation section of this report.

(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).

EPS stated, in a memorandum dated March 27, 2019 (Finch to Bishop), that the regulated environmental features are preserved and/or restored to the fullest extent possible, in accordance with the requirements of Section 24-130 (b)(5) of the Subdivision Regulations. The impacts proposed to the regulated environmental features on this site are consistent with those approved with PPS 4-05080. Therefore, it is noted that the regulated environmental features are preserved and/or restored to the fullest extent.

9. **Comprehensive Design Plan CDP-0501 and its revision and reconsideration:** CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 (PGCPB Resolution No. 06-56), and by the District Council on June 12, 2006, for 3,648 residential dwelling units and 170,000 square feet of commercial/retail. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits, and was reapproved by the District Council on March 28, 2016 (PGCPB Resolution No. 06-56(C)(A)). The following conditions warrant discussion, in relation to the review of the subject SDP:

9. At time of the applicable SDP, the following areas shall be carefully reviewed:
- f. A multiuse, stream valley trail along the subject site’s portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
 - g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the Central Park and the view sheds and vistas from the Central Park.
 - i. The subject site’s boundary areas that are adjacent to the existing single-family detached houses.

An updated trails network exhibit has been provided with this SDP and has been reviewed by the Transportation Planning Section. In a memorandum dated February 1, 2019 (Shaffer to Bishop), the trails reviewer indicated that the Cabin Branch Trail is located south of Section 4 and will be accessed via the Melwood Legacy Trail, the internal sidewalk network, and the shared-use path along MC-631.

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>		

The need for private recreational facilities to serve Section 4 is important and should include facilities to meet the needs of all residents. However, it is noted that no recreational facilities are proposed with this application, as discussed. The triggers for installation of the facilities will be tied to the specific development of each section, and will be established with a future SDP which includes the development of those facilities.

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

The required table has been provided; however, it is noted that updates and revisions are needed, and a condition has been included in the Recommendation section of this report requiring this to be completed.

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

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

Notes:

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

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

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

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

R-M MRD Zone

	Condominiums	Single-family Attached	Single-family Detached
Minimum Lot size:	N/A	1,300 sf	N/A
Minimum frontage at street R.O.W:	N/A	N/A	N/A
Minimum frontage at Front B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage	N/A	N/A	N/A
Minimum front setback from R.O.W.	10**	10**	N/A
Minimum side setback:	N/A	N/A	N/A
Minimum rear setback:	N/A	10'	N/A
Minimum corner setback to side street R-O-W.	10'	10'	N/A
Maximum residential building height:	50'***	40'	N/A

Notes:

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

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

This application includes the MRD portion of the overall subdivision and is subject to the standards for the MRD that were approved with CDP-0501. The proposed SDP shows lot lines, which meet the minimum requirements for lot size, frontage, and setbacks. However, in keeping with the intent of the original condition to allow variations to the standards on a case-by-case basis, as approved by the Planning Board at the time of individual SDPs, the applicant is proposing to revise the standards for the MRD to include single-family homes in Section 4, which were not initially envisioned with the approval of CDP-0501. Therefore, a condition has been included in the Recommendation section of this report requiring the applicant to provide a revised set of standards to establish the requirements for single-family homes in the MRD, consistent with those approved in the R-M portion of the development. The information needed for reviewing conformance with standards related to building height and form are not being reviewed at this time because architecture is not being proposed with this application and will be evaluated at the time of a future SDP that includes architecture.

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

The property is subject to the requirements of the Landscape Manual, and a discussion of the application’s conformance to Section 4.7 is contained in Finding 15 below.

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

The subject SDP does not include architecture, and the issue of height of structures will be investigated further at the time of the submittal that includes architectural elevations.

On December 1, 2011, CDP-0501-01 was approved by the Planning Board, subject to four conditions and the modification of Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board’s decision and approved CDP-0501-01 (PGCPB Resolution No. 11-112). The following conditions warrant discussion, in relation to the subject SDP:

2. **The following three conditions attached to previously approved Comprehensive Design Plan CDP 0501 shall be revised as follows (underlined text is added/changed):**

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

R-M ZONE

	Condominiums	Single-family Attached	Single-family Detached
Minimum Lot size:	N/A	1,300 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.**

**** t Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily**

condominium building, the minimum setback from street should be 25 feet.

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

† 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.

Even though lot lines have been shown, there is not enough information available for reviewing conformance with those standards. The above design standards are being revised with this application, as conditioned in this report, and will be further reviewed at the time of a full-scale SDP including architecture.

Three conditions were added by the District Council in May 21, 2012 regarding the community building, which is in Section 3 of the overall development. This facility was approved with SDP-1003-05 on September 10, 2015 (PGCPB Resolution No. 15-91), and was further revised in SDP-1003-13. The community building is currently bonded and under construction. These conditions are not related to the subject application.

10. **Preliminary Plan of Subdivision 4-05080:** The Planning Board approved PPS 4-05080 for the entire Parkside development (formerly Smith Home Farm) on March 9, 2006. PGCPB Resolution No. 06-64 was adopted on March 16, 2006, formalizing that approval. The approval was reconsidered several times, including on April 6, 2006 (PGCPB Resolution No. 06-64(A) and adopted on September 7, 2006); on July 27, 2006 (PGCPB Resolution No. 06-64(A/1)(C) and adopted on September 7, 2006); and, most recently, on May 24, 2012 (PGCPB Resolution No. 06-64(A/2)(C) and adopted on June 14, 2012), with 77 conditions. 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 TCPII has been submitted with this application, and EPS has recommended approval, with conditions. Should the TCPII be approved as recommended, the project would be in conformance with this requirement.

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

In a memorandum dated February 19, 2019 (Giles to Bishop), DPIE stated that the subject project is in conformance with approved SWM Concept Plan 14846-2006-03, as required by this condition.

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.

In a memorandum dated February 1, 2019 (Shaffer to Bishop), the trails reviewer indicated that the SDP proposes sidewalks along both sides of all internal roads, as required by this condition. However additional trail connections are requested and included as recommendations in this report.

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

In a memorandum dated March 14, 2019 (Burton to Bishop), the transportation reviewer indicated that the proposed development occupies approximately 97 acres of the original Smith Home Farm PPS area. Because the PPS was approved with a trip cap (Condition 50), and the overall property is being developed under several specific development plans, the applicant has provided staff with a summary of trips that are being assigned to various SDPs. Table 1 below illustrates that summary.

Table 1			
Previous Approvals	Dwelling Units	Peak Hour Trips	
		AM	PM
SDP-1003	1129	740	598
SDP-1302/02 (including PPS 4-16001)	685	441	352
<i>SDP-1601-02 (Pending)</i>	296	54	47
Total	2110	1235	997
Original Trip Cap (4-05080)		1847	1726
Remaining (Unused) Trip Cap		612	729

The analysis summarized in Table 1 indicates that Condition 50 of PGCPB Resolution No. 06-64(A/2)(C) has been met. Therefore, the Transportation Planning Section determines that resubdivision of a portion of PPS 4-05080 would generate no net trips as a result of the resubdivision. There would be no net additional impact on critical off-site intersections. The provisions of Condition 42 of PGCPB Resolution No. 06-64(A/2)(C) must be addressed at the time of permitting.

- 51. The applicant, his heirs, successors and/or assignees shall record among the Land Records of Prince George’s County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with state and federal fair housing laws, for a fixed term of not less than 60 years. The covenant shall run to the benefit of the county and be reflected on all final plats for the R-M Zoned Mixed Retirement Community portion of this project.**

Section 4 covered under this SDP is the area approved for the mixed retirement community. The covenant required by this condition will be required at the time of final plat.

- 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.**

A phased worksheet, as well as an individual TCPII worksheet, has been provided on TCPII-014-2016-02. The sheet layout of the TCPII matches the layout of the SDP for Section 4.

- 67. No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.**

The current SDP for Section 4 includes lot and parcel lines, and the memorandum from EPS stated that streams, wetlands, and floodplains associated with the Patuxent River basin occur on the property, but none are shown on the single-family lots. In addition, it is noted that this condition will be further evaluated and confirmed at the time of final plat when the primary management area (PMA), except for areas of approved impacts, will be placed into a conservation easement.

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

The plans show the field identification of the Melwood Legacy Trail within Section 4, as well as the associated grading.

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

- a. All dead-end private alleys that are longer than 100 feet shall be designed to provide adequate turn around capabilities in accordance with standards and recommendations of the Department of Public Works and Transportation that will allow an emergency vehicle to negotiate a turn.**

The applicant has provided adequate turnaround capability within these alleys.

11. **Specific Design Plan SDP-0506 and its amendments:** The Planning Board approved SDP-0506 (PGCPB Resolution No. 06-192) for infrastructure of roadway construction for portions of C-631 (oriented east/west, also known as MC-631) and C-627 (oriented north/south, also known as MC-635), with three conditions. Condition 2 is related to the review of the subject SDP, as follows:

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

The limited SDP for stream restoration shall:

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. **Consider the stormwater management facilities proposed;**
- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

In a memorandum dated March 27, 2019 (Finch to Bishop), EPS indicated that this condition has been addressed for Section 4. The required limited SDP for stream restoration, SDP-1002, was approved by the Planning Board on January 26, 2012, subject to conditions contained in PGCPB Resolution No. 12-07. The subject application of Section 4 includes the first stream restoration (Reach 6-2) to be implemented on-site. SDP-1601-01 incorporated the approved stream restoration design on the plan.

12. **SDP-1002 Smith Home Farm Stream Restoration:** The Planning Board approved SDP-1002 (PGCPB Resolution No. 12-07) on January 26, 2012 for stream restoration required by Condition 56 of the approval of PPS 4-04080 and Condition 2 of the approval of SDP-0506. The applicable environmental conditions, or those that have not yet been fully addressed with subsequent development steps, are discussed as follows:

2. **Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.**

The stream restoration plan for Reach 6-2 was approved with SDP-1601-01 and TCPII-014-2016-01, which included the submittal of detailed engineered stream restoration plans. The current application includes the previously approved stream restoration work, which has not yet been implemented.

3. **Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.**
4. **Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised and additional priority area(s) recommended as necessary to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until such time as the required minimum expenditure is met.**

It was previously assumed that the six priority stream restoration projects identified in SDP-1002 would not fulfill the minimum required stream restoration expenditure. SDP-1002 estimated the preliminary cost for the six priority project locations at \$775,065.00, or 52 percent of the required minimum expenditure. Only two projects are identified in Sections 1 through 6, Reach 6-2 (Section 4) and Reach 3-4 (Section 5). The conceptual cost estimate was \$266,125.00 in 2012 for 950 linear feet of stream restoration. Detailed cost estimates for these two projects now total \$554,185.60, which is significantly higher than originally estimated. Final construction costs may be higher. This results in a remainder of \$922,414.40 of the required minimum expenditure to be provided for the four remaining projects located in Section 7. The conceptual cost estimate for priority projects in Section 7 was \$511,924.00, and addressed 3,189 linear feet of stream restoration. It is now anticipated that the remaining four priority projects will exceed the remaining funds available.

7. **Prior to approval of each individual specific design plan for the lotting out of the various sections of Smith Home Farm, areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings shall be identified. Should the above-identified items significantly alter the concept plan for stream restoration established through the subject application, as judged by the Environmental Planning Section as designee of the Planning Board, revision of SDP-1002 shall be required.**

The areas of stream restoration to be associated with future road crossings, SWM, and areas for utility crossings in Section 4 are consistent with SDP-1002 for stream restoration, and no revision is required with the current application.

13. **Specific Design Plan SDP-1601 and its amendment:** SDP-1601 was approved by the Planning Board on October 27, 2019 (PGCPB Resolution No. 16-125), with eight conditions for an infrastructure SDP for the grading and installation of three SWM ponds for Parkside, Section 4, a part of the larger Parkside development. The conditions relevant to the subject application are as follows:

3. **Prior to approval of any future specific design plan (SDP) and Type II tree conservation plan (TCPII) for Section 4, the SDP and TCPII shall be revised as follows:**
 - a. **To reflect the location of the master plan trail. The location of the master plan trail shall be confirmed by the trails coordinator.**
 - b. **The SDP, TCPII, and detailed stream restoration plan shall indicate the removal of the roadbed and culvert crossing the stream at a diagonal and, if a crossing is needed within the primary management area, it shall be provided by a bridge or boardwalk which provides dry passage over the stream and allows free flowing of water under the conveyance structure within the 100-year floodplain.**

The SDP and TCPII reflect the location of the master-planned trails, as confirmed by the trails coordinator. The detailed stream restoration plan presented on the SDP and TCPII do not currently address dry trail passage of the Melwood Legacy Trail across the stream or the connector trail to the park. Staff recommends that the SDP and TCPII be revised to show the measures and grading impacts necessary to provide dry passage within the delineated PMA impacted by the Melwood Legacy Trail and the Westphalia Central Park connector trail, and is conditioned herein.

4. **Prior to issuance of the first building permit for lots located within Section 4, the required stream restoration project for Reach 6-2 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member as designee of the Planning Board.**

Stream restoration work in Reach 6-2 will be completed prior to building permits for Section 4.

5. **Prior to approval of any future specific design plans for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.**

This condition was not addressed with the approval of SDP-1602-01 because the revision was limited to stream restoration and was approved at staff level. This condition needs to be addressed with the current SDP revision for infrastructure. Therefore, a condition has been included in the Recommendation section of this report indicating that the applicant shall work with EPS, as designee of the Planning Board, and appropriate County staff to develop a strategy and schedule for fulfillment of the remainder of the \$1,476,600 minimum expenditure in stream restoration, concurrent with on-going development of the Parkside development.

SDP-1601-01 was approved on December 19, 2017 by the Planning Director for infrastructure, including rough grading and detailed engineering for restoration of stream Reach 6-2, and did not

include any conditions. The current application includes the approved stream restoration work, which has not yet been implemented.

14. **2010 Prince George’s County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. The proposed residential development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan demonstrating conformance with these sections.
15. **Prince George’s County Woodland Conservation and Tree Preservation Ordinance:** This property is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, but is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it is grandfathered due to the previously approved Type I Tree Conservation Plan, that was approved prior to September of 2010. 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 a Type I Tree Conservation Plan, TCPI-38-05-01 was approved for the site with PPS 4-05080.
 - a. The most current plan, Natural Resources Inventory NRI-006-05-03, approved on March 7, 2018, was submitted with the review package for the current application. The NRI indicates that streams, wetlands, 100-year floodplain, and areas of steep slopes are found within the limits of the SDP and comprise the PMA. The information on the NRI is correctly shown on the current SDP and TCPII submittals.
 - b. The total woodland conservation requirement for the overall development is 253.52 acres, which is distributed proportionally over the development sections. The TCPII associated with Section 4 is TCPII-014-2016, and the -02 revision to TCPII-014-2016 was submitted with the subject application and is recommended for approval, with conditions, by EPS. The Woodland Conservation Worksheet meets the requirements for Section 4 and is being satisfied with 6.07 acres of on-site preservation and 16.44 acres of on-site afforestation. The conditions of approval have been included in the Recommendation section of this report and, if implemented, the project shall be in conformance with the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance.
16. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject application provides the required schedule demonstrating conformance to this ordinance.
17. **Referral Comments:** The subject case was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation**—In a memorandum dated January 24, 2019 (Stabler to Bishop), incorporated herein by reference, the Historic Preservation Section noted that a Phase I archeological survey was conducted on the subject property in 2005. Four archeological sites were identified within the area included in the subject application: 18PR766, 18PR767, 18PR770, and 18PR772. A Phase II investigation was conducted on

Site 18PR766. It was determined that significant information was gained from this excavation, and no further work was required on the other three archeological sites.

It was noted that the subject property is near, but is not adjacent to the Blythewood Historic Site (78-013). One early nineteenth-century tobacco barn, 78-012, was documented within the subject property in 1974; however the barn was no longer standing when the 2005 cultural resources survey was conducted on the subject property, and from aerial photographs appears to have collapsed by 1977.

In addition, it was noted that the subject application includes a portion of the Melwood Legacy Trail. The Historic Preservation Section recommends that interpretive signage should be placed along the trail to provide information on the significant findings of the archeological investigations that were conducted near the trail, and is conditioned herein. It was determined that the subject application will not affect any historic sites or resources.

- b. **Community Planning**—In a memorandum dated January 24, 2019 (Wooden to Bishop), incorporated herein by reference, the Community Planning Division offered an in-depth discussion of the SDP’s conformance with the *Plan Prince George’s 2035 Approved General Plan*, and indicated that master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated March 14, 2019 (Burton to Bishop), incorporated herein by reference, the Transportation Planning Section provided an analysis of the relevant previous conditions of approval that are incorporated into the findings above. The site plan was revised to show the proposed Victoria Park Drive with a 60-foot-wide roadway terminating at the property line, separating Sections 7 and 4, and this is acceptable. Overall, from the standpoint of transportation, staff finds that this plan is acceptable and meets the findings required for an SDP.
- d. **Subdivision Review**—In a memorandum dated March 28, 2019 (Onyebuchi to Bishop), incorporated herein by reference, the Subdivision and Zoning Section provided an analysis of the relative conditions of approval, as discussed in Finding 11 above, in addition to minor technical corrections that need to be made to the site plan, which have been incorporated into the Recommendation section of this report.
- e. **Trails**—In a memorandum dated February 1, 2019 (Shaffer to Bishop), incorporated herein by reference, the Transportation Planning Section reviewed the SDP application for conformance with all applicable conditions attached to prior approvals. The relevant comments have been included in the above findings. The Transportation Planning Section recommends approval of this SDP with conditions regarding sidewalk connections and interpretative and wayfinding signage, as shown on the bicycle and pedestrian impact statement exhibit, and have been included in the Recommendation section of this report, as appropriate.
- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated February 11, 2019 (Zyla to Bishop), incorporated herein by reference, DPR recommended approval of this SDP with three conditions that have been included in the Recommendation section of this report.

- g. **Environmental Planning**—In a memorandum dated March 27, 2019 (Finch to Bishop), incorporated herein by reference, EPS provided a comprehensive analysis of the SDPs conformance with all applicable environmental-related conditions attached to previous approvals that have been included in above findings. Additional comments are as follows:

Stream Restoration

An approved SWM Concept Letter and Plan (48330-2016) for restoration of Reach 6-2 was approved by DPIE on September 20, 2016, as the first step towards final technical approval. The approved stream restoration concept plan was consistent with the concept for the restoration expressed in SDP-1002, which called for a full stream valley restoration.

The restoration technique proposed calls for relocation of the stream channel within the limits of the floodplain. The stream channel was designed to allow the 1.5-year storm event to spill out onto the excavated floodplain, allowing for frequent inundation of the surrounding wetland areas. The stream channel will be cut down to the existing groundwater elevation and will be designed to optimize base flow habitat. Grade control structures have been added to avoid future entrenchment.

EPS staff supported the concept as approved, except for retention of the existing crossing of the Melwood Legacy Trail over the roadbed and the continued channeling of stream flow through the culvert, which appears to work against the success of the project. EPS staff recommended that the roadbed and culvert be removed and replaced with a boardwalk or bridge, which allows for the free flowing of water from the upstream wetlands and provides dry passage across the stream, if needed. Removal of this constriction will eliminate an existing impact to wetland and wetland buffers and allows for the restoration of impacted PMA. Staff has discussed the concern with DPIE who agrees with this revision. Replacement of the existing crossing will not require a revision to the SWM concept approval, but shall be incorporated into the final technical design of Reach 6-2.

The SWM concept approval letter prepared by DPIE included ten conditions of approval, two of which were a concern for EPS staff:

- “Condition 8 required stream monitoring for a minimum of three years after the construction and the submittal of monitoring information to ‘Park and Planning.’ Staff has since determined that the stream restoration work will require permitting from the Maryland Department of the Environment (MDE), who will require monitoring and reporting in accordance with statewide requirements. While submittal of the monitoring reports to EPS would be informative, we concede responsibility for this task to the permittees and MDE.”
- “Condition 10 indicated that ‘Park and Planning’ would maintain the stream restoration improvements. Because the project is not located on Park property, M-NCPPC does not want to take responsibility for maintenance of the project and believes that responsibility lies with the underlying property owner, who will be the HOA. Both conditions shall be revisited and revised as appropriate at time of technical approval.”

A detailed stream restoration plan for Reach 6-2 by DPIE was included in the approval of SDP-1601-01 and is shown on the current application. Therefore, it is noted that long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner, and is conditioned herein.

Protection of Regulated Environmental Features

Prior to approving an SDP for infrastructure, the Planning Board shall find that the plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible, in accordance with the requirements of Section 24-130 (b)(5). The impacts proposed to the regulated environmental features on this site are consistent with those approved with PPS 4-05080.

Stormwater Management

The site has a revised SWM Concept Letter (14846-2006-03), which was approved on March 19, 2019. The plan was found in conformance with Subtitle 32, Water Resources Protection and Grading Code, by DPIE. The plan is consistent with the previous SWM concept plan for Sections 4, 5, and 6, which moved forward to implementation prior to May 4, 2017, under grandfathering provisions. SWM structures in Section 4 include three existing extended detention ponds.

EPS recommends approval of SDP-1601-02 and TCPII-014-2016-02, subject to four conditions that have been included in the Recommendation section of this report.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 19, 2019 (Giles to Bishop), incorporated herein by reference, DPIE provided comments on issues such as right-of-way, dedication, and frontage improvements, in order to be in accordance with the requirements of DPW&T. These will be addressed with DPIE in their separate permitting process. Key issues discussed in the referral are as follows:
- (1) The Master Planned Roadways C-626 (Collector), C-627, MC-631 (Major Collector), MC-634, MC-635, and MC-637 impacting this property will require coordination with the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPIE.
 - (2) Frontage improvements are required for Rock Spring Drive (C-627), MC-631, and Victoria Park Drive in accordance with the County Road Ordinance, and Prince George's County Department of Public Works and Transportation's (DPW&T) Specifications and Standards.
 - (3) Applicant shall provide right-of-way dedication and road construction, in accordance with the County road ordinance, DPW&T Specifications and Standards, and the Americans with Disabilities Act.
- i. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not provide comments on the subject project.
- j. **Prince George's County Health Department**—In a memorandum dated February 6, 2019 (Adebola to Bishop), incorporated herein by reference, the Health

Department noted that affordable and healthy food options should be made available due to the health impacts associated with eating fresh produce. In addition, it was noted that conversion of large areas of open space to impervious surface, such as proposed with this application, could have impacts on the sustainability of groundwater resources, and requested that the application demonstrate that the site is in compliance with the County's Watershed Implementation Plan.

- k. **Prince George's County Fire/EMS Department**—In a memorandum dated December 28, 2019 (Reilly to Bishop), incorporated herein by reference, the Fire/EMS Department provided standard comments regarding the application.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1601-02 and Type II Tree Conservation Plan TCPII-014-2016-02 for Parkside, Section 4, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
 - a. The applicant shall work with the Environmental Planning Section, as designee of the Prince George's County Planning Board, and appropriate County staff to develop a strategy and schedule for the fulfillment of the remainder of the \$1,476,600.00 minimum expenditure in stream restoration, concurrent with on-going development of the Parkside development.
 - b. The SDP and Type II tree conservation plan shall be revised to show measures and grading impacts necessary to provide dry passage within the delineated primary management area impacted by the Melwood Legacy Trail and the Westphalia Park connector trail.
 - c. Include the Melwood Legacy Trail amenities and improvements within Section 4, as approved with the Bicycle and Pedestrian Impact Statement Exhibit of Specific Design Plan SDP-1302-03, and provide details and specifications regarding the interpretive sign for archeological Site 18PR766.
 - d. Alleys shall have a minimum pavement width of 18 feet.
 - e. Clearly label the dedication of right-of-way for Melwood Road East on the plans.
 - f. Revise the tracking chart to reflect both preliminary plans of subdivision (PPS) approved for the overall development and organize the approved SDP information according to the relevant PPS. Move Specific Design Plan SDP-1302 for part of Sections 5 and 6 in the tracking chart and place its data under Preliminary Plan of Subdivision 4-16001.
 - g. Provide lighting and lighting levels for all private streets and alleys.
 - h. Relocate the proposed retaining wall located adjacent to Lot 28 in Block B to be at least 10 feet from the lot line.

- i. Revise the plans to clearly indicate Section 4 as a mixed retirement development.
 - j. Distribute the visitor parking spaces evenly throughout the townhouse pods within Section 4, to be reviewed and approved by the Urban Design Section, as designee of the Prince George's County Planning Board.
2. Prior to final plat of subdivision within Specific Design Plan SDP-1601, the applicant shall enter into a public recreational facilities agreement for construction of the 8-foot-wide asphalt hiker/biker trail on the property to be conveyed to The Maryland-National Capital Park and Planning Commission.
3. Prior to issuance of the first building permit, the applicant shall provide the text, images, and details of the interpretive signage for archeological Site 18PR766. The wording and placement of the interpretive signage shall be reviewed and approved by the Historic Preservation Section.
4. Prior to issuance of building permits for Lots 22 and 23, Block B, construct the 8-foot-wide asphalt hiker/biker trail. The final alignment shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation prior to construction.
5. Prior to approval of the 100th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures.
6. Long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner.
7. Monitoring and reporting on the Reach 6-2 stream restoration project shall be in accordance with conditions established by permits issued by the Maryland Department of the Environment (MDE) for projects proposed to occur in stream and wetland areas. Copies of the periodic monitoring and reporting information required by MDE shall be submitted to the Environmental Planning Section during the required 3-year monitoring period.
8. 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

	Condominiums	Single-family Attached	Single-family Detached
Minimum Lot size:	N/A	1,300 sq. ft. †	6,000 sq. ft.
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 the minimum frontage at front BRL shall be 60 feet.

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

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

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

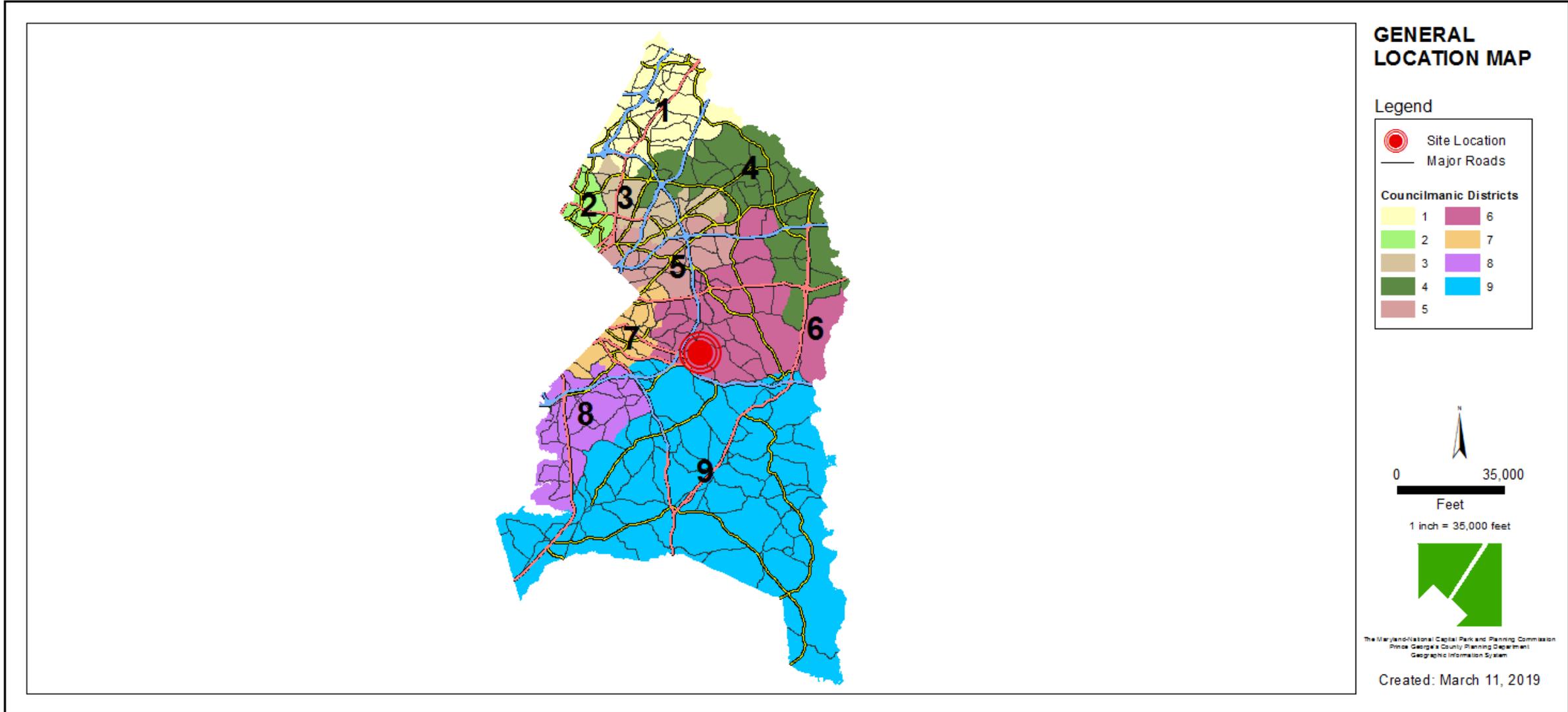
† No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet, with varied lot width ranging from 16-28 feet. The 50 percent limit can be modified by the Planning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

ITEM: 6

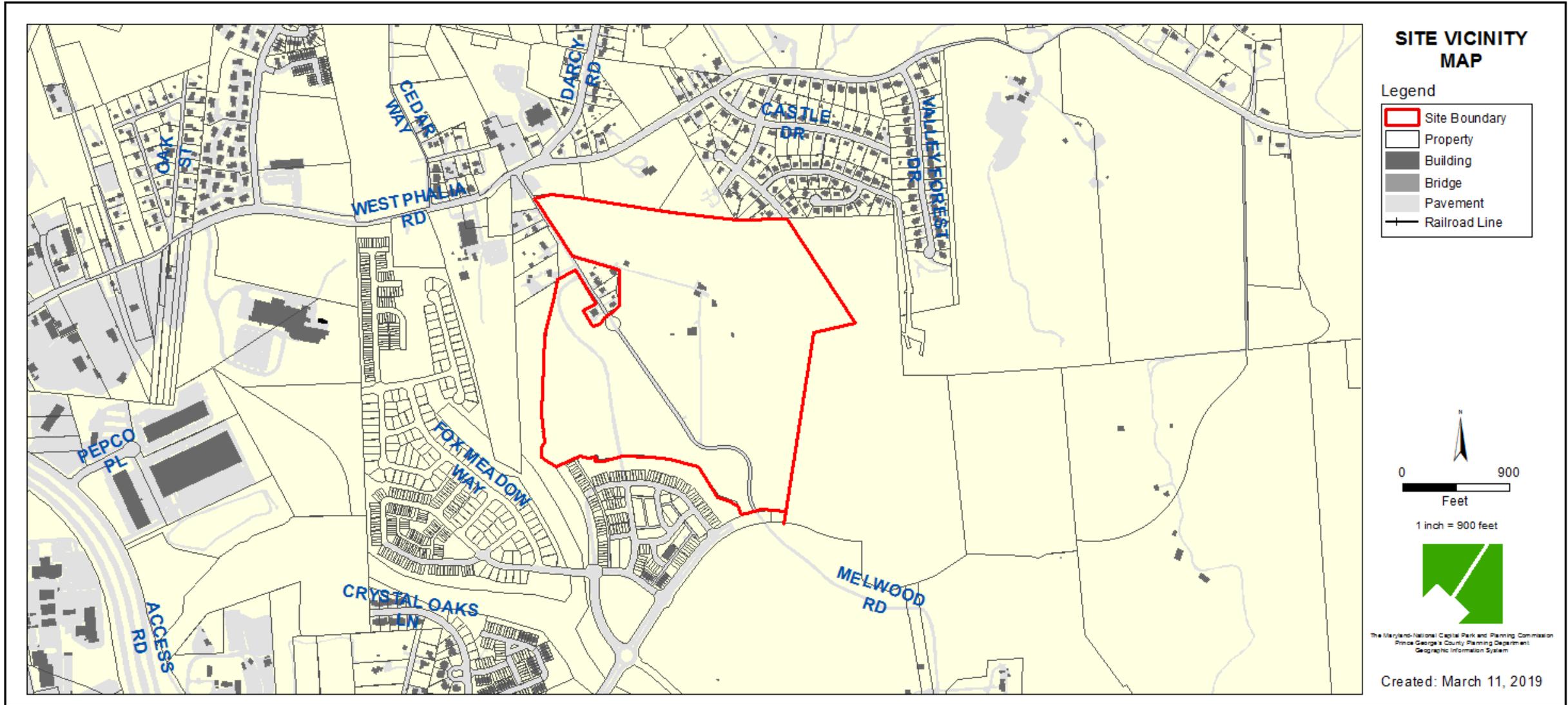
CASE: SDP-1601-02

PARKSIDE, SECTION 4

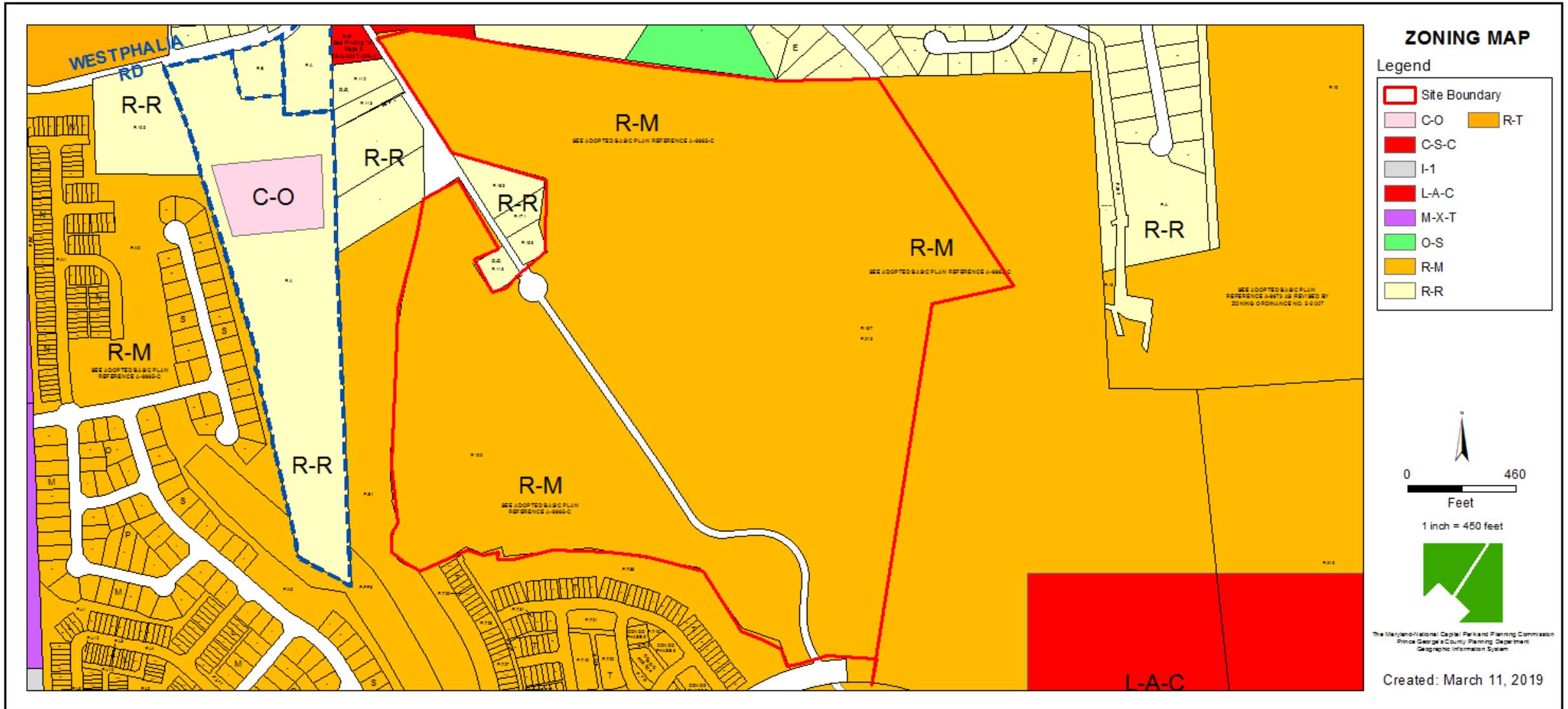
GENERAL LOCATION MAP



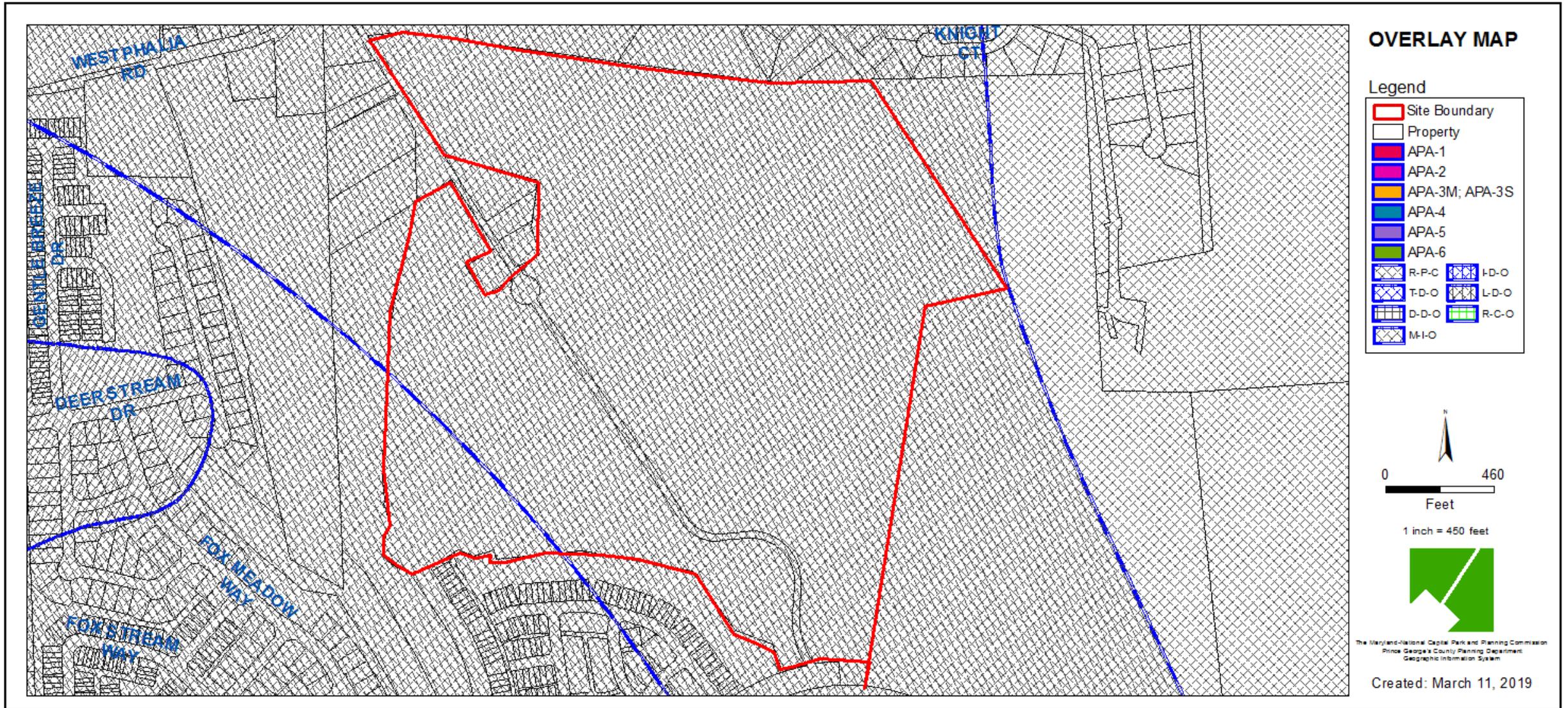
SITE VICINITY



ZONING MAP



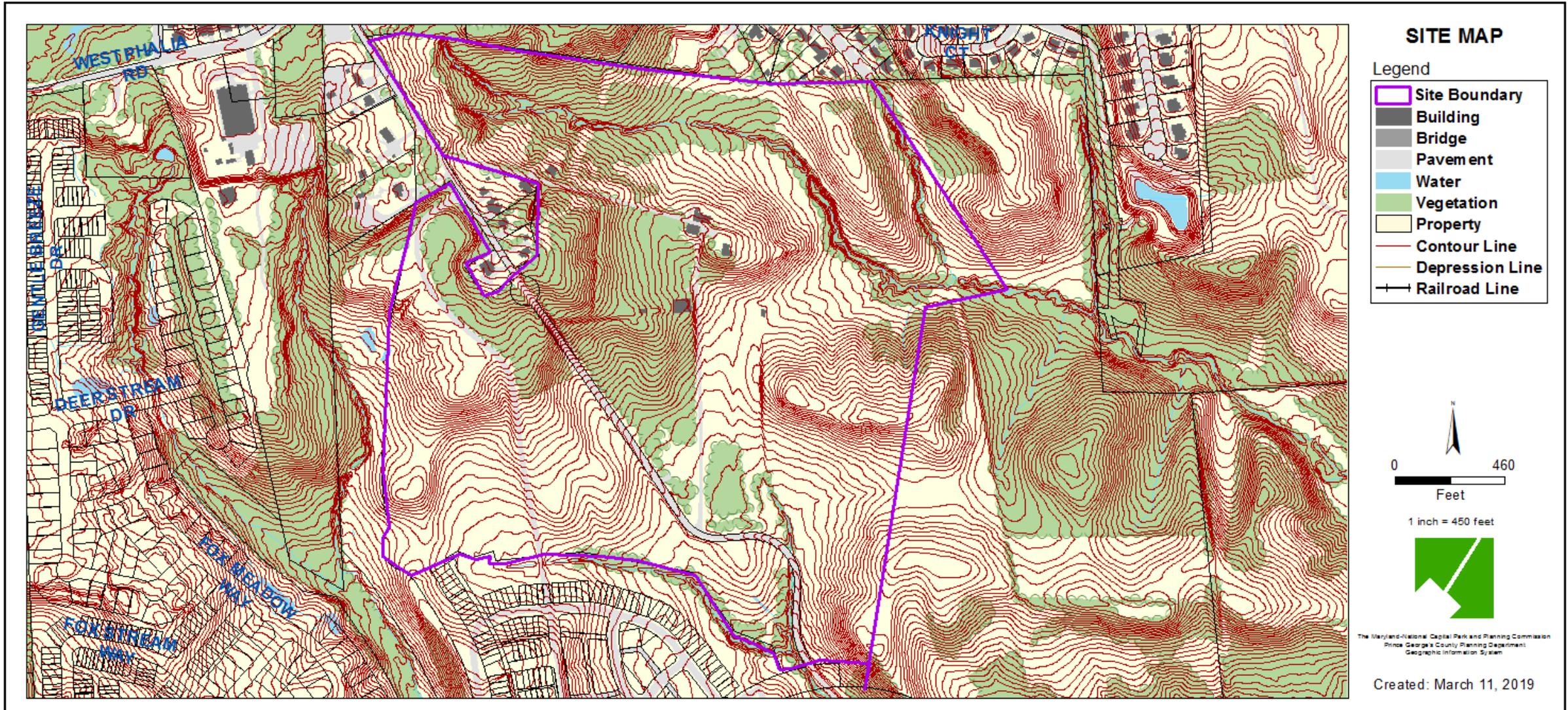
OVERLAY MAP



AERIAL MAP

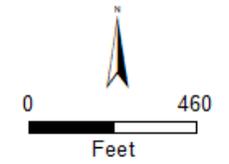


SITE MAP



SITE MAP

- Legend
- Site Boundary
 - Building
 - Bridge
 - Pavement
 - Water
 - Vegetation
 - Property
 - Contour Line
 - Depression Line
 - Railroad Line

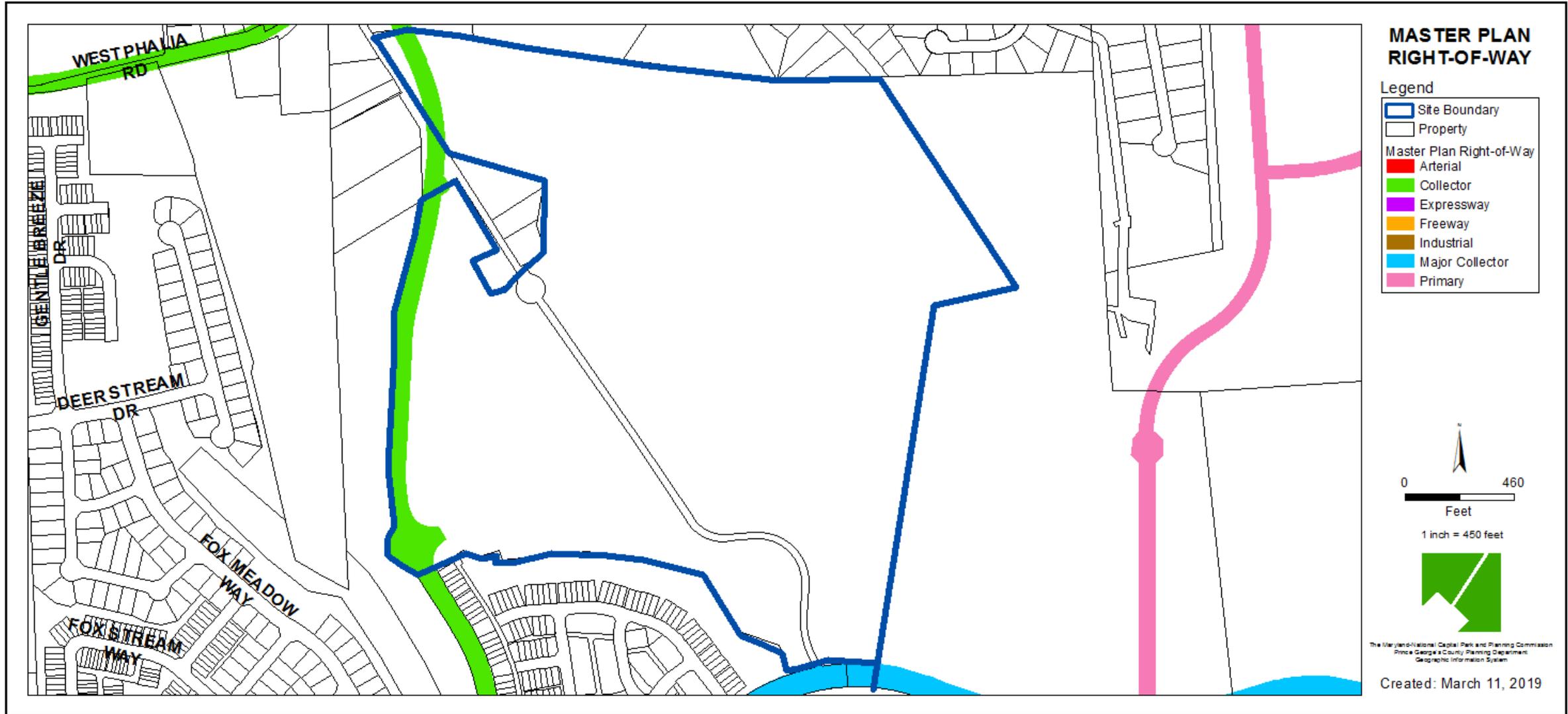


The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System

Created: March 11, 2019



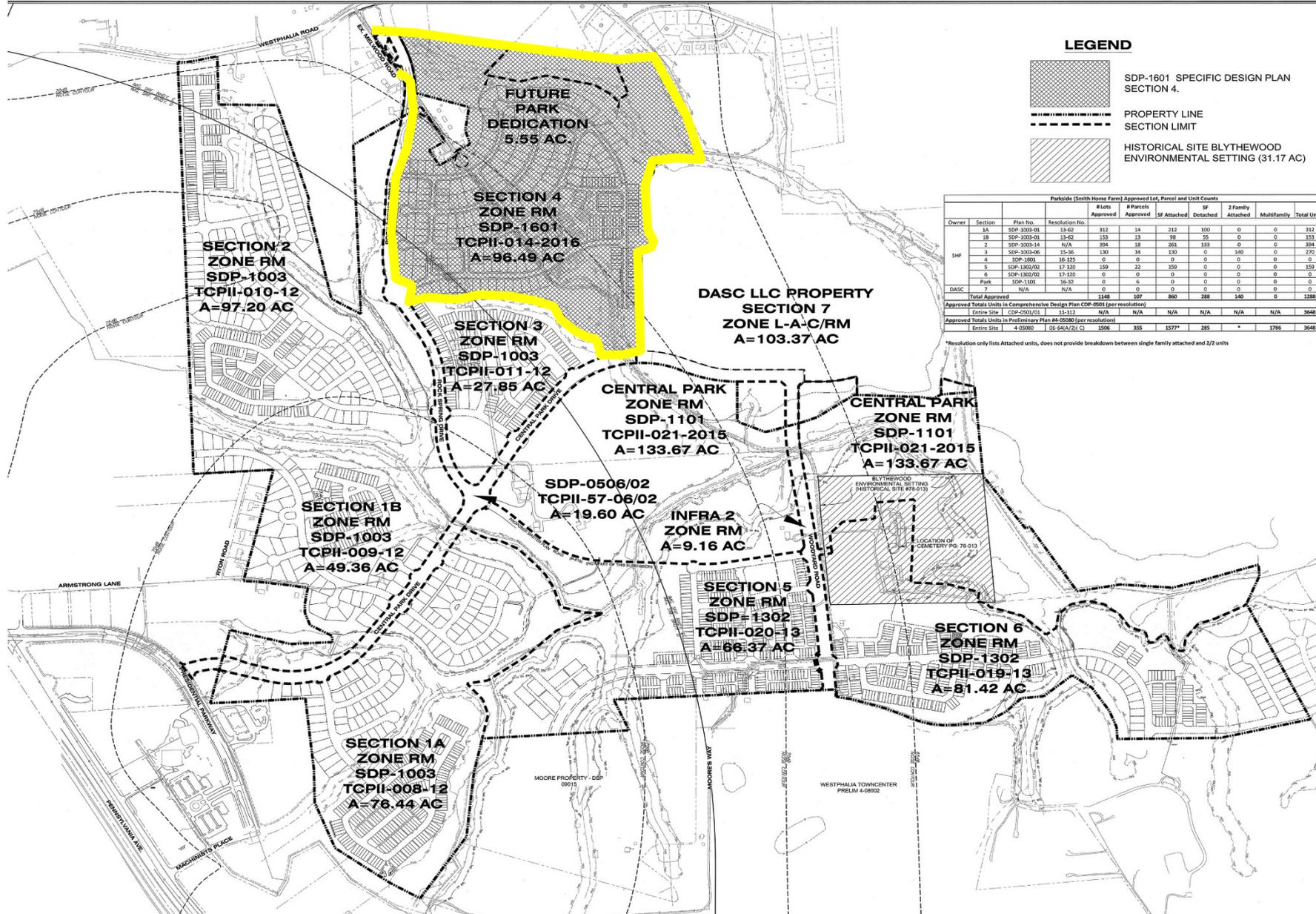
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SPECIFIC DESIGN PLAN



Parkside (South Home Farm) Approved Lot, Parcel and Unit Counts

Owner	Section	Plan No.	Resolution No.	# Lots Approved	# Parcels Approved	SF Attached	SF Detached	2 Family Attached	Multifamily	Total Units	
SHF	1A	SDP-1003-01	13-02	312	14	212	300	0	0	312	
	1B	SDP-1003-01	13-02	153	13	38	35	0	0	153	
	2	SDP-1003-14	N/A	398	18	285	113	0	0	394	
	3	SDP-1003-06	15-36	130	34	130	0	140	0	270	
	4	SDP-1003	16-115	0	0	0	0	0	0	0	
	5	SDP-1302/02	17-120	159	22	159	0	0	0	159	
DASC	6	SDP-1302/02	17-120	0	0	0	0	0	0	0	
	Park	SDP-1101	16-02	0	0	0	0	0	0	0	
	7	N/A	N/A	0	0	0	0	0	0	0	
Total Approved				1149	107	860	288	140	0	1288	
Approved Totals Units in Comprehensive Design Plan COP-0001 (per resolution)											
Entire Site COP-0501/01				11-113	N/A	N/A	N/A	N/A	N/A	N/A	3648
Approved Totals Units in Preliminary Plan #4-05080 (per resolution)											
Entire Site 4-05080 02-0624/21-01				1506	355	1573*	285	*	1786	3648	

*Resolution only lists Attached units, does not provide breakdown between single family attached and 2/2 units



SECTION 4



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 Engineers Inc.
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 FAX: 310.408.1001
 WWW.DEBERRY.COM

OWNER/APPLICANT
 SHIP PROJECT OWNER, LLC
 1909 AVENUE OF THE STARS, SUITE 2800
 LOS ANGELES, CA 90007

ATTORNEY/CONTACT:
 ROBERT ANTONETTI, JR.
 PH: 301.806.1800

ADDITIONAL CONTACT:
 SHARON KATZMAN
 PH: 202.342.1903

STATE OF MARYLAND
 PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THIS DOCUMENT AND HEREON IS THE SOLE WORK OF ME OR MY FIRM OR A MEMBER OF MY FIRM OR AN EMPLOYEE OF MY FIRM AND WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND. MY EXPIRATION DATE IS 06/30/2018.

KEY PLAN

SCALE
 0 100' 200'
 SCALE: 1"=100'

No.	DATE	BY	Description

DESIGNED BY: JCT
 APPROVED BY: EPR
 CHECKED BY: RAL
 DATE: SEPTEMBER 2018

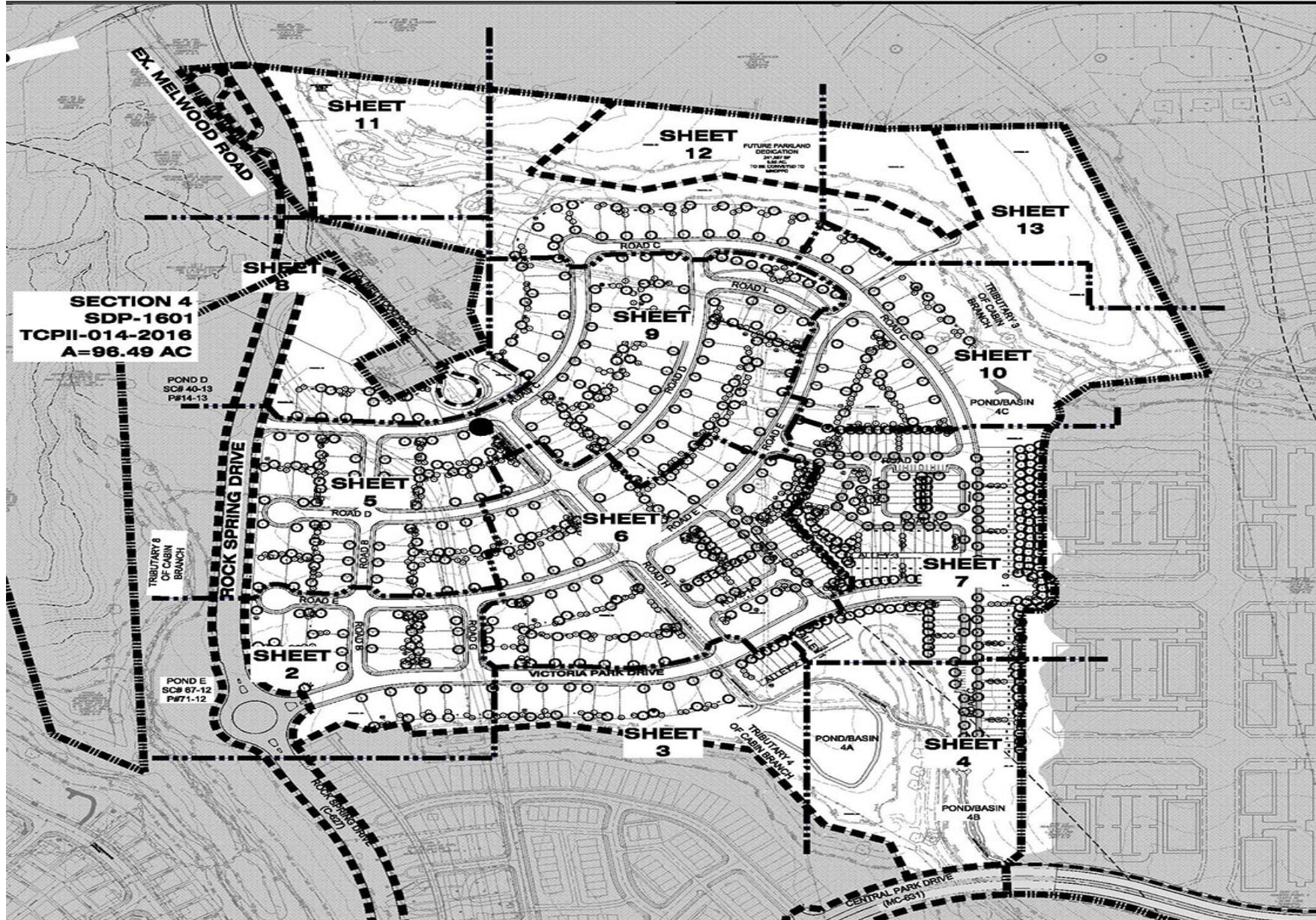
TITLE
SPECIFIC DESIGN PLAN
SECTION 4 OVERALL
 DEWBERRY JOB NO. 50038403

3A

SHEET NO. 3A OF 16



LANDSCAPE PLAN, SECTION 4



SECTION 4
SDP-1601
TCPII-014-2016
A=96.49 AC



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

October 4, 2018

Ms. Jill Kosack
The Maryland-National Capital Park & Planning Commission (M-NCPPC)
14741 Gov. Oden Bowie Dr., 4th Floor
Upper Marlboro, MD 20772



RE: Statement of Justification for Parkside - Section 4 (formerly "Smith Home Farm")
Specific Design Plan (SDP) - SDP-1601/02
INFRASTRUCTURE ONLY
(REVISED TO ADDRESS PRE-ACCEPTANCE COMMENTS 8/6/2018)

Dear Ms. Kosack:

Enclosed is an application for SDP-1601/02 for the Parkside project, Section 4. The nature of this application is to approve infrastructure only (including grading, utilities, streets and lots) for 171 single family detached lots and 127 single family attached lots, for 298 total dwelling units. A TCPII accompanies this application to show proposed clearing, preservation and afforestation, along with a Landscape and Lighting plan.

PURPOSE OF PROPOSED APPLICATION

The purpose of this application is to certify an SDP for 171 single family detached lots, 127 single family attached lots, and associated roads and infrastructure. Previously, SDP-1601 was approved for three stormwater management ponds, which have been constructed. Subsequently, SDP-1601/01 was approved for rough grading, which is currently in progress. The infrastructure proposed in this statement does not exceed the number of lots/units (i.e. 298) reflected in Section 4 in the approved Preliminary Plan of subdivision (4-05080).

The existing Melwood Road runs through the middle of Section 4 and was closed to the Public on May 16, 2017 via County Executive Order 12-2017. Per the requirements of previous approvals, the road is proposed to be converted into the Melwood Legacy Trail, as shown on the proposed plans.

CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE

Relationship to Requirements in the Zoning Ordinance:

Section 27-530 – Amendments.

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

(b) The Planning Director (or designee) may approve a minor amendment in the location of structures shown on an approved Specific Design Plan due to an engineering necessity if the Planning Director finds that:

(1) It is in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and

(2) It does not increase the floor area ratio.

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

Sec. 27-527. - Contents of Plan.

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

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

- (b) **The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**
- (1) **A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**
 - (2) **Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
 - (3) **A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**
 - (4) **A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard Letter of Exemption;**
 - (5) **An approved Natural Resource Inventory; and**
 - (6) **A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible.**



RESPONSE: The proposed specific design plan has been prepared to meet all the applicable drawing and plan submission requirements set forth in Section 27-527 (b). It should be noted that the application is for infrastructure (i.e. streets, utilities, related grading, lots, etc.) for development of lots and parcels only. Thus, no architectural elevations are included at this time. Such plan details will be reflected in a future SDP revision.

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

RESPONSE: The instant specific design plan is for infrastructure only. Specifically, the application proposes streets, utilities, lots and parcels within Section 4. All areas shown to be impacted by this application are within Section 4 and will ultimately be developed with residential units in conformance with the approved CDP and Preliminary Plan of Subdivision for Parkside. The Stormwater management facilities shown on the plan have already been constructed in accordance with approved plans by DPIE and SCD. A Type 2 Tree Conservation plan has been submitted for review with this application.

- (d) **Within three (3) years of approval of a Specific Design Plan for Infrastructure, a permit for infrastructure improvements, in accordance with this Plan, shall be issued by the Department of Permitting, Inspections, and Enforcement. If a permit is not issued within this period of time, the Specific Design Plan for Infrastructure is no longer valid.**

RESPONSE: The applicant agrees with the above.

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

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

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

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

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

Section 27-528 – Required findings for approval.

Ms. Jill Kosack
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(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

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

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

RESPONSE: The subject SDP conforms to the approved Comprehensive Design Plan CDP-0501. Specifically, the approved CDP for the project shows that the area of Section 4 is to be developed with various residential uses. Further this application's desired infrastructure is consistent with location and amount of residential units approved in the Preliminary Plan of subdivision for Parkside. The instant application will establish the lots, parcels and required infrastructure to support said residential units. The upland public parkland dedication shown on the CDP is also shown on the subject SDP and TCPII. The site has been designed with the applicable standards of the Landscape Manual.

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

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

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

RESPONSE: This proposal is consistent with approved Stormwater Management Concept Plan for the site. Concept Plan #14846-2006-01 was approved for Sections 4, 5 & 6 and the infrastructure for Central Park Drive (MC-631) and Woodyard Road (MC-632). Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The three stormwater management ponds to which Section 4 drains have already been constructed.

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

RESPONSE: The proposal is in substantial conformance with the approved Type I TCP I/38/05. A Type II Tree Conservation plan was previously approved for Section 4 (TCPII-014-2016) and a revision to that plan is included with this submission for review and approval.

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

RESPONSE: The proposed amended SDP preserved all regulated environmental features to the fullest extent possible and seeks to minimize any impacts to said features through its plan design.

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

RESPONSE: The instant amendment request conforms to the approved CDP and Preliminary Plan for Parkside as mentioned herein. Further, the proposed layout and associated infrastructure will not be detrimental to the health, safety, welfare of any resident or property owner within the County. The Parkside project as a whole does contain numerous regulated environmental features including streams, wetlands, and floodplain (FPS #200457), all of which are contained within the PMA as shown on approved NRI/006/05. The subject SDP has three proposed environmental impacts to the PMA and stream buffer due to a combination of stream restoration, stormwater management pond outfalls, trails and a sanitary sewer outfall. The impacts are outlined in further detail in a separate Environmental Impact Justification included with this submittal. The majority of these impacts were previously approved by Environmental Planning with the previous SDP applications 1601 and 1601/01. The proposed infrastructure is necessary to implement the planned residential development for Section 4 as reflected in the approved Basic Plan, CDP and Preliminary Plan for the Parkside project. The ultimate development of the residential uses slated for Section 4 will promote the health, safety and welfare of the existing residents of the County by providing a variety of new living opportunities as well as increasing the overall tax base for Prince George's County. Additionally, all grading activities will be performed pursuant to a validly issued site development permit from DPIE, and will respect all approved limits of disturbance established for Section 4. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion or pollution discharge.

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

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

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

RESPONSE: The proposed SDP amendment represents a single stage of development (i.e. Section 4).

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

RESPONSE: This is the third SDP application for Section 4, and the above referenced validity period will be applicable to the subject application upon its final approval.

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

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

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

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

CONFORMANCE TO PREVIOUS APPROVALS

The subject property is subject to previous approvals A-9965, CDP-0501, CDP-0501/01, 4-05080, and SDP-1002 and is in conformance with all previous approvals. Stream Reach 6-2 within Section 4 was identified on SDP-1002 to be restored. Construction plans for the stream restoration were previously approved by DPIE and reviewed by the M-NCPPC Environmental Planning Section as part of SDP-1601/01 approval.

SDP-1601 was approved by the Planning Board on December 1, 2016 with conditions. The conditions applicable to this SDP revision are listed below along with how they have been addressed:

3. Prior to approval of any future specific design plan (SDP) and Type II tree conservation plan (TCPII) for Section 4, the SDP and TCPII shall be revised as follows:

a. To reflect the location of the master plan trail. The location of the master plan trail shall be confirmed by the trails coordinator.

b. The SDP, TCPII, and detailed stream restoration plan shall indicate the removal of the roadbed and culvert crossing the stream at a diagonal and, if a crossing is needed within the primary management area, it shall be provided by a bridge or boardwalk which provides dry passage over the stream and allows free flowing of water under the conveyance structure within the 100-year floodplain.

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RESPONSE: The proposed location of the master plan trail is shown on the SDP and TCPII. A note has been added indicating that the roadbed and culvert are to be removed and dry passage over the stream shall be provided.

4. Prior to issuance of the first building permit for lots located within Section 4, the required stream restoration project for Reach 6-2 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member as designee of the Planning Board.

RESPONSE: Understood. Stream restoration work in Reach 6-2 will be completed prior to building permits.

5. Prior to approval of any future specific design plans for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.

RESPONSE: This condition was addressed during the review and approval of SDP-1601/01. All obligations of the Applicant pertaining to stream restoration have been specifically identified and approved for the Parkside project.

6. Prior to approval of any future specific design plan (SDP) for grading the remainder of the site, the detailed stream restoration approved as a final technical stormwater management plan by the Prince George's County Department of Permitting, Inspections and Enforcement shall be shown on the SDP and Type II tree conservation plan.

RESPONSE: This condition was addressed during the review and approval of SDP-1601/01. The final technical stormwater management plan has been approved by DPIE.

8. Prior to issuance of a grading permit, the applicant shall obtain approval of the road closure for the segment of Melwood Road within the boundary of this specific design plan and/or submit evidence of the abandonment and/or quit-claim deed to the benefit of the applicant, as determined to be appropriate by the Prince George's County Department of Public Works and Transportation for the grading of existing Melwood Road, or revise the specific design plan to remove the proposed grading within the public right-of-way of historic Melwood Road.

RESPONSE: Melwood Road was closed on May 16, 2017 via County Executive Order 12-2017. A copy of the Executive Order is included with this submission.

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Parkside
SDP-1601/02
October 4, 2018



RESPONSE TO PRE-ACCEPTANCE COMMENTS OF 8/6/2018

On or about August 6, 2018, the applicant received pre-acceptance comments for the subject application. The following comments are relevant to this Statement of Justification:

Community Planning Division: The application is within the Military Installation Overlay Zone (MIOZ) and at time of permit, must meet all MIOZ certification requirements. The applicant should address payment of the fee per dwelling unit to construct the MD4/Westphalia Interchange, and conform to standards applicable to the proposed development as outlined in the approval of CDP-0501 and standards for residential areas as outlined in the Westphalia Sector Plan, pages 31/32. The SOJ should indicate how far the infrastructure proposed in this application goes towards meeting the number of lots/units proposed in previously approved plans for the overall development of Smith Home Farms. (MPZ, 5/22/2018)

Subdivision Section: The lot tracking chart on Sheet 2 indicates that the single-family detached lots have been exceeded for the overall development. The applicant's SOJ should address this as a conformance issue and indicate how they intend to comply given the lots proposed with this application. SKC 5/14/18

RESPONSE: Both the community planning division and subdivision section pre-acceptance comments inquire about the total number of lots proposed in the previously approved plans for the Parkside project. The proposal for lots in this application is in substantial conformance with Preliminary Plan 4-05080. It should be noted that the original Preliminary Plan of Subdivision 4-05080 approved a total of 1,506 lots. Within that total number of lots approved in the initial preliminary plan the resolution of approval states that 285 lots were for single-family detached (it should be noted that the actual plan itself reflects 289 single-family detached lots). Notwithstanding, the current tally of platted lots for single-family detached units in Sections 1A, 1B, 2, and 3 total 288 single-family detached lots. The total number of platted lots (both single-family detached and single-family attached) in Sections 1A, 1B, 2, and 3 total 989 platted lots. As a result there are 517 remaining lots available under the approved preliminary plan of subdivision. The instant application requests the approval of 298 lots (127 single-family attached lots, 171 single-family detached lots). If the instant application is approved there will be 219 lots remaining from the original preliminary plan of subdivision approved for Parkside. It is essential to note that the Transportation Planning Section has indicated in its pre-acceptance comments that the number of units proposed in this application is consistent with information provided in the very recently approved Preliminary Plan 4-16001 (for a portion of Section 5 and all of Section 6). During the review of this second preliminary plan, the Transportation Planning Section determined that the proposed mix of 298 units in this application could be accommodated under the overall trip cap established in Preliminary Plan 4-05080. It should also be noted that the street and lot layout proposed in this application is in substantial conformance with the layout approved in Preliminary Plan 4-05080. In sum, the applicant's proposed development does not exceed the total number of lots approved in Preliminary Plan 4-05080 and the types of units proposed have already been determined by the Transportation Planning Section (in conjunction with its review of Preliminary Plan 4-16001) to not exceed the applicable overall trip cap for this portion of the project.

Ms. Jill Kosack
Parkside
SDP-1601/02
October 4, 2018

If you have any questions regarding the above, please feel free to contact me at 301.337.2860.
Thank you very much.

Sincerely,



Rachel Leitzinger / Dewberry

cc: Basim Kattan / SHF
Robert J. Antonetti, Jr., Esq.



January 24, 2019

MEMORANDUM

TO: Andrew Bishop, Urban Design Section, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division *HB*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

SUBJECT: SDP-1601-02: Parkside

Findings

1. The subject property comprises 97.20 acres located on the eastern side of Pennsylvania Avenue, approximately 1,800 feet east of its intersection with Suitland Parkway in Upper Marlboro, Maryland. The subject application proposes infrastructure for 171 single-family detached units, 127 single-family attached units, and associated site improvements. The subject property is Zoned R-M.
2. A Phase I archeological survey was conducted on the subject property in 2005. Four archeological sites were identified within the area included in the subject application: 18PR766, a multi-component site containing a Late Woodland period lithic scatter, an early to mid-eighteenth-century farmstead, and a nineteenth to twentieth-century farmstead; 18PR767, a mid-twentieth century barn; 18PR770, a nineteenth to early twentieth-century house site; and 18PR772, a post-1930 outbuilding. Phase II investigations were conducted on site 18PR766. Several features, including a cellar, related to an early to mid-eighteenth-century house site, was partially excavated. Significant information on the eighteenth century occupation of this portion of the subject property was obtained from the excavations. No further work was required on the other three archeological sites.
3. The subject property is near but is not adjacent to the Blythewood Historic Site (78-013). One early nineteenth-century tobacco barn, 78-012, was documented within the subject property in 1974. The barn was no longer standing when the 2005 cultural resources survey was conducted on the subject property in 2005 and appears from aerial photographs to have collapsed by 1977.
4. The subject application includes a portion of the Melwood Legacy Trail. Interpretive signage could be placed along the trail to provide information on significant findings of the archeological investigations that were conducted near the trail. Phase II investigations were conducted on site 18PR766 and information from the excavations determined that this site was occupied in the early eighteenth century. The other sites were occupied from the nineteenth through twentieth centuries. The land within this site development plan (SDP) was once owned by the Digges and Berry families, who occupied the Melwood Park (78-015) and Blythewood (78-013) Historic Sites to the south.

Conclusions

1. The subject application will not affect any historic sites or resources. No further work was recommended on any of the four archeological sites found within the area of the subject application.
2. A significant archeological site, 18PR766 and several other archeological resources, were identified within the area included in the subject application. An interpretive sign should be placed along Melwood Legacy Trail to inform the public of the significant findings from the archeological investigations conducted in that portion of the property.

Recommendations

Historic Preservation staff recommends approval of SDP-1601-02, Parkside with the following conditions:

1. Prior to the issuance of the first building permit, the applicant shall provide the text, images and details of the interpretive signage for archeological site 18PR955. The wording and placement of the interpretive signage shall be reviewed and approved by Historic Preservation staff.
2. Prior to approval of the 100th building permit, the applicant, his heirs, successors and/or assigns shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

301-952-3972

January 17, 2019

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Development Review Division

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Long Range Planning Section, Community Planning Division ^{BSR}
David A. Green, Master Planner, Community Planning Division ^D

FROM: John Wooden, Planner Coordinator, Long Range Planning Section, Community Planning Division ^{JW}

SUBJECT: **SDP-1601-02 Parkside Section 4**

FINDINGS

Pursuant to Part 8, Division 4, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Specific Design Plan

Location: Located on the eastern side of Pennsylvania Avenue approximately 1800 feet east of the intersection with Suitland Parkway

Size: 97.20 acres

Existing Uses: Undeveloped

Proposal: Construct the infrastructure for 171 single-family detached units, 127 single-family attached units, and associated site improvements

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located within the Established Communities growth policy area. The vision for the Established Communities is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

SDP-1601-02 Parkside Section 4

Master Plan: The 2007 *Approved Westphalia Sector Plan* recommends residential low (up to 3.5 units per acre) land uses on the subject property.

In addition, the Westphalia Sector Plan is showing a proposed master plan road (C-627) along the western periphery of the property (p. 41), a hiker trail connected to the Melwood Trail Greenway along Melwood Road (p. 45, 52) just south of the Westphalia Estates Neighborhood Park which is slated for expansion and improvement into adjoining residential development. (p.53)

Planning Area 78

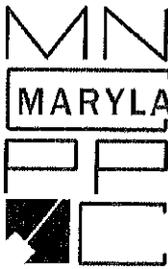
Community: Westphalia and Vicinity

Aviation/MIOZ: The subject property is located within the 60 db – 74 db Noise Intensity Contour of the MIOZ. Section 27-548.55 (b) of the Zoning Ordinance requires interiors of all new residential construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.

The subject property is located within Height Zone E and the eastern portion of the property is located within Height Zone D. The approximate height limit range across both Heights Zones is 234 to 360 feet. None of the structures in this application approach these heights. The R-M zone has a maximum height of 40 feet for single-family attached dwellings and 35 feet for single-family detached dwellings.

SMA/Zoning: The 2007 *Approved Westphalia Sectional Map Amendment* retained the subject property in the Residential-Medium (R-M) zone.

c: Long-range Agenda Notebook


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

March 28, 2019

MEMORANDUM

TO: Andrew Bishop, Urban Design Section
VIA: Sherri Conner, Subdivision and Zoning Section *SC*
FROM: Joseph Onyebuchi, Subdivision and Zoning Section *J.O.*
SUBJECT: Parkside, SDP-1601-02

The subject property is located on Tax Map 90 in Grids D 1-2, E 1-2, and F 1-2 and reflects the same geography of land for Section 4 under Preliminary Plan of Subdivision 4-05080, approved by the Planning Board on July 27, 2006 (PGCPB Resolution No. 06-64(A)). The area covered under this specific design plan (SDP) is 96.49 acres and is within Residential Medium Development (R-M) Zone which is a Comprehensive Design Zone, and the Military Installation Overlay Zone. This application is proposing a revision of the approved SDP for infrastructure only.

Comprehensive Design Plan CDP-0501 was approved by the Planning Board (PGCPB Resolution No. 06-56(C)) on February 23, 2006 and affirmed by the District Council on June 12, 2006 for a total of 3,648 dwelling units of which 3,248 dwelling units were approved in the R-M zone while the remaining 300 units were approved for the L-A-C zoned portion of the site.

On July 27, 2006, the Planning Board approved PPS 4-05080 for 1,506 lots and 355 parcels for the development of 3,648 dwelling units and 140,000 square feet of retail development on the overall 759 - acre site. Seeking to increase the lot yield within the boundary of the original PPS, the applicant filed a new preliminary plan of subdivision (PPS 4-16001) for part of Section 5 and all of Section 6. Subsequently, on September 13, 2018, the Prince George's County Planning Board approved PPS 4-16001 for 441 lots and 81 parcels for the development of 527 dwelling units. Preliminary Plan of Subdivision 4-16001 supersedes the previous PPS 4-05080 approval for part of Section 5 and Section 6 only (121.71 acres).

The applicant provided a table with the original application which attempted to track the total lots, parcels, and dwelling units approved under all development applications for the site. This table included all specific design plans approved to date, CDP-0501, and PPS 4-05080. However, the tracking chart did not include the lots, parcels, and dwelling units associated with PPS 4-16001. The CDP established the dwelling unit limit for the entire property at 3,648 dwelling units. Subsequently, PPS 4-05080 was approved for 3,648 dwelling units and PPS 4-16001 was approved for 527 dwelling units. It must be noted here that the 527 dwelling units approved with PPS 4-16001 must be counted against, and not in addition to, the 3,648 dwelling unit limit established by CDP-0501 which still governs the overall site development limitation. During review, staff requested that the applicant provide this information within

the tracking table in order to clarify the relationship between the two preliminary plans and the comprehensive design plan. The revised plans should show the addition of PPS 4-16001 with the associated development.

To date, 1,129 dwelling units have been approved through several Specific Design Plans (SDPs). The applicant is proposing an additional 296 dwelling units with this application. Approval of this SDP would bring the total dwelling unit count for the entire Parkside development to 1,425 which is well within the approved limit in the R-M Zone. It is worth noting that another application for the overall Parkside development, SDP-1302-03, is currently pending and is proposing 685 dwelling units. If approved, the unit count for the overall development would total 2,110 dwelling units, which is still within the 3,648 dwelling unit limit established with the CDP.

The following conditions of PPS 4-05080 apply to the subject Specific Design Plan (SDP) review:

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

A Type II Tree Conservation Plan has been submitted with this application. Conformance to the Type II Tree Conservation Plans should be further reviewed and determined by the Environmental Planning Section.

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

Conformance to Condition 3 should be further reviewed and determined by the Urban Design Section.

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.

Conformance to Condition 16 should be reviewed and determined by the Transportation Planning Section.

51. The applicant, his heirs, successors and/or assignees shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with state and federal fair housing laws, for a fixed term of not less than 60 years. The covenant shall run to the benefit of the county and be reflected on all final plats for the R-M Zoned Mixed Retirement Community portion of this project.

Section 4 covered under this SDP is the area approved for the Mixed Retirement Community. The covenant required by this condition will be required at the time of final plat.

65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.

66. **Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01). The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/38/05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

Conformance to Conditions 65 and 66 should be reviewed and determined by the Environmental Planning Section.

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

The plans show the field identification of the Melwood Legacy Trail within this Section as well as the associated grading. Conformance to Condition 69 should be further reviewed and determined by the Transportation Planning Section.

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

- a. **All dead-end private alleys that are longer than 100 feet shall be designed to provide adequate turn around capabilities in accordance with standards and recommendations of the Department of Public Works and Transportation that will allow an emergency vehicle to negotiate a turn.**

The applicant has provided adequate turnaround capability within these alleys.

Plan Comments

The following comments should be addressed prior to approval of the SDP because they impact the layout and spatial relationships, and the elements of the SDP including grading, landscaping, lighting.

1. Pursuant to Section 24-128(b)(7) of the Subdivision Regulations, the pavement width for private alleys shall not be less than 18 feet where it is determined that 18 feet provides safe and efficient vehicular access. The plans indicate 16-foot-wide pavement widths for Alleys 2 and 3. The lots served by Alleys 2 and 3 also have frontage on a public right-of-way, therefore the minimum width of 18-feet of pavement will provide adequate access.
2. The tracking chart included on the plans does not clearly reflect the number of dwelling units approved under the related specific design plan (SDP) nor does it organize the number of lots and

parcels approved according to the associated preliminary plan of subdivision (PPS). Consequently, the total number of lots, parcels, or dwelling units approved to date and their relationship to the limits established by the governing PPS or CDP is unclear.

3. The plan does not indicate the road dedication for Melwood Road East.

Recommended Conditions

1. Prior to certification of this specific design plan, the following plan revisions shall be made:
 - a. Alleys shall have a minimum pavement width of 18-feet.
 - b. Clearly label the dedication of the right-of-way for Melwood Road East on the plans.
 - c. The tracking chart on Sheet 2 shall reflect both preliminary plans of subdivision approved for the overall development and organize the approved specific design plan information according to the relevant PPS. Consequently, SDP-1302 for part of Section 5 and Section 6 should be removed and placed under 4-16001 in the tracking chart.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The PPS has obtained signature approval. The SDP will conform to the approved PPS with the recommended conditions of approval provided above. All bearings and distances must be clearly shown on the SDP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

March 14, 2019

MEMORANDUM

TO: Andrew Bishop, Subdivision Section, Development Review Division
VIA: ^{BDW BBTM} Tom Masog, Transportation Planning Section, Countywide Planning Division
FROM:  Glen Burton, Transportation Planning Section, Countywide Planning Division
SUBJECT: ~~SDP-1601-02: Parkside, Section 4~~

The Transportation Planning Section has reviewed the specific design plan (SDP) application referenced above. The site consists of 96.49 acres in the R-M Zone. It is located approximately a mile due east of MD 4/Suitland Parkway intersection. The applicant is proposing 296 senior adult housing units for the subject property.

Background

Pursuant to PGCPB No. 06-64(A/2)(C), a 757-acre parcel of land formerly known as Smith Home Farm was the subject of an approved Preliminary Plan of Subdivision (PPS 4-05080) on July 27, 2006. The development was approved with multiple conditions, including the following pertaining to transportation:

42. *Prior to issuance of each building permit for the **residential** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by 3,648 to determine the unit cost.*
50. *Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.*

Traffic Impacts

The proposed development occupies approximately 97 acres of the original Smith Home Farm PPS area. Because the PPS was approved with a trip cap (Condition 50), and the overall property is being developed under several specific development plans, the applicant has provided staff with a summary of trips that are being assigned to various SDPs.

Table 1 below illustrates that summary:

Table 1			
Previous Approvals	Dwelling Units	Peak Hour Trips	
		AM	PM
SDP-1003	1129	740	598
SDP-1302/02 (including PPS 4-16001)	685	441	352
<i>SDP-1601-02 (Pending)</i>	<i>296</i>	<i>54</i>	<i>47</i>
Total	2110	1235	997
Original Trip Cap (4-05080)		1847	1726
Remaining (Unused) Trip Cap		612	729

The analysis summarized in Table 1 indicates that Condition 50 of PGCPB No. 06-64(A/2)(C) has been met. Therefore, the Transportation Planning Section determines that resubdivision of a portion of PPS 4-05080 would generate no net trips as a result of the resubdivision. There would be no net additional impact on critical off-site intersections. The provisions of Condition 42 of PGCPB No. 06-64(A/2)(C) must be addressed at the time of permitting.

Site Review

The revised site plan shows Victoria Park Drive being proposed as a 60-foot street terminating at the property line separating Section 7 and Section 4. Staff finds this to be acceptable.

Conclusion

Overall from the standpoint of transportation, it is determined this plan is acceptable and meets the findings required for a specific design plan.



February 1, 2019

MEMORANDUM

TO: Andrew Bishop, Development Review Division

FROM:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division

SUBJECT: **Specific Design Plan Review for Master Plan Compliance**

The following Specific Design Plan (SDP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area master plan to provide appropriate recommendations.

Specific Design Plan Number: SDP-1601/02

Name: Parkside – Section 4

*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the submitted Preliminary Plan application referenced above 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) to implement planned trails, bikeways, and pedestrian improvements.

Background:

The subject application is Phase 4 of the larger Parkside (formerly Smith Home Farms) development. The application includes 171 single-family detached units and 127 single-family attached units, as well as associated roads and infrastructure. Three Master Plan Trails are contained in Phase 4: 1) the Melwood Legacy Trail, 2) sidewalks and bike lanes along C-627 and 3) the shared-use path along MC-631. These facilities were addressed via prior approvals and have been incorporated into the submitted plans.

Review Comments (Master Plan Compliance and Prior Approvals)

The subject property was the subject of several prior approvals which addressed master plan trails issues and the internal sidewalk network. The reconsideration of CDP-0501 included the following conditions related to trail and bicycle facilities:

9. At time of the applicable SDP, the following areas shall be carefully reviewed:
- d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
 - g. A trailhead facility for the Cabin Branch Trail.

Comment: The Cabin Branch Trail is located south of the subject application. Access to this trail from Phase 4 will be accommodated via the Melwood Legacy Trail, the internal sidewalk network and the shared-use path along MC-631. No additional connections are necessary at this time.

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

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

Comment: Trails within Phase 4 will be constructed at the time of road construction along C-627 and MC-631 or prior to 50% of the building permits for the Melwood Legacy Trail per Condition 11.

- [27.] †26. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.

Comment: The Cabin Branch Trail is located beyond the limits of the subject application.

Preliminary Plan 4-05080 also include multiple conditions related to the trail and sidewalk network:

13. The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.

Comment: The Cabin Branch Trail is located beyond the limits of the subject application. Connections to the stream valley trail are made via the sidewalk network, the Melwood Legacy Trail and the trail along MC-631.

14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Mellwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Mellwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.
15. The applicant, his heirs, successors and/or assignees shall provide:

- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.

Comment: The Cabin Branch Trail is located beyond the limits of the subject application.

- b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.

Comment: The Melwood Legacy Trail is shown in Phase 4 within a Home Owners Association (HOA) parcel as previously approved. Preliminary Plan 4-16001 required off-site trail amenities along the Melwood Legacy Trail, with an exhibit showing the location and limits of improvements at the time of SDP. A Bike, Pedestrian Impact Statement (BPIS) Exhibit was submitted with SDP-1302/03. The improvements approved within Section 4 should be reflected on the subject SDP.

Also, an additional interpretive sign for archeological site 18PR766 should be provided as recommended by the Historic Preservation Section.

- c. Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.

Comment: This trail is shown on the submitted plans along the south side of the road as previously approved.

- d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.

Comment: The two conditions referenced in d and e are beyond the limits of Phase 4.

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.

Comment: Sidewalks are shown along both sides of internal roads as previously approved. Sidewalks and trail connections appear to be provided at appropriate locations. Staff recommends the provision of sidewalk connections from the end of Road D and Road E to C-627.

Recommendations:

1. In conformance with the *Approved Countywide Master Plan of Transportation*, the *Approved Westphalia Sector Plan and Sectional Map Amendment*, CDP-0501 and 4-05080, prior to signature approval the plans shall be revised to include the following:
 - a. Include the Melwood Road Legacy Trail amenities and improvements within Phase 4 as approved by the BPIS Exhibit of SDP-1302/03. Details regarding the interpretive sign for archeological site 18PR766 shall be provided per the recommendation of the Historic Preservation Section.
 - b. Sidewalk connections from the end (cul-de-sac) of Roads D and E to C-627.



Countywide Planning Division
Environmental Planning Section

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301-952-3650

March 27, 2019

MEMORANDUM

TO: Andrew Bishop, Planner Coordinator, Urban Design Section

VIA: Katina Shoulars, Supervisor, Environmental Planning Section *KS*

FROM: Kim Finch, Planner Coordinator, Environmental Planning Section *KAF*

SUBJECT: Parkside (formerly Smith Home Farm), Section 4
SDP-1601-02 (Infrastructure Only) and TCPII-014-2016-02

The Environmental Planning Section (EPS) has reviewed the revised Specific Design Plan (SDP) for Infrastructure and Type 2 Tree Conservation Plan for Parkside (formerly Smith Home Farm), Section 4, stamped as received by the Environmental Planning Section on March 21, 2019 and other supplemental documents.

The Environmental Planning Section recommends approval of the SDP-1601-02 and TCPII-014-2016-02 subject to findings and conditions listed at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed 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	NA	District Council	Approved	5/22/2006.	NA (Final Decision)
NRI-006-05	NA	Planning Director	Signed	8/8/2005	N/A
NRI-006-05-01	NA	Planning Director	Signed	11/14/2006	N/A
NRI-006-05-02	NA	Planning Director	Approved	7/25/2012	N/A
CDP-0501	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	6/12/2006	PGCPB No. 0656.

CDP-0501 Reconsideration	TCPI-038-05	District Council Affirmation of Plann- ing Board Approval	Approved	3/28/2016	PGCPB No. 0656 (C)(A)
CDP-0501-01	TCPI-038-05	Planning Board	Approved	12/01/201 1	PGCPB No. 11-112
CDP-0501-01	TCPI-038-05	District Council Affirmation of Planning Board Approval amending Conditions 3, 7 and 9	Approved	5/21/2012	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 Director	Approved	12/12/2997	NA
SDP-0506-02	TCPII-057- 06-02	Planning Board	Approved	2/12/2015	PGCPB No. 12-14
SDP-1002	NA	Planning Board	Approved	1/26/2012	PGCPB No. 12-07
SDP-0506-03	TCPII-057- 06-02	Planning Board	Approved	7/17/2014	PGCPB No. 14-70
SDP-1601	TCPII-014- 2016	Planning Board	Approved	12/27/2016	PGCPB No. 14-70
SDP-1601-01	TCPII-014- 2016-01	Planning Director	Approved	12/19/2017	NA
NRI-006-05-03	NA	Planning Director	Approved	3/7/2018	NA
SDP-1601-02	TCPII-014- 2016-02	Planning Board	Pending	Pending	Pending

The current application is for the approval of infrastructure only for 171 single-family detached lots, and 127 single-family attached lots for a total of 298 dwelling units.

Grandfathering

The subject application is grandfathered from the requirements in Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan.

The project is also grandfathered from the current requirements of Subtitle 25, Division 2 effective September 2010 because it has a previously approved tree conservation plan.

Site Description

The Parkside development is located south of Westphalia Road (C-626) on the east and west sides of

Melwood Road. Section 4 is part of an overall development of 760.93-acres, located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro, MD. Section 4 is 97.20- acres gross tract, and is zoned R-M. The property is subject to the Woodland Conservation Ordinance (WCO) because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan, TCPI-038-05, and a revision, TCP1-038-05-01, were previously approved for the site with the Comprehensive Design Plan (CDP) and preliminary plan. According to the "Prince George's County Soils Survey (1967)" the principal soils on this site are in the Adelpia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras and Westphalia soil series. Available GIS layers indicate that Marlboro clay occurs in and around the floodplain for Cabin Branch, a tributary of Western Branch, but is not found in exposed locations in Section 4. Streams, wetlands, and floodplains 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 aviation traffic into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects the property from northwest to southeast Westphalia Road, which is located approximately 250 feet from the northern point of the overall development on the north and is also a designated historic road. There are no Rare, Threatened or Endangered (RTE) species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP). The site is in Environmental Strategy Area 2 (ESA), formerly known as the Developing Tier, according to *Plan Prince George's 2035* (May 2014), the most current comprehensive (general) plan. According to the approved *Countywide Green Infrastructure Plan of the Approved Prince George's Resource Conservation Plan* (May 2017), the site contains Regulated Areas and Evaluation Area within the green infrastructure network.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

District Council Final Decision for A-9965-C

The basic plan for Application No. A-9965-C was approved by the District Council March 9, 2006 subject to the environmentally related conditions to be implemented with the appropriate step of development process. Those that are applicable, and have not yet been fully addressed are discussed below:

2. **The following conditions of approval shall be printed on the face of the Basic Plan:**
 - H. **At the time of the first Specific Design Plan, the Applicant shall:**
 - 2). **Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**

This application is for infrastructure only. Noise mitigation, if required, will be addressed with future site plan applications.

- L. **The development of this site should be designed to minimize impacts by making all**

road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.

The proposed impacts as shown on the submitted TCP2 are consistent with those approved on the preliminary plan 4-05080.

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

This condition has been addressed.

- N. All Tree Conservation Plans shall have the following note:
"Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1."**

The note is on Sheet 1 of the TCP2

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

No woodland conservation is shown on proposed residential lots.

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

Noise impacts associated with Joint Base Andrews aviation shall be mitigated through acoustical shell certification prior to the issuance of building permits. Acoustical shell certification will be required for all residential units proposed in Section 4.

District Council Final Decision for A-9966-C

The basic plan for Application No. A-9966-C was approved by the District Council May 22, 2006 subject to the environmentally related conditions to be implemented with the appropriate step of development process. Those that are applicable, and have not yet been fully addressed are discussed below:

- H. At the time of the first Specific Design Plan, the Applicant**
2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.

This application is for infrastructure only. Noise mitigation, if required, will be addressed with future site plan applications.

- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the**

building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

Noise impacts associated with Joint Base Andrews aviation shall be mitigated through acoustical shell certification prior to the issuance of building permits. Acoustical shell certification will be required for all residential units proposed in Section 4.

District Council Final Decision for CDP-0501 and VCDP-0501

The Comprehensive Design Plan and Type 1 Tree Conservation Plan, TCPI-038-05, were approved by the District Council on June 12, 2006 subject to environmental conditions: Those that are applicable, and/or have not yet been addressed with subsequent development steps are discussed below:

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

This condition shall be addressed prior to the issuance of the first grading permit.

District Council Final Decision for Reconsideration of CDP-0501

Comprehensive Design Plan (CDP) CDP-0501 and Type 1 Tree Conservation Plan, TCPI-038-05, were reconsidered by the Planning Board and District Council. By a letter dated November 20, 2015, SHF Project Owner, LLC, on behalf of the applicant, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits. The reconsideration was approved by the Planning Board in a corrected and amended resolution PGCPB No. 06-56 (C)(A); and affirmed by the District Council on March 28, 2016 subject to conditions. The previously approved environmental conditions were not revised or amended by the reconsideration.

Prior to approving an SDP for Infrastructure, the Planning Board must find that the plan conforms to the approved Comprehensive Design Plan. The current SDP application proposes increased density in Section 4 but can be found in general conformance with CDP-0501.

Conditions of PGCPB 06-64(A) for Preliminary Plan 4-05080

Prince George's County Planning Board Resolution No. 06-64 (A) for the Preliminary Plan of Subdivision 4-05080 and Type I Tree Conservation Plan, TCPI-038-05-01 is subject to environmental conditions: Those that are applicable, and/or have not yet been fully addressed are discussed below:

56. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDPs shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development**

that contains that area of the plan. Each subsequent SDP and associated TCPH revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.

The limited SDP for stream restoration shall:

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.**
- b. **Consider the stormwater management facilities proposed;**
- c. **Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0501).**

This condition has been addressed for this Section. The required limited SDP for stream restoration, SDP-1002, was approved by the Planning Board on January 26, 2012, subject to conditions contained in PGCPB No. 12-07, Section 4, which is currently under review, includes the first stream restoration (Reach 6-2) to be implemented onsite. SDP-1601-01 incorporated the approved stream restoration design on the plan.

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

This condition will be addressed prior to the issuance of grading permits.

65. **At the time of specific design plan, the TCPH shall contain a phased worksheet for each phase of development and the sheet layout of the TCPH shall be the same as the SDP for all phases.**

A phased worksheet as well as an individual TCP2 worksheet has been provided on TCPH-014-2016-02. The sheet layout of the TCP2 matches the layout of the SDP for Section 4.

67. **No part of the Patuxent River Primary Management Area shall be located on any single-**

family detached or attached lot.

The current SDP for Section 4 is the first which includes lot and parcel lines. This condition will be evaluated in the Environmental Review section of this memorandum in the discussion of regulated environmental features and will be confirmed at time of final plat when the PMA, except for areas of approved impacts, will be placed into a conservation easement.

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

The Planning Board approved the Type II Tree Conservation Plan, TCPII-057-06, and SDP-0506 for the construction of Central Park Drive and Rock Spring Drive which provide access and frontage for Section 4 on July 27, 2006, subject to environmental conditions which have been addressed.

Conditions of Approval for SDP-1002 Smith Home Farm Stream Restoration (PGCPB No. 12-07)

The Prince George's County Planning Board approved SDP-1002 on January 26, 2012, subject to the environmental conditions: Those that are applicable, and/or have not yet been fully addressed with subsequent development steps are discussed below:

- 2. Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.**

The stream restoration plan for Reach 6-2 was approved with SDP-1601-01 and TCPII-014-2016-01 which included the submittal of detailed engineered stream restoration plans. The current application includes the previously approved stream restoration work, which has not yet been implemented.

- 3. Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.**
- 4. Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised and additional priority area(s) recommended as necessary to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until such time as the required minimum expenditure is met.**

It was previously assumed that the six priority stream restoration projects identified in SDP-1002 would not fulfill the minimum required stream restoration expenditure. SDP-1002 estimated the preliminary cost for the six priority project locations at \$775,065.00, or 52 percent of the required minimum expenditure.

Only two projects are identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). The conceptual cost estimate was \$266,125 in 2012 for 950 linear feet of stream restoration. Detailed cost estimates for these two projects now total \$554,185.60, significantly higher than originally estimated. Final construction costs may be higher still.

This results in a remainder of \$922,414.40 of the required minimum expenditure to be provided for the four remaining projects located in Section 7. The conceptual cost estimate for priority projects in Section 7 was \$511,924, and addressed 3189 linear feet of stream restoration. It is now anticipated that the remaining four priority projects will exceed the remaining funds available.

7. **Prior to approval of each individual specific design plan for the lotting out of the various sections of Smith Home Farm, areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings shall be identified. Should the above-identified items significantly alter the concept plan for stream restoration established through the subject application, as judged by the Environmental Planning Section as designee of the Planning Board, revision of SDP-1002 shall be required.**

The areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings areas for Section 4 are consistent with SDP-1002 for stream restoration, and no revision is required with the current application.

Conditions of Approval for SDP-1601 Smith Home Farm, Section 4 (PGCPB No. 16-125)

The Prince George's County Planning Board approved SDP-1601 on December 27, 2016, subject to the environmental conditions: Those that are applicable, and/or have not yet been fully addressed are discussed below:

3. **Prior to approval of any future specific design plan (SDP) and Type II tree conservation plan (TCPH) for Section 4, the SDP and TCPH shall be revised as follows:**
 - a. **To reflect the location of the master plan trail. The location of the master plan trail shall be confirmed by the trails coordinator.**
 - b. **The SDP, TCPH, and detailed stream restoration plan shall indicate the removal of the roadbed and culvert crossing the stream at a diagonal and, if a crossing is needed within the primary management area, it shall be provided by a bridge or boardwalk which provides dry passage over the stream and allows free flowing of water under the conveyance structure within the 100-year floodplain.**

The SDP and TCPH reflect the location of the master planned trails as confirmed by the trails coordinator. The detailed stream restoration plan presented on the SDP and TCPH does not currently address dry trail passage of the Melwood Legacy Trail across the stream, or the connector trail to the park.

Recommended Condition: Prior to certification of the SDP, the SDP and TCP2 shall be revised to show measures and grading impacts necessary to provide dry passage within the delineated PMA impacted by the Melwood Legacy Trail and the Westphalia Park connector trail.

4. **Prior to issuance of the first building permit for lots located within Section 4, the required stream restoration project for Reach 6-2 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member as designee of the Planning Board.**

Condition will be addressed prior to the issuance of any building permits for Section 4.

5. **Prior to approval of any future specific design plans for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.**

This condition was not addressed with the approval of SDP-1602-01 because the revision was limited to stream restoration and was approved at the staff level. This condition needs to be addressed with the current SDP revision for infrastructure.

Recommended Condition: Prior to the certification of SDP-1602-02 for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the remainder of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the Parkside development.

Conditions of Approval for SDP-1601-01 Smith Home Farm Stream Restoration

SDP-1601-01 and TCP2-014-2016-01 was approved with no conditions by staff on December 20, 2017.

Environmental Review

Natural Resource Inventory

The applicable NRI, NRI-006-05-03, was approved by staff on March 7, 2018, and submitted with the current review package. The information on the most current NRI is shown correctly on the revised SDP and TCP2. No further information is required at this time.

Stream Restoration

An approved SWM Management Concept Approval Letter and Plan (#48330-2016) for the restoration of Reach 6-2 was approved by DPIE on September 20, 2016, as the first step towards final technical approval. The approved stream restoration concept plan was consistent with the concept for the

restoration expressed in SDP-1002, which called for a full stream valley restoration.

The restoration technique proposed calls for the relocation of the stream channel within the limits of the floodplain. The stream channel was designed to allow the 1.5- year storm event to spill out onto the excavated floodplain, allowing for frequent inundation of the surrounding wetland areas. The stream channel will be cut down to the existing groundwater elevation and designed to optimize base flow habitat. Grade control structures have been added to avoid future entrenchment.

EPS staff supported the concept as approved, except for the retention of the existing crossing of the Melwood Legacy Trail over the roadbed, and the continued channeling of stream flow through the culvert, which appears to work against the success of the project. EPS staff recommended the roadbed and culvert be removed and replaced with a boardwalk or bridge which allows for the free flowing of water from the upstream wetlands, and provides dry passage across the stream, if needed. Removal of this constriction will eliminate an existing impact to wetland and wetland buffers and allow for the restoration of impacted PMA. Staff has discussed our concern with DPIE who agrees with this revision. Replacement of the existing crossing will not require a revision to the SWM Concept approval but shall be incorporated into the final technical design of Reach 6-2.

The SWM Concept Approval Letter prepared by DPIE included ten conditions of approval, two of which were a concern for EPS staff:

Condition 8 required stream monitoring for a minimum of three years after the construction and the submittal of monitoring information to "Park and Planning." Staff has since determined that the stream restoration work will require permitting from the Maryland Department of the Environment (MDE) who will require monitoring and reporting in accordance with statewide requirements. While submittal of the monitoring reports to EPS would be informative, we concede responsibility for this task to the permittees and MDE.

Condition 10 indicated that "Park and Planning" would maintain the stream restoration improvements. Because the project is not located on Park property, M-NCPPC does not want to take responsibility for maintenance of the project and believes that responsibility lies with the underlying property owner, who will be the homeowner's association. Both conditions shall be revisited and revised as appropriate at time of technical approval

A detailed stream restoration plan for Reach 6-2 by DPIE and included in the approval of SDP-1601-01 and is shown on the included in the current application.

Recommended Condition: Long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner.

Recommended Condition: Monitoring and reporting on the Reach 6-2 stream restoration project shall be in accordance conditions established by permits issued by the Maryland Department of the Environment for projects proposed to occur in stream and wetland areas. Copies of the periodic monitoring and reporting information required by MDE shall be submitted to the Environmental Planning Section during the required 3-year monitoring period.

Protection of Regulated Environmental Features

Prior to approving an SDP for Infrastructure, the Planning Board shall find that the plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirements of Subtitle 24-130 (b)(5). The impacts proposed to the regulated environmental features on this site are consistent with those approved with Preliminary Plan 4-05080.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland, and a Type I Tree Conservation Plan, TCPI-38-05-01 was approved for the site.

There have been minor changes to the layout of Section 4 since approval of the preliminary plan, which minor IMPACTS to regulated features of the site and/or the woodland conservation areas proposed under TCPI-038-05-01. The TCP2 submitted with the current application can be found in general conformance with the approved TCPI.

A condition of approval for TCPI-038-05-01, approved with the preliminary plan of subdivision, was the following requirement:

“Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.”

This condition was intended to address the encumbrance of the dedicated parkland with woodland conservation which would limit its usefulness for park development. In order to find strict conformance with the approved TCPI, all woodland conservation and reforestation outside of the floodplain on Parcel B2 to be dedicated to M-NCPPC would be eliminated. Subsequently, the Department of Parks and Recreation (DPR) requested that the SDP and TCP show the location of a connector trail to Westphalia Park on the plan. Subsequent negotiations between DPR and the applicant resulting in an agreement that the developer would build approximately one-half mile of an 8-foot-wide hiker biker trail in return for woodland preservation and afforestation/reforestation on MNCPPC parkland. DPR staff determined that the value of accessibility to Westphalia Park resulted in a public benefit, and that the woodland conservation proposed was consistent with the future plans for park development.

A Type II Tree Conservation Plan, TCPII-057-06, was the first TCPII approved for the Parkside development, in association with SDP-0506 for the construction of roads within Phase 1A, 1B, 2 and 3. With the first TCPII, TCPII-057-06, for the Parkside (Smith Home Farm) development an overall woodland conservation worksheet for the entire site was approved, as well as an individual TCPII woodland conservation worksheet for specific sections. The overall woodland conservation worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities proposed on the property, identifying how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire

development to confirm that the overall woodland conservation requirement for the site is being met, as well as the requirements of the Final Decision of the District Council in A-9965-C and A-9966-A that the woodland conservation threshold be met on-site. Based on the overall site area of 617.94 net tract acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet provided with the current application provides 165.08 acres of woodland conservation on-site, which satisfies the on-site requirement.

The total woodland conservation requirement for the overall development is 253.52 acres, which is distributed proportionally over the development sections.

The Individual Woodland Conservation Worksheet for Section 4 indicates that the woodland conservation requirement is 22.51 acres. The woodland conservation requirement is being satisfied in this section with 6.07 acres of on-site preservation and 16.44 acres of on-site afforestation which results in fulfilling the requirement of this section, and the overall requirement for the Parkside development. Technical revisions may be required at time of certification.

No additional information will be required at this time. Technical revisions may be required prior to certification if other revisions for site design, final stormwater design and sediment/erosion control design are required.

Stormwater Management

The site has a revised Stormwater Management Concept letter (14846-2006-03) which was approved on March 19, 2019. The plan was found in conformance with Subtitle 32 Water Resources Protection and Grading Code by the Department of Permitting, Inspection and Enforcement (DPIE). The plan is consistent with the previous SWM Concept Plan for Section 4,5 and 6 which moved forward to implementation prior the May 4, 2017 under grandfathering provisions. Stormwater management structures in Section 4 include three existing extended detention ponds.

Summary of Recommended Findings and Conditions

The Environmental Planning Section recommends the approval of SDP-1601-02 and Type 2 Tree Conservation Plans, TCPII-014-2016-02 subject to the following findings and conditions of approval:

Recommended Findings:

1. The SDP and TCPII can be found in general conformance with Zoning Map Amendments ZMA-9965-C and ZMA-9966-C.
2. The SDP and TCPII can be found in general conformance with CDP-0501, and TCPI-038-05.
3. The SDP and TCPII can be found in general conformance with Preliminary Plan 4-05080 and TCPI-038-05-01.
4. The SDP and TCPII can be found in conformance with the prior approvals of SDP-1601 and

SDP-1601-01.

5. The regulated environmental features on the subject property have been found to be preserved and/or restored to the fullest extent possible and consistent with previously approved impacts,
6. SWM Concept Approval Plan #14846-2006-03 demonstrates that adequate provision has been made for draining surface water so that adverse effects on either the subject property or adjacent properties have been minimized to the extent possible.

Recommended Conditions:

1. Prior to the certification of SDP-1602-02 for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the remainder of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the Parkside development.
2. Prior to certification of the SDP, the SDP and TCP2 shall be revised to show measures and grading impacts necessary to provide dry passage within the delineated PMA impacted by the Melwood Legacy Trail and the Westphalia Park connector trail.
3. Long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner.
4. Monitoring and reporting on the Reach 6-2 stream restoration project shall be in accordance conditions established by permits issued by the Maryland Department of the Environment for projects proposed to occur in stream and wetland areas. Copies of the periodic monitoring and reporting information required by MDE shall be submitted to the Environmental Planning Section during the required 3-year monitoring period.

If you have any questions, please contact me at 301-952-3506 or via e-mail at kim.finch@ppd.mncppc.org.

MEMO



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Department of Parks and Recreation, Prince George's County

February 11, 2019

TO: Andrew Bishop, Senior Planner
Urban Design Section
Development Review Division
Planning Department

VIA: Helen Asan, Acting Supervisor *HA*
Land Acquisition & Management / Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

FROM: Thomas Zyla, Landscape Architect *Z*
Land Acquisition & Management / Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **SDP-1601-02, PARKSIDE, SECTION 4
Infrastructure Only**

The staff of the Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Specific Design Plan (SDP) for conformance with the requirements and recommendations of the Approved Prince George's County General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment for Planning Area 78, Comprehensive Design Plan (CDP-0501), Preliminary Plan 4-05080, previous Specific Design Plans (SDP-1601 & SDP-1601-01), the Land Preservation, Parks and Recreation Plan (LPPRP) for Prince George's County and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space; as policies in these documents pertain to public parks and recreational facilities.

FINDINGS

This Specific Design Plan (SDP-1601-02) for Parkside-Section 4 is for rough grading and infrastructure only. This section of the development is adjacent to DPR's existing Westphalia Park to the north. This park is improved with a parking lot, softball field, tennis courts, picnic shelter, playground and basketball court. Section 4 proposes to dedicate approximately 5.55 acres adjacent to this DPR property in order to expand this park to the south. In addition, an

8'wide asphalt hiker/biker trail was previously proposed from the public road 'C' northeast to the proposed parkland dedication. After discussions with the applicant, DPR recommends extending the proposed trail to the existing trail network located within the existing Westphalia Park.

RECOMMENDATIONS

The Park Planning and Development Division of the DPR recommends to the Planning Board approval of the above-referenced Specific Design Plan (SDP-1601-02), subject to the following conditions:

1. Prior to certification of the SDP-1601-02 plans, the applicant shall revise the SDP-1601-02 plans to extend an 8-foot-wide asphalt hiker/biker trail from public road 'C' northeast to connect to the existing trail network located within the existing Westphalia Park. Final alignment shall be staked in the field and approved by DPR prior to construction.
2. Prior to final plat of subdivision within SDP-1601, the applicant shall enter into a public Recreational Facilities Agreement (RFA) for construction of the 8-foot-wide asphalt hiker/biker trail located on property to be conveyed to M-NCPPC.
3. The applicant shall construct the 8-foot-wide asphalt hiker/biker trail prior to issuance of building permits for Lots 23 & 24, Block 'B', Parkside - Section 4.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

February 19, 2019

TO: Andrew Bishop, Urban Design Section
Development Review Division, M-NCPPC.

FROM: *MG* Mary C. Giles, P.E. Associate Director
Site/Road Plan Review Division, DPIE.

RE: Parkside - Section
Specific Design Plan No. SDP-1601-02.

CR: Rock Spring Drive
CR: Victoria Park Drive.
CR: Melwood Road

In response to the revised Specific Design Plan No. SDP-1601-02 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

Roadways

- The property is located on the eastern side of Pennsylvania Avenue, approximately 1,800 feet east of its intersection with Suitland Park Way.
- The Master Planned Roadways C-626 (Collector), C-627, MC-631 (Major Collector), MC-634, MC-635, and MC-637 impacting this property will require coordination with the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPIE.
- Frontage improvements are required for Rock Spring Drive (C-627), MC-631, and Victoria Park Drive in accordance with the County Road Ordinance, and Department of Public Works and Transportation's (DPW&T) Specifications and Standards.
- Applicant shall provide right-of-way dedication and road construction, in accordance with the County Road Ordinance, DPW&T Specifications and Standards, and the Americans with Disabilities Act (ADA).

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510

Andrew Bishop
February 19, 2019
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- Private roadways are to be designed, bonded and permitted in accordance with applicable County codes, standards and specifications.
- Proposed roads are to be constructed in accordance with County roadway standards and consistent with the approved Master Plan for this area.
- A residential driveway apron for the proposed townhouses are allowed along public roadways.
- Sidewalks and sidewalk ramps are required along roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- Pedestrian crosswalks shall have proper sight distance and be constructed in accordance with ADA requirements.
- Conformance with DPW&T street lighting and street tree standards is required.

Environmental

- The proposed project must obtain an approved floodplain delineation in accordance with DPIE's requirements.
- A floodplain easement is to be dedicated prior to issuance of any permit.
- Easements are to be approved by DPIE and recorded prior to technical approval.
- A soils investigation report which includes subsurface exploration and a geotechnical engineering evaluation for the subdivision streets and Marlboro clay is required.

Stormwater Management

The proposed changes must meet the intent of the approved Stormwater Management Concept (concept) Plan No. 14846-2006-03 updated on May 25, 2017 (Originally approved on August 25, 2006; Parent Approval No. 36059-2005).

Andrew Bishop
February 19, 2019
Page 3

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:

- a) Final site layout, exact impervious area locations are not shown on plans.
- b) Exact acreage of impervious areas has not been provided.
- c) Proposed grading is shown on plans.
- d) Delineated drainage areas at all points of discharge from the site have not been provided.
- e) Stormwater volume computations have not been provided. 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.
- f) A narrative in accordance with the code has not been provided.

Please submit any additional information described above for further review, at the time of final Stormwater Management permit review.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.636.2060.

MCG:DW:dar

cc: Mariwan Abdullah, District Engineer, S/RPRD, DPIE
Daniel Wmariam, Realty Specialist/Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
Dewberry, 10003 Dereewood Lane, Suite 204, Lanham, MD 20706
SHF Project Owner, LLC, 1999 Avenue of the Stars, Suite 285,
Los Angeles, CA 90067



Division of Environmental Health/Disease Control

Date: February 6, 2019

To: Andrew Bishop, Urban Design, M-NCPPC

From:  Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: SDP-1601-02, Parkside

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the specific design plan submission for Parkside, and has the following comments / recommendations:

1. This property is located in an area of the county considered a "food desert" by the US Department of Agriculture, where affordable and healthy food is difficult to obtain. Health Department permit records indicate there is one carry-out/convenience store food facilities and no markets/grocery stores within a ½ 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. Conversion of large areas of open space into impervious surface is proposed. Creation of additional impervious surface in this recharge area could have long term impacts on the sustainability of this important groundwater resource. ***Demonstrate that the site is in compliance with the County's Watershed Implementation Plan (WIP).***

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

Rasherru L. Baker, III
County Executive



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Fire/EMS Department Headquarters

Office of the Fire Marshal



December 28, 2018

Andrew Bishop
Urban Design
The Maryland-National Capital Park and Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Mr. Bishop:

The Office of the Fire Marshal of the Prince George's County Fire and EMS Department has reviewed the referral for SDP-1601-02, Parkside. Other than the standard comments below, we have no concerns about this application at this time. The provided Specific Design Plan, CIVP-SDP-1601-02 shows acceptable fire access via 26' public and private roads.

- 1) With regard to water supply, the applicant's System Extension Plan and/or Site Utility Plan submittals to WSSC shall demonstrate that any proposed private hydrants on the site will provide 1000 gpm at a residual pressure of 20psi.
- 2) Hydrants shall be provided so that no exterior portion of the building is more than 500' from a hydrant as hose is laid by the fire department.

Please let me know if you have any questions regarding these comments.

Sincerely,

James V. Reilly
Assistant Fire Chief

JVR/jvr

9201 Basil Court, Fourth Floor East
Largo, Maryland 20774
VOICE-(301) 883-5200 FAX-(301) 883-5212 TDD-(301) 925-5167





SUPPLEMENTAL

AGENDA ITEM # 23

PGCPB MEETINGS OF 10-6-05

PLANNING COMMISSION

14741 Governor Oden Bowie Drive

Upper Marlboro, Maryland 20772

TTY: (301) 952-3796

PGCPB No. 05-199
PGCPB No. 05-200

File No.A-9966
File No.A-9965

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed, Smith Home Farms requesting a rezone from the R-A (Residential Agricultural) Zone to the R-M (Residential Medium Density 3.6 to 5.8) Comprehensive Design Zone and R-A (Residential Agricultural) Zone to the L-A-C (Local Activity Center) Comprehensive Design Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 29, 2005, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is a large tract of land consisting of wooded, undeveloped land and active farm land, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4). The site is composed of nine contiguous parcels (Parcels 16, 120, 122, 151, 157, 160, 167, 219 and one unnumbered parcel) of land, Tax Map 90, and measures approximately 757 acres in size.
- B. **History:** The site was retained in the R-A Zone during the 1994 Melwood-Westphalia master plan and sectional map amendment (Council Resolution CR-25-1994). The master plan also recommends the L-A-C (Community Center), R-M (5.8-7.9 du/ac, Residential Medium Density Development), R-S (2.7-3.5 du/ac, 1.6-2.6 DU/AC, Residential Suburban Development), and R-L (0.5-1.5 du/ac, Residential Low Development) as the suitable comprehensive design zones for the subject property, which is a major part of a planned community identified by the master plan.
- C. **Master Plan Recommendation:**
1. **2002 General Plan:** This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Growth policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to the designated center.
 2. **Master Plan:** The approved master plan and adopted sectional map amendment (SMA) for Melwood and Westphalia (Planning Areas 77 and 78) (1994) recommends a planned residential community of various densities and different housing types as well as a planned activity center in the L-A-C Zone for a larger tract of land that includes the subject site.
 3. **Westphalia CCP Study:** The Westphalia Comprehensive and Conceptual Planning Study (Westphalia CCP study) calls for primarily residential use of various densities with a mixed-use retail center and a central park on the subject site that serves the entire Westphalia area.

2. CONCEPTUAL DESIGN FEATURES

Site conditions: The subject site comprises wooded area and open farmland and borders existing agricultural and residential development. Nine existing residences and approximately 20 barns and associated outbuildings are observed on the site. Unimproved driveways originating from Melwood Road and Moores Road provide access to these structures and other portions of the subject property.

The topography of the site is gently to moderately sloping with the majority of the site draining toward the east, via Cabin Branch and tributaries. Severe slopes (25 percent and greater) are found along the stream valleys and moderate slopes associated with rolling knolls are found throughout the site. Site topography estimated from Maryland Geological Survey topographic data indicates that ground surface elevations range from a high of approximate elevation 280 feet above mean sea level (MSL) near the northwest corner of the property to a low of approximately 120 feet MSL where Cabin Branch crosses the eastern property line.

General layout: The proposed basic plan shows two access points connecting to the existing roadways. The major access point will be off the existing Presidential Parkway connecting to the interchange of Suitland Parkway and Pennsylvania Avenue (MD 4), to the southwest corner of the site. The secondary access point to the site will be off the existing Westphalia Road to the north of the subject site and will use a small part of existing Melwood Road. The rest of the existing Melwood Road will be utilized as part of the proposed trail system. The major roadway off Presidential Parkway parallel to the Cabin Branch runs east-west and crisscrosses with a north-southbound major roadway close to the northeast corner of the subject property. Another three secondary roadways have also been proposed. The proposed roadways are superimposed on the Cabin Branch and its tributaries and divide the site into approximately two dozen land bays. The proposed local activity center (L-A-C) is located at the crossroad of the two major roadways that is near the location recommended for a community commercial center by the Westphalia Comprehensive Conceptual Planning Study. A similar center with a floating symbol on the subject property is also shown on the 1994 master plan. This community center is planned to be neighborhood-oriented and to complement other regional centers in the area. Approximately 30 acres are being planned for the community commercial center, of which one third of the L-A-C site will be developed for commercial/retail uses and the remaining two thirds of the center will be developed with medium-to-high density residential use. The basic plan envisions a "main street" with on-street parking, tree-lined streets, wide sidewalks, and cafes and shops lining the street frontage. A retail "gateway" on the realigned master plan roadway C-631 will welcome residents and visitors alike into the center and public space with amenities that are facing the proposed east-west major roadways.

The remainder (727 acres) of the subject site will be developed as market-rate residential use, including single-family detached, single-family attached, multifamily dwelling units, and other recreational uses. A centrally located park has been proposed between Cabin Branch and the proposed major east-westbound roadway. A mixed retirement community occupying the major land bays in the northern part of the site also has been shown to the

A planning study known as the Westphalia Comprehensive Conceptual Planning (CCP) Study for the 6,000 acres of the Westphalia area is currently underway. The purposes of the Westphalia CCP study are to implement the 2002 Approved General Plan and the approved master plan and adopted sectional map amendment (SMA) for Melwood and Westphalia (Planning Areas 77 and 78) (1994), to establish a more detailed plan for both public and private development in the Westphalia area, and to ensure coordinated development of the area in the long run. The Westphalia CCP study also addresses new opportunities that have arisen in the past 11 years since the 1994 Melwood-Westphalia master plan. At the time the staff report was written, five well-attended community meetings had been held that resulted in a preferred plan for the Westphalia area. The preferred plan calls for a high density, mixed-use urban core area near the location of the community center identified by the 2002 Approved General Plan. A portion of the subject site south of Cabin Branch is also located in the fringe mixed-use area as recommended by the Westphalia CCP study. The preferred plan also shows a central park that serves the entire area and a community-oriented, mixed-use center on the subject site.

COMPLIANCE WITH EVALUATION CRITERIA

F. **Zoning Requirements:** The zoning map amendment application is subject to Part 3, Subdivision 3, Comprehensive Design Zone, and Part 8, Comprehensive Design Zones, of the Zoning Ordinance. Specifically the application has been reviewed for compliance with the following regulations:

1. Section 27-195 (b), Criteria For Approval

(1) **Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:**

(A) **The proposed Basic Plan shall either conform to:**

(i) **The specific recommendation of a General Plan map, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**

(ii) **The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

Applicant's Position: The applicant provides the following statement to demonstrate the application's compliance with the above approval criteria:

area comprised of multifamily residential and an active adult community. The various areas of the community will be connected by way of an extensive system of pedestrian trails located throughout the entire property; this will make the centralized retail area accessible to the rest of the community through various means of travel.

"The Smith Home Farms will consist of a mix of residential and retail uses with a strong emphasis on transit-oriented development. Bus service will be available to all residents and citizens who wish to patronize the retail portion of the property, as well as the recreation areas. Trails strategically placed throughout the development will allow for more walking and biking.

"Easy access to the community will, as well as access from the community to major roads, ensure a transit-serviceable development.

"The proposed development will provide a mix of residential, retail and entertainment uses in close proximity to each other; this will tend to more effectively promote various means of transportation, biking and walking and therefore reduce reliance on the automobile. The retail and entertainment uses proposed will be centrally located within the development and include multifamily residential. In most cases, retail and entertainment facilities will be located at ground level; where possible the development will use existing topography to provide accessibility at various entrance levels.

"Because of the mixed use nature of the proposed development, the peak hour traffic demands will be balanced. The residential uses will provide the major portion of peak-hour traffic. Retail, recreation and institutional uses will be the bulk of nonpeak hour traffic. The proposed uses will be complimentary and thus reduce the number of vehicle trips. Retail uses selling large items or high volumes are not currently envisioned for the subject property.

"Smith Home Farms is not considered in the General Plan or in the Master Plan as the location for a Metropolitan or a Regional Center; a regional center [*Sic*] (it should be a Community Center) is indicated in the general vicinity of the subject property. The applicant is proposing exactly what is expected and recommended in the General Plan and in the Master Plan as part of the proposed Community Center areas of Prince George's County. All amenities located on the development will serve the new proposed community, as well as the existing neighboring communities. The main core area at Smith Home Farms will be the Local Activity Center within which will be located the retail/restaurant component of the proposed development. The applicant proposes a mix of uses which are appropriate for the Melwood-Westphalia Area.

"A Central Park concept will help preserve and enhance the natural features of Smith Home Farms and incorporate them into the functions of the built environment. The streams present within the subject property will be protected and enhanced through various means of Stormwater management and run-off controls as well as reforestation of stream valley buffers and slope stabilization. It is the intent of this project to create at least two Stormwater Management wet ponds in the more 'degraded' tributaries to Cabin Branch to enhance the quality of the environment."

2002 GENERAL PLAN

As noted above, this application is located in the Developing Tier of the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Growth policies in the Developing Tier encourage compact residential neighborhood design, limit commercial uses to the designated center, preserve and enhance environmental features and green infrastructure elements, provide as many multimodal transportation options as possible, and plan and provide public facilities to support the planned development pattern. The General Plan also designates a center and a corridor to the south of the subject site; but none of them is located on the site.

The basic plan proposes to rezone the existing R-A Zone to the R-M Zone (3.6 dus/ac-5.7 dus/ac) with a mixed retirement development component (8 dus/ac) for a variety of housing types and to the L-A-C Zone, which is envisioned as a mixed-use development of commercial/retail and 300 residential units. The proposed residential development and density are in compliance with the Developing Tier requirements. The plan also preserves a significant amount of green open space along stream valleys and is generally consistent with the General Plan. As discussed previously, the basic plan text indicates that the developer will provide the required facilities and amenities to support the development and at the same time serve the surrounding communities. But the needed facilities and most of the amenities have not been shown graphically on the basic plan.

THE APPROVED MASTER PLAN AND ADOPTED SECTIONAL MAP AMENDMENT (SMA) FOR MELWOOD AND WESTPHALIA (PLANNING AREAS 77 AND 78) (1994)

The approved area master plan retained the subject property and most of the adjacent properties in the R-A Zone. But the master plan also designated the subject along with the adjacent properties as a planned residential community. The master plan further recommended the following comprehensive design zones—L-A-C, R-M, R-S (two density ranges) and R-L—as the suitable zones for the development of the planned residential community, including the subject site. The residential densities recommended range from the minimum 0.5 dwelling unit per acre to the maximum 7.9 dwelling units per acre. The basic plan proposes the R-M Zone for the subject property and requests a density range of 3.6-5.7 dwelling units per acre, which fits into the upper level of the density range recommended by the master plan. The housing types proposed include single-family detached, single-family attached, and multifamily units as well as a mixed retirement residential community with associated facilities. The L-A-C portion included in this application conforms to the master plan vision for a planned activity center. The new local activity center will be a mixed-use main street style commercial/ retail center, which is complementary to the existing and planned regional retail centers. As discussed and illustrated above, the master plan also identified several public facilities and amenities on the subject site which have not yet been shown graphically on the basic plan.

Schools

1. Contribute proportionally to a Westphalia school "club" to help with the provision of elementary and middle school education services in the Westphalia area.
2. Dedicate a site for a new middle school, possibly in combination with a public park site.
3. Preserve German Orphans School function or provide a new elementary site on the subject property.

Roads

1. Contribute proportionally to a Westphalia road club to help with the provision of a road network to serve the entire Westphalia area.
2. Extend Suitland Parkway through the site to Woodside Village and design the roadway with a parkway character.
3. Improve the existing Westphalia Road from the entrance off of Westphalia Road to the subject site westward to its connection to Pennsylvania Avenue (MD 4).
4. Extend D'Arcy Road to the urban core and realign the Melwood Road, D'Arcy Road and Westphalia Road intersection.
5. Provide the north-south connection as shown on the basic plan from the northern property through the local activity center and to the core area.

The specific contribution to the improvement listed above will be determined at the time of comprehensive design plan review.

The basic plan proposes a general layout that is consistent with the preferred option of the Westphalia CCP study, but none of the above-identified responsibilities has been fully addressed either in the basic plan or in the zoning map amendment text. Furthermore, the proposed recreational open spaces shown on the basic plan at three different locations are not consistent with the central park concept of providing park and recreation services as formulated in the preferred option of the Westphalia CCP study. Except for the centrally located recreation site, the other two open spaces are too small and not connected with other open spaces and stream valleys on the site. The recreational use delineated around Blythewood (formerly known as Smith residence), which is a historic resource (#78-013) in the *Historic Sites and Districts Plan*, 1981 and 1992, is too small for an environmental setting for Blythewood. The Historic Preservation and Public Facilities Planning Section recommends (Carlson-Jameson to Zhang, August 24, 2005) an environmental setting of approximately 33 acres for this historic site.

APPLICANT'S POSITION: Pursuant to the traffic study provided by the applicant, the Smith Home Farms is not making a direct connection to the Dower House Road interchange. The traffic from Smith Home Farms will utilize the Woodyard Road interchange and Westphalia Road interchange to proceed west to inside the Beltway to Washington D.C. or to reach I-95. The applicant will construct the Westphalia Road interchange and rely on the State Highway Administration to construct the Presidential Parkway interchange.

Staff Comment: In a rezoning application, a comparison is generally made between the trip-generating potential of the subject property, based on the highest and best use of its current zoning category, versus the highest and best use permitted in the zoning category being sought. Section 27-515 of the County Code of Prince George's County lists a wide array of permitted uses within the R-M and L-A-C Zones. The proposed uses and intensity are consistent with the 2002 Approved General Plan. In fact, the Westphalia CCP study increases the density in the 1994 Melwood-Westphalia master plan by approximately two times. A preliminary comprehensive traffic study and modeling undertaken during the Westphalia CCP study indicate that the proposed major road network as shown on the preferred option will be able to support the proposed density and land use pattern. The proposed use, density and road network shown on the basic plan are in conformance with the preferred option of the Westphalia CCP study. The developer will provide all the needed road improvements in this application as the development proceeds.

- (D) **Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed.**

APPLICANT'S POSITION: The applicant proposes many public facilities for use by the Smith Home Farms which will in turn benefit the surrounding communities. The applicant has proposed approximately 13 acres of land located on the German Orphan Home property to be provided for a school for use by all the aforesaid communities as well as the Smith Home Farms. Public and private roads will be developed in fulfillment of the Melwood-Westphalia master plan to connect Smith Home Farms to the surrounding communities and to major roads such as Pennsylvania Avenue, Woodyard Road, and the like. Examples of other public and private facilities proposed by the applicant include, but are not limited to, parks (similar to a central park theme), a clubhouse, library, and a municipal center. In addition, many recreation areas for varying age groups will be placed through the community.

Staff Comment: The submitted text for this rezoning application is not consistent with the basic plan in regard to provision of public facilities such as a fire station, library, etc. The only public facility and amenity shown graphically on the basic plan are the park sites on three separate locations. Several conditions of approval have been proposed to address facility and amenity issues in the conclusion section of this report.

regional public parkland suitable for active recreation in order to serve the proposed development. The 1994 Melwood-Westphalia master plan has shown two 50-acre floating park symbols on the subject property. The master plan, however, envisions a lower density suburban development for the subject site. The preferred option of Westphalia CCP study has looked into the opportunities for the Westphalia area since 1994 and updated the vision for the area through five community meetings. The new vision for the Westphalia area calls for a centrally located park with a minimum 75 acres of developable land and various recreational facilities. The Department of Parks and Recreation (DPR) recommends (Asan to Zhang, August 16, 2005) a dedication of 100± acres of developable land for active recreation in addition to the dedication of the Cabin Branch Stream Valley pursuant to the 1994 Melwood-Westphalia master plan, as shown on the staff exhibit A, and four other conditions. After negotiating with the applicant, DPR recommends (Asan to Zhang, September 28, 2005) 75 acres of developable land be dedicated to be used as a central park. An additional 25 acres of developable parkland may be required at time of comprehensive design plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan.

Fire and Rescue

“The existing first due fire engine service is Company 23, located at 8321 Old Marlboro Pike. The Melwood-Westphalia plan approved March 1994 recommends the relocation of Forestville, Company 23, to the easternmost intersection of Presidential Parkway and Melwood Road. The Historic Preservation and Public Facilities Planning (HPPF) Section met with a representative of the Fire/EMS Department to review the applicant’s proposal to construct a new fire station on an adjacent property. The Fire/EMS Department and the HPPF section endorse and support the concept of a new station. This application should include a condition that a new fire station will be constructed. The final location of the station will be determined at the comprehensive design plan stage of the development proposal.”

Public Schools

“The applicant proposes an off-site school site at the German Orphan Home School site south of the property. The HPPF section supports the provision of an elementary school site. The planning efforts that have been undertaken for this property indicate a need for an additional middle school in the area. This need is not being addressed at this time. We recommend that a middle school site be dedicated along with the elementary school as part of this application.”

Police and Library Facilities

“The subject master plan denotes a police and a library facility in the general area. The comprehensive development plan displays it south of the subject property. If the applicant is proffering to provide these facilities, then it should be made part of this development proposal. The exact location and timing of these facilities can be determined during the comprehensive design plan or subdivision process of this project. The provision of these facilities is needed to make the required finding that the appropriate facilities are provided for in the Capital Improvement Program or part of the private development.”

farm land, wooded area, and stream valley. The adjacent properties are primarily in the low-density residential zoning categories. Since the site is in the Developing Tier, the low- to moderate-density suburban residential development pattern with distinct commercial centers has been envisioned for the site. The preferred option of the Westphalia CCP study envisions a high density to the south of the subject site. Given its transition location between high-density urban core area and the rest of the lower-density residential zone, a medium density as proposed in the rezoning application for the subject site is a reasonable way of development. In addition, a significant part of Cabin Branch and its tributaries are all over the site. Most of these environmental features are located around the site's boundary areas that provide a natural buffer and transition from the subject site to the adjacent lower-density properties. The proposed rezoning application shows a compatible environmental relationship between the proposed general land use types and the surrounding land uses.

Archeological Resources and Architectural Historic Assessment

The applicant has submitted a Phase I Archeological Survey and Architectural History Assessment report with this rezoning application. The report concludes that none of the archeological resources are recommended as eligible for listing on the National Register of Historic Places (NRHP) and no further work is recommended. The Historic Preservation and Public Facilities Planning Section in a memorandum dated August 24, 2005, noted that:

"In order to comply with Section 106 review and the Planning Board directive concerning archeological investigation, the applicant has conducted a Phase I archeological investigation to determine whether or not the property contains important evidence of Native American and African-American habitation and burials. The analyses of the archeological investigation will be forthcoming from Don Creveling, Natural and Historical Resources Division. The cemetery has three graves of Smith family members and is located to the south of the residence."

The comments from the Natural and Historical Resources Division, Department of Parks and Recreation, will be presented at the time of the public hearing for this rezoning application.

As far as the historic architecture is concerned, the report states that:

"The Moore Farm was determined to be ineligible for listing on the NRHP. Because the Blythewood property has been determined to be eligible for listing on NRHP, further consultation with the Maryland Historical Trust (MHT) and Prince George's County may be required to determine the effects of the proposed development on the historic property. Depending on MHT and county requirements, additional studies of the other historic structures within the project area and 0.5-mile radius may be necessary."

The Historic Preservation and Public Facilities Planning Section provides the following comments on the aforementioned historic buildings:

development, which is between 0.5 to 3 dwelling units per acre, the staff believes that the requested zoning designation and base density are appropriate to the subject site. The development on the subject site with a base density of 3.6 dwelling units per acre will be compatible with the character of the existing development. Because comprehensive design zones are intended to create a superior environment through the use of public benefit features, the developer must provide public benefit features in order to achieve any density increment above 3.6 dwelling units per acre, but not more than 5.7 units per acre. In addition, the proposed mixed retirement development, which is a use that cannot be normally obtained (e.g., in the R-A Zone by special exception) in the existing conventional zone, is more than one-third of the total proposed dwelling units. The base density for the mixed retirement development is also 3.6 dwelling units per acre, but the maximum density allowed can be up to eight dwelling units per acre. The developer will have a great incentive to provide public benefit features if the development is approved in the R-M Zone (Medium Density 3.6) with the base density of 3.6 dwelling units per acre.

Andrews Air Force Base (AFB) is located across Pennsylvania Avenue to the south of the Westphalia CCP study area. Even though the subject site is physically far away from Andrews AFB, most of the site is within the Air Installations Compatible Use Zones (AICUZ) of Andrews AFB. The analysis of the aircraft noise contour indicates that most of the site is within the 65 dBA Ldn contour line, and a small portion of this site in the northwest is located within the 70 dBA Ldn contour line. Pursuant to a memorandum from Andrews AFB (Carson to Zhang, August 10, 2005), residential development in this area is generally discouraged. If residential development occurs, noise level reduction construction methods should be incorporated into building designs. As discussed previously, the proposed land use pattern, density and intensity, as well as the location of the development, are consistent with the preferred option of the Westphalia CCP study, 2002 approved General Plan, and 1994 Melwood-Westphalia master plan. The staff agrees with the suggestion of Andrews AFB and recommends that the aircraft noise issue be reviewed at time of specific design plan when architectural review takes place.

- (2) **Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

APPLICANT'S POSITION: The applicant has submitted a traffic study that identifies the major transportation improvements that are needed to support the proposed development. Per the study, the applicant will fund all improvements except for the interchange of Presidential Parkway and Suitland Parkway. The applicant has suggested utilizing a "road

- (A) **Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
- (B) **The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**
- (2) **Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual development proposals;**
- (3) **Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**
- (4) **Encourage and stimulate balanced land development;**
- (5) **Group uses serving public, quasi-public, and commercial needs together for convenience of the populations they serve; and**
- (6) **Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to an activity center.**

APPLICANT'S POSITION: Smith Home Farms meets the purposes of the L-A-C Zone by implementing the recommendation of the master plan, not only by locating a local activity center, as indicated for the general location, but also by providing public benefit features such as a school site and community recreational facilities. Smith Home Farms also proposes balanced land development, providing a mix of residential, commercial and institutional uses, ensuring by its design the project's compatibility within the proposed development with existing and projected developments for the neighboring properties. The recreational facilities being proposed are well integrated with the commercial aspects of the development as well as the residential development.

Staff Comment: Staff finds that the proposed development of the subject property in the L-A-C Zone will satisfy these purposes. As noted above, the provision of public benefit features is a major reason for the creation of these zones; and with the development of the portion of the subject site in the L-A-C Zone with a main street style mixed-use environment, the applicant has greater incentives to provide the public benefit features needed to create a superior development. The location of the L-A-C Zone conforms to the recommendations of the 1994 master plan and the density proposed is consistent with the land use intensity envisioned in the Westphalia CCP study and is in general conformance with the 2002 Approved General Plan. Moreover, 300 residential dwelling units are also proposed to be a component of this activity center. The design in the future phases will encourage dwellings integrated with activity centers so as to maintain the amenities of the residential environment and at the same time to provide the convenience of proximity to

such as roads, schools, parkland, etc., to support the proposed development. With the development of the L-A-C portion of the site for commercial/retail service and the provision of other facilities and amenities including transportation, parks and recreation, elementary and secondary education, fire and rescue service, police, and library service, the proposed development will be a complete community that will promote the health, safety and welfare of the present and future inhabitants of the Regional District.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

The Basic Plan shall be revised as follows:

1. Land use types and quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

- Total area: 727± acres*
Of which Residential Use: 572.4 acres
Mixed Retirement Development: 154.6 acres
- Density Permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac
- Permitted Dwelling Unit Range: 1,877 to 2,973 dwellings
- **Proposed Residential Development: 2,124 Units**
- Density Permitted under the R-M (Mixed Retirement) Zone: 3.6-8 dus/ac
- Permitted Dwelling Unit Range: 551 to 1,224 Units
- **Proposed Residential Development: 1,224 Units**

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

- Total area: 30± acres*
Of which Theoretical Commercial/Retail: 10.7 acres
Theoretical residential use: 19.3 acres
- Residential Density Permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac
- Permitted Dwelling Unit Range: 193 to 386 Units
- **Proposed Residential Development: 300 Units**
- Commercial Density Permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68

- e. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
 - f. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.
 - g. A protocol for surveying the locations of all rare, threatened and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources prior to acceptance of the CDP, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
 - h. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.
 - i. Preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor.
 - j. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.
 - k. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.
2. At the time of preliminary plan of subdivision, the applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the Department of Parks and Recreation (DPR). The applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of comprehensive design plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan. The need for the additional acreage of parkland shall be determined by the DPR and the Development Review Division prior to approval of the comprehensive design plan.
 3. The land to be conveyed to M-NCPPC shall be subject to the conditions of attached Exhibit B.
 4. The applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and to be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

11. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.
12. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site. This condition may be modified at time of comprehensive design plan review to reflect the desired urban environment.
13. All Tree Conservation Plans shall have the following note:

“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ration of 1:1.”
14. No woodland conservation shall be provided on any residential lots.
15. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
16. The following note shall be placed on the Final Plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”
17. Prior to approval of the first comprehensive design plan, the Environmental Setting for Blythewood shall be defined.
18. Prior to approval of the first specific design plan in the area of the Moore Farmhouse, the Moore Farmhouse shall be documented to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
19. The applicant shall dedicate the acquired property known as the German Orphans Home site for construction of a public elementary school.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 20, 2006

RE: A-9965-C Smith Home Farms

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Revised Zoning Ordinance No. 4 -2006 setting forth the action taken by the District Council in this case on May 22, 2006.

CERTIFICATE OF SERVICE

This is to certify that on September 20, 2006 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

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

Redis C. Floyd
Clerk of the Council

(10/97)

County Administration Building - Upper Marlboro, Maryland 20772

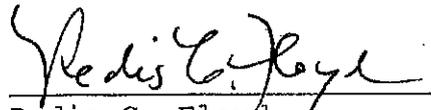
SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective on August 18, 2006, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: 
Thomas E. Dernoga, Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

Case No.: A-9965-C

Applicant: DASC (Smith Home Farms)

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

REVISED ZONING ORDINANCE NO. 4 - 2006

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

WHEREAS, Application No. A-9965-C was filed for property described as approximately 727 acres of land in the R-A Zone, located on the south side of Westphalia Road, approximately 3,000 feet east of its intersection with Pennsylvania Avenue, and south of its intersection with Melwood Road, Upper Marlboro, Maryland, to rezone the property to the R-M Zone; and

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

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

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

WHEREAS, the Zoning Hearing Examiner's recommendations were

WHEREAS, to correct the minor error in the location of the L-A-C boundary line, one the applicant could not have discovered at the time the zoning application was originally filed, the applicant has filed a motion with the District Council to amend A-9965 and A-9966; and

WHEREAS, the District Council deems it appropriate, in the unusual circumstances of this case, to grant the applicant's request and allow an amendment of the A-9965 and A-9966 applications after they were approved, on the basis of mistake or inadvertence in the approvals, because (1) the change in right-of-way locations in proposed Westphalia plans could not have been foreseen, when the applications were filed; (2) the shift in location of the L-A-C boundary for these two cases is less than 500 feet, and there are no substantial changes to the basic plans approved for A-9965 and A-9966; (3) the basic plan revisions requested do not affect any of the District Council's factual and legal determinations, when the Council approved A-9965 and A-9966; and (4) any issues created, as to location of roads or buildings or parks or open space, by the revisions approved herein may be addressed, and will be addressed, when the District Council reviews a comprehensive design plan for either of the properties.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

3.6-8 dus/ac Permitted dwelling unit range: 551 to 1,224 Units

- **Proposed Residential Development: 1,224 Units**

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

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

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

- B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).
- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line and shall be further expanded northward to connect to the Blythewood site and its environmental setting.

6. Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.
7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
8. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.
9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.
11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.

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

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

Enacted this 22nd day of May, 2006, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Bland and Hendershot



C. Summerlin

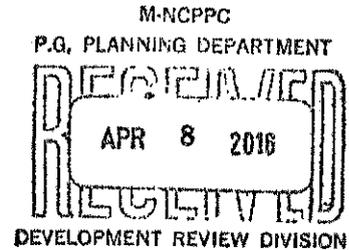
THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 8, 2016

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

*NOTICE OF FINAL DECISION
OF THE DISTRICT COUNCIL*



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

CERTIFICATE OF SERVICE

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

Redis C. Floyd
Clerk of the Council

County Administration Building – Upper Marlboro, Maryland 20772

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

Applicant: SHF Project Owner, LLC

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

FINAL DECISION — ORDER AFFIRMING PLANNING BOARD

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

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

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

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

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

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

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

approval of a detailed site plan, a SDP, and/or a grading permit application.

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

the purchaser of the property of any woodland conservation areas.

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

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

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

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

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

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

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

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

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

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

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

R-M Zone

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

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

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

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

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

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

R-MMRD

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

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

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

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

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

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

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

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

Ordered this 28th day of March, 2016, by the following vote:

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

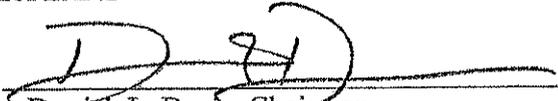
Opposed:

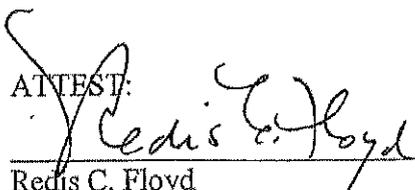
Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 
Derrick L. Davis, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council



PGCPB No. 06-56(C)(A)

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

File No. CDP-0501

AMENDED CORRECTED RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

†WHEREAS, by letter dated November 20, 2015, Robert J. Antonetti Jr. of Shipley & Horne, P.A., on behalf of the applicant, SHF Project Owner, LLC, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits; and

†WHEREAS, on December 17, 2015, the Planning Board approved the request for reconsideration based on mistake and other good cause in furtherance of substantial public interest; and

†WHEREAS, on December 17, 2015, the Planning Board heard testimony regarding the reconsideration; and

WHEREAS, in consideration of evidence presented at a public hearing on February 23, 2006, regarding Comprehensive Design Plan CDP-0501 for Smith Home Farms the Planning Board finds:

- I. **Request:** The comprehensive design plan as proposed by the applicant includes a maximum of 3,648 residential dwelling units and 170,000 square feet of commercial/retail uses on approximately 757 acres of land. Specifically this application contains the following four requests:
 - a. A total of 2,124 single-family detached, single-family attached, and multifamily residential dwelling units in the R-M (Residential Medium Development) Zone on approximately 572 acres of land.
 - b. A total of 1,224 single-family detached, single-family attached, and multifamily residential dwelling units in a Mixed-Retirement Development in the R-M (Residential Medium Development) Zone on approximately 155 acres of land.
 - c. A total of 170,000 square feet of commercial/retail and a total of 300 multifamily dwelling units in the L-A-C (Local Activity Center) Zone on approximately 30 acres of land.

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

d. Variance applications:

A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 10 percent of multifamily dwelling units in the R-M Zone.

A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.

A variance from the maximum building height as stated in Section 27-480(f), which allows a maximum of 40 feet in the R-M Zone.

2. Development Data Summary

Zone(s) Use(s)	EXISTING	PROPOSED
	R-A* Residential and Agricultural	R-M & L-A-C Residential, Commercial/Retail
Acreage	757	757
Dwelling units/structures	35**	3,648
Of which R-M Zone residential	-	2,124
Mixed Retirement Development in R-M Zone	-	1,224
Multifamily condominium in L-A-C Zone	-	300
Square Footage/GFA of commercial/retail	-	170,000

Note: *The Zoning Map Amendment (Basic Plans) applications A-9965 and A-9966, which rezone the subject property from the existing R-A Zone to the R-M Zone, are pending final approval from the District Council.

**Three conditions have been proposed in the recommendation section governing possible demolition of the existing structures on the property.

OTHER DEVELOPMENT DATA- Dwelling Units by Housing Types

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone Residential		
Single-family detached dwellings	15	319
Single-family attached dwellings	26	552
Multifamily condominium dwellings	42	892
Two over two townhouse units	17	361
Subtotal	100	2,124

DWELLING TYPES	Approximate % of Total Units	Number of Units
R-M Zone Mixed Retirement Development		
Single-family attached dwellings	28	343
Multifamily condominium dwellings	72	881
Subtotal	100	1,224
L-A-C Zone		
Multifamily condominium dwellings	100	300
Subtotal	100	300

3. **Location:** The subject property is a large tract of land consisting of wooded, undeveloped land and active farm land, 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.
4. **Surroundings and Use:** The site is bounded to the north by existing subdivisions and undeveloped land in the R-R, R-A, C-M, C-O and R-T Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the 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.
5. **Previous Approvals:** On September 29, 2005, the Planning Board approved Zoning Map Amendment Applications A-9965 and A-9966, which rezone the entire property covered in the subject Comprehensive Design Plan CDP-0501 from the R-A (Residential-Agricultural) Zone to the R-M (Residential Medium 3.6-5.7) Zone with a mixed retirement development and L-A-C (Local Activity Center) Zone with a residential component, subject to 19 conditions. On October 7, 2005, the Zoning Hearing Examiner (ZHE) heard the Zoning Map Amendment Applications A-9965 and A-9966. On October 26, 2005, the ZHE approved the Zoning Map Amendment Applications A-9965 and A-9966 with two conditions, which include all of the conditions of approval of the Planning Board as sub-conditions. On the same date, the ZHE's decisions on the Zoning Map Amendment Applications A-9965 and A-9966 were also filed with the District Council. The public hearing of these cases by the District Council took place on January 23, 2006. At the time of writing [this] †the original staff report, [the] Zoning Map Amendment Applications A-9965 and A-9966 were pending final approval by the District Council.

†On March 6, 2006, the Planning Board approved CDP-0501 with 30 conditions. On June 12, 2006, the District Council reviewed the CDP and included the Planning Board conditions

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and added four conditions, for a total of 34 conditions. At a public hearing on December 17, 2015, the applicant, SHF Project Owner, LLC, requested a waiver of the Rules of Procedure for a reconsideration request submitted beyond the 14 days of the final decision (Section 10a of the Prince George's County Code) and the Planning Board granted the waiver. The applicant then proceeded to request a reconsideration of the case, specifically for the purpose of amending Conditions 10, 11, 24, 31, and 32 of the final action on the case. The Planning Board found that the reconsideration was warranted based on furtherance of the substantial public interest based on mistake and other good cause due to the substantial discrepancy of the cost differential that was originally estimated in the development of Phase I of the Westphalia Central Park (Central Park) and new updated estimates of total costs based on actual and bid estimates.

6. **Design Features:** The Comprehensive Design Plan proposes a layout and road network that are in general conformance with what has been shown in the Zoning Map Amendment Applications A-9965 and A-9966. The Comprehensive Design Plan shows two access points connecting to the existing roadways. The major access point, in the southwest corner of the site, will be off the existing Presidential Parkway connecting to the interchange of Suitland Parkway and Pennsylvania Avenue (MD 4). The secondary access point to the site will be off the existing Westphalia Road to the north of the subject site and will use a small part of existing Melwood Road. The two roadways intersect past the stream to the north and form the forefront of the Central Park. The two roadways turn to the east as one-side-loaded streets defining the northern and southern edges of the Central Park. The Presidential Parkway extension stretches further to the east until it reaches the eastern boundary line of the site. The Melwood Road extension terminates in a traffic circle intersecting with a north-south roadway that passes through the L-A-C Center to the north. The rest of existing Melwood Road will be utilized as part of the proposed trail system.

Approximately 20 pods of various housing types and one mixed-use commercial center have been shown on the Comprehensive Design Plan. Most of the single-family detached lots, the Mixed Retirement Development, and the mixed-use commercial center are located north of the Presidential Parkway extension. Two pods of single-family detached housing, and six pods of a combination of single-family attached units and multifamily condominiums are located south of the Melwood Road extension. Two community centers have been proposed for the development. One is the community center for the entire Smith Home Farms and is located at the main entrance area off the existing Presidential Parkway, southwest of the Central Park. The other community center is exclusively for the Mixed Retirement Development and is located north of the Central Park and west of the mixed-use commercial center.

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In addition to the Central Park and the Cabin Branch stream valley, which will be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), a five-acre park has been designated along the site's northern boundary and will be added to the existing M-NCPPC park adjacent to it. Another 10 small green spaces have been designed throughout the development.

A Historic Site #78-013 (designated October 18, 2005), Blythewood, is located in the southeast part of the site. The HPC designated a 33-acre Environmental Setting, which includes the main house, domestic and agricultural outbuildings, and historic vistas.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Basic Plans A-9965 and A-9966:** The Planning Board approved the Basic Plans A-9965 and A-9966 with 24 conditions on September 29, 2005. The Zoning Hearing Examiner heard the plans on October 7, 2005, and recommended approval to the District Council on October 26, 2005, with two conditions, which include most of the Planning Board's conditions of approval with only a few modifications. The District Council heard the Basic Plans on January 23, 2006. At the time of writing this staff report, the District Council had not yet reached a decision on the plans. The conditions of approval of the Zoning Hearing Examiner that are applicable to the review of this Comprehensive Design Plan warrant discussion as follows:

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

A. Land use Types and Quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

- **Total area: 727± acres***
Of which residential use: 572.4 acres
Mixed Retirement Development: 154.6 acres
- **Density permitted under the R-M (Residential Medium 3.6) Zone:**
3.6-5.7 dus/ac
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 units**

- **Density permitted under the R-M (Mixed Retirement) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 units**
- **Proposed Residential Development: 1,224 units**

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

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

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

- B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).**
- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line and shall be further expanded northward to connect to the Blythewood site and its environmental setting. The total active open space shall be no less than approximately 100 acres.**

- D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.**
- E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.**

Comment: As discussed previously, the District Council has not yet made a final decision on the two basic plans. As a result, these plans have not been certified. The Urban Design staff acknowledges the Zoning Hearing Examiner's requirement that the applicant fulfill the above conditions prior to approval of the subject Comprehensive Design Plan. A condition of approval has been proposed in the recommendation section, requiring the applicant to obtain approval for the two basic plans and to ensure that the subject Comprehensive Design Plan be made consistent with any additional conditions of approval that may be added by the District Council.

Regarding the square footage of the proposed commercial/retail development in the proposed L-A-C center, the applicant proposed a 140,000 square-foot center on the initial application. During the review process, the applicant increased the square footage from 140,000 square feet to 200,000 square feet without revising the application form. A market study to support a 200,000 square-foot center was submitted late in the Basic Plan review. In the subject Comprehensive Design Plan application, the applicant revised the total square footage of the proposed L-A-C Center to 170,000. A traffic analysis review by the Transportation Planning Section (Masog to Zhang, January 25, 2006) indicates that the proposed development, including the 170,000 square feet of commercial retail space within the L-A-C Zone, would not place an unreasonable burden on transportation facilities, including existing facilities, those under construction, or those for which 100% construction funding is contained in the County CIP or the State CTP.

- 2. The following conditions of approval shall be printed on the face of the Basic Plan:**
 - A. At the time of the Comprehensive Design Plan, the Applicant shall:**
 - 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.**
 - 2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.**

Comment: According to the review comments of the Environmental Planning Section, a signed NRI was submitted with the application. It is not possible to develop the subject property without impacts to the regulated areas; however, the impacts are required to be the minimum necessary. This requirement is addressed by other conditions of approval.

A geotechnical study was not submitted with the CDP application. A condition of approval has been proposed that requires the applicant to submit a geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.

3. **If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:**
 - (a) **A fire station site**
 - (b) **A middle school site**
 - (c) **A library site**
 - (d) **A police office complex site**

Comment: The above list of public facilities was proposed at the time of the Zoning Map Amendment review for this site based on the Westphalia Comprehensive Conceptual Planning (WCCP) Study in order to support the development in the Westphalia area. None of the facilities on the list is located on the site of this application. Pursuant to the WCCP Study, the above four public facilities, except for a middle school site, are located to the south of the subject site in the areas envisioned as a mixed-use urban core area and a mixed use edge area. The middle school site is envisioned on the property included in a Zoning Map Amendment application known as Woodside Village, which is currently under review. A middle school site has been proffered and shown on the basic plan of Woodside Village. A recently revised CDP for the subject site shows an elementary school in the southeast part of the site as a result of citizens' opposition to the original off-site option. The Historic Preservation and Public Facilities Planning Section, in a memorandum dated January 18, 2006 (Izzo to Zhang), indicated that the staff of the Public Facilities Section has reviewed the proposed school site with the representatives of the Board of Education and endorses the site for a future elementary school south of the Blythewood historic site.

4. **Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.**

Comment: Per a review by the Historic Preservation Commission (HPC), this condition is still outstanding. The HPC recommends a condition of approval to require the applicant to meet this condition prior to certification approval of this CDP.

5. **Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.**

Comment: This condition will be carried forward as a condition of approval for this CDP.

6. **Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.**

Comment: Per a review by the Historic Preservation Commission (HPC), the applicant has fulfilled the first half of the condition by delineating the approved environmental setting for Blythewood on the CDP. The HPC, in a memorandum dated January 18, 2006, recommends a condition of approval to require the applicant to meet the second part of the condition prior to certification approval of this CDP.

7. **Obtain a protocol for surveying the locations of all rare, threatened, and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submission package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**

Comment: This condition will be carried forward as a condition of approval for this CDP.

8. **Provide a multi-use stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.**

Comment: This condition will be carried forward as a condition of approval for this CDP.

9. **Preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor and provide cul-de-sacs for the northern and southern portions of the site that abut said road to provide access for existing homes along those points and reduce the possibility of pass-thru traffic.**

Comment: The ZHE revised this condition, from a similar condition of approval attached to this application by the Planning Board, by adding the cul-de-sac treatment in response to the requests of the citizens living south of the project along existing Melwood Road. The Urban Design staff learned recently after meeting with the concerned citizens that they no longer support this request and would like to see Melwood Road preserved to the extent possible by dedicating it to a pedestrian/trail corridor and limiting pass-through vehicular traffic. A condition of approval proposed by the HPC has been incorporated into the recommendation of this report.

10. **Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.**

Comment: The CDP shows standard sidewalks along all internal roads and along the streets of the L-A-C center as well. The review of the sidewalk and pedestrian network connectivity will be one of the focuses of the further review at the time of the specific design plan.

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

Comment: This condition will be carried forward as a condition of approval for this CDP.

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

Comment: The Transportation Planning Section has reviewed the subject CDP. In a memorandum dated January 25, 2006, the Transportation Planning staff concluded that the proposed development will not be an unreasonable burden on transportation facilities which are existing, under construction or for which 100% construction funding is contained in the County CIP or the State CTP. The staff recommends approval of this CDP with five conditions that have been incorporated into the conditions of approval of this CDP. One of the conditions requires a detailed timetable for providing the required improvements to be established at the time of the Preliminary Plan of Subdivision to ensure an adequate road system to serve the proposed development.

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

Comment: Per the review by the Environmental Planning Section, a few road crossings are not perpendicular to the streams. It is not clear where all the existing road crossings are located and this information has not been provided. This information will be required for review of the preliminary plan.

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

Comment: Per the review by the Environmental Planning Section, the woodland conservation calculations in the worksheet on the TCPI are incorrect, because they do not reflect these threshold percentages. A condition of approval, recommended by the

Environmental Planning Section, has been incorporated in the recommendation section of this report.

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

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

Comment: Per the review by the Environmental Planning Section, this note is not reflected on the TCP submitted with the CDP. The worksheet does not reflect that clearing in the PMA be mitigated at a ratio of 1:1. A condition of approval has been proposed by the Environmental Planning Section, requiring the applicant to revise TCPI to reflect that clearing in the PMA be mitigated at a ratio of 1:1. This condition of approval has been incorporated in the recommendation section of this report.

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

Comment: Per the review by the Environmental Planning Section, the plan shows numerous woodland conservation lots. A condition of approval has been recommended by the Environmental Planning Section and has been incorporated in the recommendation section of this report.

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

Comment: This condition will be carried forward as a condition of approval for this CDP.

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

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

Comment: This condition will be carried forward as a condition of approval for this CDP.

R. The Applicant shall dedicate the acquired property known as the German Orphan Home site for construction of a public elementary school.

Comment: At the time of Zoning Map Amendment applications review, the applicant proffered and showed an off-site dedication of an elementary school site on a location known as the German Orphan Home, which abuts the southern boundary of the subject site. The homeowners along Melwood Road to the south of the subject site voiced strong opposition to the proposed school site. Subsequently, the applicant relocated the proffered elementary school site to the southeast part of the property, south of the Historic Site, Blythwood. This has been endorsed by the Board of Education. During the January 23, 2006, District Council hearing for this case, the People's Zoning Counsel described the condition requiring an off-site dedication as inappropriate and recommended that the condition be deleted. Since the CDP has provided an on-site school site for this development, the staff believes the intent of this condition has been fulfilled, unless the Council affirms the above condition to require an off-site dedication.

8. The requirements of the Zoning Ordinance governing development in the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone:

- a. **Density Increment Analysis:** The applicant has provided a density increment justification to request density increments pursuant to factors listed in Sections 27-509(b), 509(c), in the R-M Zone for both regular R-M development and Mixed Retirement Development components and Section 27-496(b) in the L-A-C Zone for both residential and commercial components. The following discussions document the staff's analysis and density increment recommendations.

R-M (Medium 3.6) ZONE RESIDENTIAL UNITS

Base density 3.6 DUs/AC	1,877 units
Maximum density 5.7 DUs /AC	2,973 units
Density requested 4.07 DUs /AC	2,124 units
Density increment requested 13.2%	247 units

Section 27-509(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting density increments as follows:

- (1) For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units. (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property.)
- (2) For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5% in dwelling units.

- (3) For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.

The applicant has not requested a density increment using these factors.

- (4) For recreational development of open space (including minimum improvement of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10% in dwelling units.

Applicant's request: The applicant requests 10.0 percent (188 units) density increment in dwelling units with the following justification:

"The applicant proposes to develop the neighborhood open spaces into pocket parks. These village green style parks will be graded and will include appropriate landscaping, playgrounds for ages 2-12, walking paths, sitting areas and open play areas. These parks are focal points for their neighborhoods, providing recreation opportunities within walking distance. (See recreation plan for facility locations and sizes.) The recreational development of the neighborhood open space qualifies the applicant for a 10 percent increase in dwelling units."

Comment: Staff agrees with the applicant and recommends the granting of the full ten percent density increment as requested, if the conditions of approval are adopted in regard to the size of the community building in the communitywide center. The applicant will also provide the following recreation facilities (in addition to the trail components discussed above) throughout the entire development and in the community center (which does not include the facilities provided in the recreation center for the Mixed Retirement Development and the amenities in the L-A-C Center), which exceed the requirements of Subtitle 24 for mandatory dedication:

- Eleven open play areas
- One community building
- One community pool
- One bocce/croquet lawn field
- One event plaza
- Five playgrounds for children age 2-12
- Parking compound (with parking spaces per the Zoning Ordinance)

The plan appears to suggest that the community building and pool facilities are one and the same structure. This configuration is acceptable; however, staff believes that the applicant should commit to a minimum size community building of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities. The pool has also not been sized; however, staff recommends that the applicant commit to a standard Olympic size pool with at least a 30- by 30-foot training area, and additional areas in order to

accommodate uses such as a wading pool for toddlers. The adding of other facilities to the community center, such as tennis courts and basketball courts, should also be considered. If these facilities were added as conditions for approval of the plans, staff would support the full density increment requested.

- (5) For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.

The applicant has not requested density increment by this factor.

- (6) For creating activity centers with space provided for quasi-public services (such as churches, day care center for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10 percent in dwelling units.

Applicant's request: The applicant requests 10 percent (188 units) density increment in dwelling units with the following justification:

"The applicant proposes an HOA recreation center for the use of every home in Smith Home Farms. It will include community-meeting rooms in addition to swimming and active recreation facilities. This activity center qualifies the applicant for a 10% increase in dwelling units."

Comment: The applicant proposes only the community meeting rooms be included in the community center building, but does not identify the specific size. Given the size of the proposed development, staff believes that the applicant should commit to a minimum size for the community building as discussed above and only five percent increase in dwelling units (94 units) be granted.

- (7) For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5 percent in dwelling units.

The applicant has not requested density increment by this factor.

DENSITY INCREMENT SUMMARY: R-M Zone

In summary, the applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above two density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (# of units)
4	10	188
6	5	94
	15	282

The applicant requests a density increment of 13.2 percent, an equivalent of 247 dwelling units, which is within the allowable limits of density increment in accordance with the above analysis.

R-M ZONE MIXED RETIREMENT DEVELOPMENT

Base density 3.6 DUs/AC	551 Units
Maximum density 8.0 DUs /AC	1,224 Units
Density requested 8.0 DUs /AC	1,224 Units
Density increment requested 122.14%	673 Units

Section 27-509(c), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting density increments as follows:

- (1) **For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units.**

Applicant's request: The applicant requests 25 percent (138 units) density increment in dwelling units with the following justification:

“The applicant proposes over 43 acres of open space within the R-M (MRD) portion of the community in addition to the central park. These lands include pocket parks integrated into neighborhoods and stream valley open space, which preserves irreplaceable natural features and natural swales. (See recreation plan for parcel locations and acreages.) The quantity of proposed open space exceeds the amount required for the full density increment credit. The applicant qualifies for a 25% increase in dwelling units.”

Comment: The open space provided with this application can accommodate 1,228 dwelling units per the above ratio. The total dwelling units proposed by the applicant in this part of the development including the requested density increment is 1,224. Staff agrees to grant the applicant a 25 percent density increment in dwelling units.

- (2) **For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 25% in dwelling units.**

Applicant's request: The applicant requests 25 percent (138 units) density increment in dwelling units with the following justification:

"The applicant proposes to provide all of these enhancements, where appropriate above and beyond normally required by law, i.e., sediment and erosion control. Within the preserved open space, the developer will selectively clear and grub the undergrowth. The property has several thousand feet of stream bank that, where possible, and where environmental constraints allow, will be provided with break-front features. And, while there are few slopes susceptible to erosion, where applicable the applicant will provide sodding. However, areas of erodible soils that are completely wooded and outside the proposed limits of disturbance will be left in a natural state and enhanced only when necessary. Given the proposed enhancements, the applicant is eligible for an increase of 25% in dwelling units."

Comment: The applicant's proposal to use this factor to gain the requested density increment is too general and unquantifiable. In order to obtain the requested density increments, the areas of stream restoration need to be identified and quantified. The staff recommends that a minimum of six project areas be identified and the restoration work be shown in detail on the applicable SDP. A stream corridor assessment should be conducted to evaluate areas of potential stream stabilization. For 138 units, the total expenditures related to the stream corridor assessment and actual stream restoration work performed should be no less than \$1,476,600.

- (3) **For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

Applicant's request: The applicant requests five percent (28 units) density increment in dwelling units with the following justification:

"The applicant proposes a system of pedestrian paths which cross open spaces, connecting neighborhoods to each other, to the central recreation facility and to the public park at the northern portion of the community. The applicant also proposes the conversion of portions of Melwood Rd. into a trail commemorating the history of the Melwood Rd. corridor. (See recreation plan for trail hierarchy and location) Because these pedestrian facilities are separated from the vehicular right-of-way they qualify the applicant for a 5% increase in dwelling units."

Comment: The staff agrees with the applicant and recommends the granting of five percent density increments for the reason discussed previously.

- (4) **For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly, or physically handicapped, an increment factor may be granted, not to exceed 50% in dwelling units.**

Applicant's request: The applicant requests a 50 percent (276 units) density increment in dwelling units with the following justification:

"The applicant proposes a recreation center within the R-M (MRD) community which is exclusively oriented to the active adult lifestyle. At a minimum, this facility will include an indoor/outdoor pool, bocce/croquet lawn, and a variety of year round indoor activity spaces and socialization areas. This facility qualifies the applicant for a 50% increase in dwelling units."

Comment: The applicant has provided additional information about the activity center exclusively for the proposed mixed retirement development in the proposal. The center will occupy a site of approximately 11.2 acres with two tennis courts, walking paths linking it to other parts of the development, an open play area, and sitting areas. The design will also make full use of the stream valley on the site as the backdrop of the clubhouse. The estimated cost for the proposed center is \$5.2 million. The staff agrees with the applicant and recommends the granting of 50 percent density increments. However, the applicant needs to identify the minimum size for the proposed center in this component on the CDP and commit to a barrier-free design for all elements included in the center prior to certification.

- (5) **For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**
- (6) **For creating activity centers with space provided for quasi-public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10% in dwelling units**
- (7) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant has not requested density increment using the above three factors.

- (8) **For providing 3 or more different dwelling types, an increment factor of 15% in dwelling units for each additional dwelling unit type.**

Applicant's request: The applicant requests a 15 percent (83 units) density increment in dwelling units with the following justification:

“The applicant proposes four separate types of dwelling units within the R-M (MRD) community. Four-story condominiums, two-story condominiums, street-loaded villas and alley-loaded villas. The third and [forth] *fourth unit types qualify the applicant for a minimum of 15 percent, up to a 60 percent increase in dwelling units.”

Comment: The staff disagrees with granting up to 60 percent of the density increment under this factor. The applicant proposes four housing types. The first three dwelling types have allowed the applicant to have a 15 percent density increment. The fourth type will be eligible for another 15 percent density increment. In total, the four dwelling types will earn a 30 percent density increment only.

DENSITY INCREMENT SUMMARY- R-M Zone Mixed Retirement Development

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above five density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Criteria Number	Density Increment (%)	Density Increment (#units)
1	25	138
2	25	138
3	5	28
4	50	275
8	30	165
	135	744

The applicant requests a density increment of 122.14 percent, an equivalent of 673 dwelling units, which is within the allowable limits of density increments in accordance with the above analysis.

L-A-C ZONE RESIDENTIAL UNITS

Base density 10 DUs/AC	193 Units
Maximum density 20 DUs /AC	386 Units
Density requested 15.5 DUs /AC	300 Units
Density increment requested 55.44%	107 Units

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting residential density increments as follows:

- (2) For improved common recreational space totaling at least 200 square feet per dwelling unit (available without charge) for use by the residents;

OR

At least 200 square feet per dwelling unit of private open space contiguous to each dwelling unit;

OR

A combination of both the above items, which provides at least 200 square feet of either recreational open space or private open space per dwelling unit, an increment factor may be granted, not exceed 15% in dwelling units.

Applicant's request: The applicant requests a 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant proposes a private open space adjacent to the LAC of 7.5 acres. (See recreation plan for parcel location) This open space is suitable for active or passive recreation and exceeds the 60,000 square feet required for an increase of 15% in dwelling units."

Comment: The common recreation space provided by the applicant equals 326,700 square feet in total, which is much bigger than the required space for 300 residential units. Staff agrees with the applicant and recommends granting the 15 percent density increment in dwelling units requested by the applicant.

- (3) For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted, not to exceed 15% in dwelling units; 15% in FAR.

Applicant's request: The applicant requests a 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant proposes a pedestrian path that runs along the western boundary of the LAC. This path provides mid-block pedestrian access from the active adult community and LAC parking areas to the C-631 corridor. Because this pedestrian facility is separated from the vehicular right-of-way, it qualifies the applicant for a 15% increase in commercial FAR and dwelling units."

Comment: Staff agrees with the applicant and recommends granting the 15 percent density increment in dwelling units requested by the applicant.

- (4) For public facilities (excluding streets and open space areas), an increment factor may be granted, not to exceed 45% in dwelling units; 30% in FAR.

The applicant has not requested density increment using the above factor.

- (5) For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.

Applicant's request: The applicant requests 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant intends to provide distinctive streetscapes along the "Main Street" style commercial district. These urban sidewalks extend from the building facade to the curb and include tree wells for street trees, opportunities for outdoor dining, benches, and lighting, which creates a pedestrian-friendly environment. (See recreation plan for urban sidewalk locations and length information.) These streetscape improvements qualify the applicant for a 15 percent increase in dwelling units and a 10 percent increase in commercial FAR."

Comment: The staff agrees with the applicant and recommends granting a 15 percent (29 units) density increment in dwelling units for the factor mentioned above. However, in order to obtain the 15 percent density increment, the applicant should further define the "Main Street" style by providing specific urban design guidelines to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board, prior to certificate approval of this comprehensive design plan.

- (6) For preserving irreplaceable features (such as stands of trees, natural swales, or historic buildings), an increment factor may be granted, not to exceed 10% in dwelling units; 5% in FAR.

Applicant's request: The applicant requests a ten percent (19 units) density increment in dwelling units with the following justification:

"The applicant proposes to donate the historic Blythewood home, tobacco barn and outbuildings to the Prince George's County Historical Society for adaptive reuse. This preservation qualifies the applicant for a 10% increase in dwelling units and 5% in commercial FAR."

Comment: Staff agrees with the applicant and recommends granting a 10 percent (19 units) density increment in dwelling units for the factor mentioned above. Three conditions of approval have been proposed in the recommendation section to require the applicant to fulfill all legal requirements of dedication prior to the approval of the first

SDP and record the historic property to be dedicated in the Land Record of the Prince George's County at time of final plat.

- (8) For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.

Applicant's request: The applicant requests a 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant proposes to incorporate solar access into the design of the condominium architecture streetscape. Sky lights, clear stories, and light wells are encouraged to allow the maximum amount of natural light into activity areas and living spaces. Building facades will be arranged in a manner that avoids over shading streetscapes. These efforts qualify the applicant for a 15% increase in dwelling units and a 10% increase in commercial FAR."

Comment: The staff agrees only partially with the applicant regarding the density increment under this criterion. The treatments proposed by the applicant for incorporating solar access or active/passive solar energy in design such as skylights, clear stories and light wells are highly encouraged and will be further reviewed at time of SDP when building design information is available. A condition of approval has been proposed to follow up these measures at the time of SDP review. Because use of the above-mentioned treatments is limited to condominium units, which accounts for only one-third of the proposed dwelling units, the benefits of the solar energy in this application will be undermined. Therefore, staff recommends that five percent of a density increment in dwelling units under this criterion be granted.

DENSITY INCREMENT SUMMARY- L-A-C ZONE RESIDENTIAL UNITS

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above five density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (#units)
2	15	29
3	15	29
5	15	29
6	10	19
8	5	9
	60	115

The applicant requests a density increment of 55.4 percent, an equivalent of 107 dwelling units, which is within the allowable limits of density increments in accordance with the above analysis.

L-A-C ZONE COMMERCIAL SQUARE FOOTAGE

Base density 0.2 FAR	93,218 Square feet
Maximum density 0.68 FAR	316,943 Square feet
Density requested 0.36 FAR	170,000 Square feet
Density increment requested 82.37%	76,782 Square feet

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting commercial density increment as follows:

- (1) **For at least 12% of the gross commercial acreage in green area, and the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade, an increment factor may be granted, not to exceed 25% in FAR.**

Applicant's request: The applicant requests 25 percent (23,305 square feet) density increment in FAR with the following justification:

"The applicant proposes over 60,000 sf of green area in the vicinity of the residential and commercial components of the LAC. Parking areas shall be either screened from view or designed in a manner which is broken up with large islands of trees to soften the effect of the pavement and to provide shade. These improvements qualify the applicant for a 25% increase in commercial FAR."

Comment: The gross commercial acreage proposed in the 30-acre L-A-C Zone is approximately 10.7 acres. Twelve percent of the 10.7 acres equals 55,931 square feet. The applicant provides more than 60,000 square feet of green area in the application and meets the green area requirements of this factor. The staff recommends granting 25 percent density increment in FAR with a condition of approval that will guide the future reviewer at time of SDP to focus on the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted, not to exceed 15% in dwelling units; 15% in FAR.**

Applicant's request: The applicant requests a 15 percent (13,983 square feet) density increment in FAR with the following justification:

"The applicant proposes a pedestrian path that runs along the western boundary of the LAC. This path provides mid-block pedestrian access from the active adult community and LAC parking areas to the C-631 corridor. Because this pedestrian facility is separated from the vehicular right-of-way, it qualifies the applicant for a 15% increase in commercial FAR and dwelling units."

Comment: An extensive pedestrian system has been proposed with this application. The pedestrian path discussed above is only part of the system. The staff agrees with the applicant and recommends granting of a 15 percent of density increment in FAR.

- (4) **For public facilities (excluding streets and open space areas), an increment factor may be granted, not to exceed 45% in dwelling units; 30% in FAR.**

Applicant's request: The applicant requests a 30 percent (27,965 square feet) density increment in FAR with the following justification:

"The applicant proposes a \$5,000,000 contribution to the Department of Parks and Recreation for the development of public facilities within the central park. These facilities could include the pedestrian pathways, greenway system, Melwood Rd. commemorative trail improvements, playgrounds, amenity pond, ornamental pedestrian bridges, parking facilities, landscaping, tennis complex, amphitheater with covered stage, and/or alternative facilities requested by the Department of Parks and Recreation and agreed upon by the applicant/county. This contribution qualifies the applicant for an increase of 45% in dwelling units and 30% in FAR."

Comment: Since this factor has not been used previously to obtain density increment in FAR, the staff agrees with the applicant to granting density increment pursuant to this factor. However, the \$5 million monetary contribution covers only a portion of the total cost for the development of public facilities within the Central Park. According to a preliminary cost estimate, this contribution accounts for approximately 50 percent of the fair share the subject application should be assumed. The staff recommends granting 50 percent of the requested density increment, which equals to 13,983 square feet.

- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.**

Applicant's request: The applicant requests a ten percent (9,322 square feet) density increment in FAR with the following justification:

"The applicant intends to provide distinctive streetscapes along the "Main Street" style commercial district. These urban sidewalks extend from the building façade to the curb and include tree wells for street trees, opportunities for outdoor dining, benches and lighting which creates a pedestrian friendly environment. (See recreation plan for urban sidewalk locations and length information) These streetscape improvements qualify the applicant for a 15% increase in dwelling units and a 10% increase in commercial FAR."

Comment: The staff agrees with the applicant and recommends granting a ten percent (333 square feet) density increment in FAR for the factor mentioned above. However, in order to obtain the ten percent density increment, the applicant should further define the "Main Street" style by providing specific urban design guidelines to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board, prior to certificate approval of this Comprehensive Design Plan.

- (6) For preserving irreplaceable features (such as stands of trees, natural swales, or historic buildings), an increment factor may be granted, not to exceed 10% in dwelling units; 5% in FAR.

Applicant's request: The applicant requests a five percent (4,611 square feet) density increment in FAR with the following justification:

"The applicant proposes to donate the historic Blythewood home, tobacco barn and outbuildings to the Prince George's County Historical Society for adaptive reuse. This preservation qualifies the applicant for a 10% increase in dwelling units and 5% in commercial FAR."

Comment: The staff agrees with the applicant and recommends granting of five percent increment in FAR.

- (7) For L-A-C Zone applications submitted pursuant to Section 27-179(a)(1)(A), for each 2,500 square feet of lands which are combined in one application (having a total area of at least 10,000 square feet), provided these lands were owned by different individuals or corporations, and have not been subdivided, for at least two years prior to submittal of the application, an increment factor may be granted, not to exceed 0.04 in FAR for each 2,500 square feet; the total increment granted shall not exceed 0.32 FAR.

Applicant's request: The applicant requests 29,827.7 square feet of a density increment with the following justification:

"The applicant has combined multiple properties under one application. The sizes of these parcels are adequate to qualify the applicant for an increase in FAR of 29,827.7 square feet."

Comment: The 29,827.7 square feet of density increment requested by the applicant is equivalent to approximately 0.31 FAR above the base density. Given the total of 30 acres of property included in the L-A-C Zone application, the staff agrees with the applicant and recommends granting of the requested increment of 29,827 square feet.

- (8) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.**

Applicant's request: The applicant requests a ten percent (9,322 square feet) density increment in FAR with the following justification:

"The applicant proposes to incorporate solar access into the design of the condominium architecture streetscape. Sky lights, clear stories, and light wells are encouraged to allow the maximum amount of natural light into activity areas and living spaces. Building facades will be arranged in a manner that avoids over shading streetscapes. These efforts qualify the applicant for a 15% increase in dwelling units and a 10% increase in commercial FAR."

Comment: For the reason discussed previously, in accordance with the recommendation regarding density increment in dwelling units, the staff recommends granting only one third of the required increment in FAR, which equals to three percent (2,797 square feet) in FAR under this criterion, be granted.

DENSITY INCREMENT SUMMARY- L-A-C ZONE COMMERCIAL SQUARE FOOTAGE

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above seven density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (square footage)
1	25	23,305
3	15	13,983
4	15	13,983
5	10	9,322
6	5	4,661
7	~*	29,827
8	3	2,797
	73	97,878

Note: *This factor has no percentage value.

The applicant requests a density increment of 82.37 percent, an equivalent of 76,782 square feet, which is within the allowable limits of density increment in accordance with the above analysis.

However, Condition 1 of Basic Plan A-9966-C for the L-A-C Zone permits no more than 140,000 square feet of commercial development for Smith Home Farms. The Comprehensive Design Plan, therefore, approves a density increment of 50.2 percent, or 46,782 square feet for a maximum of 140,000 square feet of commercial use.

*b. Development Standards: The comprehensive design plan proposes the following development standards for the R-M Zone, R-M Zone Mixed Retirement Development, and L-A-C Zone, which shall govern development for all specific design plans within the subject comprehensive design plan:

R-M Zone

	<u>Condominiums</u>	<u>Single-family Attached</u>	<u>Single-family Detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1,300 sf</u>	<u>6,000 sf</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>**</u>	<u>45*</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>**</u>	<u>50**</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>95%</u>	<u>75%</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'****</u>	<u>10'****</u>	<u>10'****</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>0'-12'****</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>15'</u>
<u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Maximum residential building height:</u>	<u>75'</u>	<u>60'</u>	<u>40'</u>
<u>Approximate percentage of total units:</u>	<u>60</u>	<u>25</u>	<u>15</u>

Notes:

*Minimum lot frontage for flag lot configurations shall be 25 feet.

**150 square feet of yard area shall be provided on each lot.

***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.

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*R-M MRD

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1800 sf</u>	<u>N/A</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>**</u>	<u>N/A</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>**</u>	<u>N/A</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>95%</u>	<u>N/A</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'***</u>	<u>10'***</u>	<u>N/A</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>
<u>Maximum residential building height:</u>	<u>75'</u>	<u>45'</u>	<u>N/A</u>
<u>Approximate percentage of total units:</u>	<u>70</u>	<u>30</u>	<u>0</u>

Notes:

*Minimum lot frontage for flag lot configurations shall be 25 feet.

**180 square feet of yard area shall be provided on each lot.

***Stoops and/or steps can encroach into the front setback.

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*L-A-C Zone

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at Front B.R.L.:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum front setback from R.O.W.:</u>	<u>10'*</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum corner setback to side street R.O.W.:</u>	<u>10'</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum residential building height:</u>	<u>85'</u>	<u>N/A</u>	<u>N/A</u>
<u>Approximate percentage of total units:</u>	<u>100</u>	<u>0</u>	<u>0</u>

*Stoops and/or steps can encroach into the front setback.

Comment: The Urban Design staff has reviewed the standards above and has several concerns regarding the applicant's proposal, including concerns about specific lots within the development that should be modified in order to create compatibility with surrounding existing and proposed R-A and R-E properties, as stated in the purposes of L-A-C and the R-M Zones, Sections 27-494 and 507. The concerns are listed below:

The lot size proposed for single-family detached dwelling units in the regular R-M Zone should be switched with that proposed in the R-M Mixed Retirement Zone because of the household size. The household size in the mixed retirement development is usually smaller than that in the regular R-M Zone.

The issue of compatibility in the design of the lots located along the site perimeters, which are adjacent to the existing single-family detached houses in the R-R and R-A Zones, will be reflected in the lot width at the building restriction line. The lot width at the building restriction line for R-E-zoned properties varies from 150 feet down to 100 feet, and at the front street line it is 50 feet; R-A-zoned properties vary from 100 to 70 feet and at the front street line it is 50 to 70 feet. The staff recommends a wider standard for the perimeter lots

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in order to be compatible with the existing development. A note will be added to the table to indicate that for the perimeter single-family detached lots the lot width at building restriction line shall be 60 feet and at the street front shall be 50 feet.

In addition, the Urban Design staff believes that the housing types proposed in the two residential pods located east of the dedicated five-acre parkland in the northern part of the subject site are not consistent with the existing single-family detached houses. The layouts of the two pods should be revised to reflect a mixture of different housing types, with single-family detached units along the perimeter adjacent to the existing single-family detached houses. A condition of approval has been proposed in the recommendation section, requiring the applicant to revise the layout for the two pods—and for the revised layout to be reviewed by the Urban Design Section prior to certificate approval of this Comprehensive Design Plan.

“Condominium” is a housing classification based on the type of ownership. Condominium can be of any building type, such as a multistory, multifamily apartment building, or a townhouse-like small building, or even a one-story duplex villa. The setback standards and the building height proposed should be revised to differentiate different building types. The staff recommends increasing the setback standards for multifamily, multistory condominium buildings and in general limiting the building height in the R-M Zone to not higher than 40 feet as shown in the revised table in the recommendation section of this report.

For the standards in the L-A-C, staff believes that additional design guidelines regarding street wall, building placement, scale, massing and size, architectural features, lighting and signage should be provided to achieve the “Main Street” style environment envisioned by the Westphalia comprehensive conceptual planning study. In addition, the minimum setbacks from the rights-of-way should be increased to 15 feet in order to accommodate outdoor dining/sitting, landscaping and pedestrian path. The staff recommends a special purpose specific design plan for community character to be prepared for both the residential development and the L-A-C-zoned center to establish the design parameters.

- c. Variances: This application includes a variance from the maximum building height for multifamily dwellings and variances from multifamily dwelling unit percentages as follows:

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Section 27-480. General development regulations.

(f) The maximum building height for multifamily dwellings for which an application for a Specific Design Plan is filed after December 30, 1996, shall be as follows: in the R-S and R-M Zones, forty (40) feet;...(CB-56-1996; CB-25-2003)

As shown in the above Finding 8(b) development standards, the applicant is proposing a maximum height of 75 feet and is requesting variances of 35 feet for the R-M regular part and R-M MRD from the maximum 40-foot height limit. As discussed previously, the staff recommends less intrusive multifamily buildings for both the R-M regular section and R-M Mixed Retirement Development and suggests reducing the maximum building height to 50 feet. As a result, the staff can only recommend approval of variances for 15 feet for both sections in the R-M Zone.

Section 27-515 (b). Table of Uses. Footnote 29 states:

For Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan: in the...; R-M 30%...; L-A-C 40%... Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan: in the...; R-M, 10%...; L-A-C, 30%...(CB-56-1996; CB-25-2003).

The applicant proposes the following percentage for each type of housing:

	<u>Multifamily %</u>	<u>SFA %</u>	<u>SFD %</u>	<u>Total</u>
<u>R-M regular</u>	<u>42</u>	<u>25</u>	<u>15</u>	<u>100</u>
<u>R-M MRD</u>	<u>43</u>	<u>30</u>	<u>NA</u>	<u>100</u>
<u>L-A-C</u>	<u>100</u>	<u>NA</u>	<u>NA</u>	<u>100</u>

The applicant is requesting variances of 32 percent for the R-M regular part and of 33 percent for R-M MRD from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 10 percent multifamily dwelling units in the R-M Zone; as well as a variance of 70 percent for the L-A-C from the maximum multifamily dwelling unit percentage requirements as

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stated in Section 27-515 (b), footnote 29, which allows a maximum 30 percent of the multifamily dwelling units in the L-A-C Zone.

The variances requested are normally considered at time of the specific design plan. However, since the proposed development in this comprehensive design plan hinges on the approval of the variances, the applicant requested them earlier to ensure that the overall goals of the development can be achieved as planned.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

Comment: The subject property is a land assemblage of approximately 757 acres, which is encumbered by the Cabin Branch Stream Valley and its tributaries. Approximately one third of the property is located in environmentally sensitive and regulated areas.

The 1994 Westphalia and Melwood Master Plan and the Westphalia Comprehensive Conceptual Planning (CCP) Study have envisioned an extensive public open space network in the Westphalia area. Approximately 75 acres of developable parkland, in addition to the environmentally sensitive and regulated areas, will be required to be dedicated to the county's park system, if the Comprehensive Design Plan is approved. The parkland dedication further reduces the developable land of the subject property.

The approved 2002 General Plan envisions a community center south of the subject property along the Pennsylvania Avenue Corridor and recommends higher density and an intensive land use pattern for the area. The Westphalia CCP Study further refined the General Plan policies for the Westphalia area. The Westphalia CCP was endorsed by the District Council on January 10, 2006. The Westphalia CCP encourages higher density for the subject site. In order to achieve the density and intensity envisioned by the Westphalia CCP and the District Council, the applicant must develop an intensive proposal on the limited developable land stock that represents an extraordinary situation for this application.

The above mentioned council bills, which limit the percentage of multifamily dwelling units and the height of building in R-M and L-A-C Zones, were enacted in the middle

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1990s—to promote more executive housing in the county—and in 2003 to encourage development around metro stations. Various high quality housing products have become available in recent years. In the light of more refined visions of the 2002 General Plan for the entire county and the Westphalia CCP Study for the Westphalia area, it is desirable that the subject variances be approved to create more flexibility and to encourage more variety in design and housing types, in order to implement the 2002 General Plan.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Comment: As discussed above, the limited developable land on the site and intensive development pattern envisioned for the subject site create an extraordinary situation for this application. The strict application of this Subtitle will result in peculiar and unusual practical difficulties for the property owner because denial of the variances would result in significant loss of dwelling units. If the application does not achieve the number of legally allowable units, it will not be possible for the applicant to secure an economically viable plan for the proposed development.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Comment: The variances have been requested in order to implement the visions of the General Plan and Master Plan for the Westphalia area. Granting the variances will ensure that the development proposal is consistent with the intent and purposes of the approved 2002 General Plan and the 1994 Melwood Westphalia Master Plan as refined by the Westphalia Comprehensive Conceptual Plan.

The subject site is a large and unique assemblage of land. Due to the presence of Cabin Branch Stream Valley and its related environmentally sensitive areas, as well as large parkland dedication, the land left suitable for development is limited. Granting the requested variances for the subject site will enable the development proposal to be consistent with the density and intensity envisioned by the approved 2002 General Plan and the 1994 Melwood-Westphalia Master Plan, while denying the variances will result in undue hardship for the property owner, as well as peculiar and unusual difficulties. The staff therefore recommends approval of the variance of 15 feet from the requirements of Section 27-480, general development regulations, for building height, and the variances

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from the requirements of Section 27-515 (b), Table of Uses, Footnote 29, of 10 percent in the L-A-C Zone, 32 percent in the regular R-M Zone, and 33 percent in the Mixed Retirement Development in the R-M Zone for the maximum percentage of the multifamily dwelling units.

- *d. Section 27-521 of the Zoning Ordinance, Required Findings for Approval in the Comprehensive Design Zone, requires the Planning Board to find conformance with the following findings for approval of a Comprehensive Design Plan:

(1) The plan is in conformance with the approved Basic Plan;

Comment: The subject CDP is in general conformance with the basic plans, which were approved by the Planning Board and Zoning Hearing Examiner (ZHE), but are pending final approval of the District Council, subject to various conditions and any additional conditions of approval that may be attached by the District Council. A condition of approval that requires the applicant to obtain final approvals from the District Council for Basic Plans A-9965 and A-9966 prior to certificate approval of the subject CDP has been proposed to make sure that the subject CDP is consistent with the approved basic plans.

(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;

Comment: The subject CDP process is more flexible than conventional regulations, yet allows for the achievement of high standards for development. This comprehensive design plan will create a better environment when compared to the existing development in Westphalia area. The proposed CDP will have approximately one third of the property preserved in green open space. The plan also has a large Central Park, one small park, and two recreation areas.

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

Comment: This approval will allow for the development of various housing types, including single-family detached, single-family attached, and multifamily dwelling units in the R-M regular section and R-M Mixed Retirement Development, as well as commercial/retail and multifamily residential units in the L-A-C, which will include extensive site design elements such as a centrally located public park and its related pedestrian

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circulation network, extensive facilities such as one elementary school, and amenities that will satisfy the needs of the future residents, employees, or guests of the project.

- (4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

Comment: Additional development standards have been proposed with this application and extensive bufferyards will be required at time of specific design plan to ensure that the proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings.

- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

- (A) Amounts of building coverage and open space;
(B) Building setbacks from streets and abutting land uses; and
(C) Circulation access points;

Comment: The subject CDP proposed a comprehensively planned community with various housing types, extensive facilities and amenities, and commercial and retail uses that are interconnected by the extensive internal circulation system and an extensive pedestrian network consisting of a stream valley trail system and sidewalks. The entire development is centered on a centrally located public park with various recreation facilities. Approximately one-third of the land will be preserved in open space. In addition, a community center for the entire development and a center for the mixed retirement development are also proposed adjacent to the Central Park. There are approximately 10 small green open spaces interspersed in the rest of the development. A Main Street-style local activity center is located to the north of the Central Park. Additional development standards have been proposed and a special purpose SDP will be required to ensure that the proposed development will be of high quality. The land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to the amount of building coverage and open space; building setbacks from streets and abutting land uses; and circulation access points.

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- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

Comment: Given the scale of the proposed development, the CDP will be developed in multiple phases. A condition of approval has been proposed to require the applicant to provide a detailed staging plan to ensure that each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

- (7) The staging of development will not be an unreasonable burden on available public facilities;

Comment: According to the reviews by the Transportation Planning Section (Masog to Zhang, January 25, 2006), the proposed development will not be an unreasonable burden on transportation facilities that are existing, under construction, or for which 100 percent construction funding is contained in the county CIP or the state CTP.

The review by the Historic Preservation and Public Facilities Planning Section (Izzo to Zhang, January 18, 2006) provides comments on fire and rescue, police facilities and public schools as listed above based on the Westphalia CCP study. The development proposed in this application meets the requirements pertaining to road systems and public facilities.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;

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Comment: This comprehensive design plan proposal includes an adaptive use of a Historic Site, 78-013, Blythewood. As discussed in the memorandum from the Historic Preservation and Public Facilities Planning Section dated January 18, 2006, no final user for the site has been identified yet. The historic preservation staff proposes a potential use of the historic site for mounted park police (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park. The staff recommends a condition of approval to be fully enforced at time of specific design plan when more information and final adaptive user are available.

***(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and**

Comment: The plan incorporates the applicable design guidelines as set forth in Section 27-274 with modifications and revisions to meet the specific situations of this development.

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

Comment: This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance and a Type I tree conservation plan has been submitted with this comprehensive design plan. The Environmental Planning Section has reviewed the Type I Tree Conservation Plan TCPI/38/05 and recommended approval of the subject comprehensive design plan and the TCPI/38/05. The Planning Board will hear the two plans on the same date.

9. **Woodland Conservation Ordinance:** This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. There are no previously approved tree conservation plans or exemptions.

- a. An approved natural resources inventory (NRI), NRI/006/05, was submitted with the application. The NRI correctly shows all of the required information. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Countywide Green Infrastructure Plan identifies extensive regulated areas, evaluation areas, and gap areas on this property that are within the network. The forest stand delineation meets all requirements of the Woodland Conservation Ordinance.

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- b. Type I Tree Conservation Plan TCPI/38/05 was submitted with the application. The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/38/05, subject to conditions as written in the recommendation section of this report.

REFERRAL COMMENTS

Referral requests concerning sufficiency of public facilities and compliance with current ordinances and regulations of the subject CDP have been sent to both the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

Internal Divisions and Sections: The following are summaries of major comments regarding this application from the internal divisions and sections of M-NCPPC, as follows:

Planning and Preservation Section, Community Planning Division
Environmental Planning Section, Countywide Planning Division
Transportation Planning Section, Countywide Planning Division
Historic Preservation and Public Facilities Planning Section, Countywide Planning Division

10. The Community Planning Division's referral comments will be presented at time of public meeting.
11. The Environmental Planning Section (Shoulars to Zhang, January 23, 2006) has stated that CDP-0501 and TCPI/38/05 generally address the environmental issues for this site and are recommended for approval subject to eight conditions that have been incorporated in the recommendation section of this report.
12. The Transportation Planning Section (Masog to Zhang, January 25, 2006) has provided a detailed analysis of the traffic impact of this application and has concluded that the proposed CDP revision will not be an unreasonable burden on transportation facilities that exist, are under construction, or for which 100 percent construction funding is contained in the county CIP or the state CIP. The transportation planner recommends the approval of the subject CDP with five conditions that have been incorporated into the recommendation section of this report.

The Transportation Planning Section (Shaffer to Zhang, November 8, 2005, regarding comprehensive design plan review for master plan trail compliance) has provided a detailed background review of the subject comprehensive design plan. The trails planner recommends six conditions of approval as incorporated in the recommendation section of this report.

13. The Historic Preservation and Public Facilities Planning Section (Izzo to Zhang, January 18, 2006) has indicated that the proposed development is within the required response time for fire and rescue. The test for adequate police facilities will be conducted at time of Preliminary Plan of Subdivision. The dedicated elementary school site is acceptable.

Other Agencies include:

The Maryland State Highway Administration (SHA)
The Washington Suburban Sanitary Commission (WSSC)
The Historic Preservation Commission
Department of Parks and Recreation, Prince George's County
Prince George's County Health Department
Prince George's County Department of Environmental Resources
Prince George's County Department of Public Works and Transportation

14. The Historic Preservation Commission (HPC) (HPC to Zhang, January 18, 2006) has provided a complete review of the historic preservation and archeological issues related to this site. HPC recommends the approval of this comprehensive design plan, based on its review of the revised plans and the testimony and exhibits of the citizens, with eight conditions. The recommended conditions of the HPC have been incorporated into the recommendation of this report.
15. The Department of Parks and Recreation (Asan to Zhang, January 26, 2006) has recommended approval of this comprehensive design plan with 12 conditions because DPR staff finds that the application will satisfy the conditions of approval attached to Basic Plans A-9965 and A-9966, the requirements and recommendations of the approved 2002 Prince George's County General Plan, and the approved 1994 Master Plan and Sectional Map Amendment for Melwood-Westphalia Planning Area. ~~[The 12 conditions have been included in the recommendation section of this report.]~~

†On November 20, 2015, Robert J. Antonetti, Jr. of Shipley & Horne, P.A., on behalf of the applicant, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits. The applicant provided the following justification for the reconsideration request:

†“The CDP established the requirement that the Applicant provide certain services for the design, grading and construction of the Westphalia Central Park (the “Central Park”). The Central Park is a future regional park under the ownership of the M-NCPPC to serve the

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recreational needs of future residents of Westphalia as well as the residents of Prince George's County and primarily consists of land donated to the M-NCPPC by the Applicant. The Central Park is intended to be funded in part by the Applicant and other developers within the Westphalia Planning Area through excess permit fees that are obtained at the time of obtaining building permits. Further, SDP-1003-06 has a condition of approval (i.e., Condition 3) requiring the approval of a specific design plan for the Central Park prior to the issuance of the 200th building permit for Parkside. Unfortunately, the current language in the conditions of approval in the CDP and SDP-1003-06 make the design, funding and construction of the Central Park unachievable. As such, in order to achieve the ultimate build out of the Central Park as intended by the Planning Board and District Council, the Applicant respectfully requests that the Planning Board agree to reconsider the structure and wording of the following conditions:

†"CDP-0501 – Conditions 10, 11, 24, 31 and 32"

†The Planning Board waived the appropriate portion of Section 10(a) of its Rules of Procedure to allow for reconsideration of the CDP, specifically for reconsideration of Conditions 10, 11, 24, 31, and 32. It should be noted that Conditions 31 and 32 are not conditions of the Planning Board, but were added to the final approval of the plan by the District Council in their final action. The Planning Board found that the conditions should be reconsidered in the furtherance of substantial public interest based on mistake and other good cause. Specifically, the original conditions were incorrectly premised upon the applicant providing "in-kind" services for the design and construction of Phase I of the Central Park worth a minimum of \$5,000,000 which the applicant and DPR contends are wholly insufficient. The Planning Board accepted the applicant and DPR's unified conclusion, in that the estimate for Phase I of the construction of the Central Park will cost approximately \$22,000,000.

†The applicant provided the following updated cost estimate for the reconsideration request:

†"The cost differential between \$5,000,000 and \$22,000,000 is substantial. In essence, the estimates of money needed for the design and construction of nearly every portion of the Central Park in the CDP were significantly deficient. For example, the valuations of "in-kind" services set forth in Condition 10 of the CDP were underestimated as follows:

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<u>†“In-Kind Service</u>	<u>Required Amount</u> <u>per Condition</u>	<u>Actual Cost/Estimate</u>
<u>10(a) Master Plan</u>	<u>\$100,000</u>	<u>\$100,000</u>
<u>10(b) Schematic design and Development</u>	<u>\$200,000</u>	<u>\$400,000</u>
<u>10(c) Central Park Construction Documents</u>	<u>\$200,000</u>	<u>\$500,000</u>
<u>10(d) Grading (Phase I only)</u>	<u>\$300,000</u>	<u>\$2,378,000</u>
<u>10(e) Construction of Central Park (Phase I only)</u>	<u>\$4,200,000</u>	<u>\$18,600,000+</u>
<u>Total Contribution \$5,000,000</u>		
<u>Total Funds \$21,978,000+ Required</u>		

†“As shown in the above table, the difference between the amounts of money required by Condition 10 and the actual/estimated costs for the same services is approximately \$16,978,000. Without changes to the existing language of the conditions, it is not possible that any consequential portions of the Central Park will be fully designed and/or constructed by the applicant or any other developer in the foreseeable future. Moreover, the inherent timing and funding defects in the current permit triggers set forth in the conditions have prevented the release of building permits to the applicant, thus jeopardizing the development of the important Parkside project. The fact that the required in-kind services for development of the Central Park were based on significantly underestimated dollar figures represents a fundamental “mistake” in the Planning Board’s decision in the CDP and SDP-1003-06. Notwithstanding, the need to recognize the actual costs for the design and construction of the Central Park and to have such costs appropriately reflected in the language and permit triggers of the conditions, represents other good cause for reconsideration of the CDP.

†“The applicant has spent the last four months diligently meeting with DPR in an attempt to collaboratively determine the best method for revising the conditions in a way that allows for the Central Park to become a reality without triggers inhibiting the release of building permits for the Parkside development.”

†DPR recommended to the Planning Board the following findings and amendments to the previously approved conditions, as outlined in their memorandum dated November 30, 2015 for CDP-0501:

†In 2006, the Planning Board approved CDP-0501 and SDP-1003-06 with conditions requiring the applicant to dedicate 147 acres of parkland and provide in-kind services in the amount of \$5 million dollars for the design, grading, and construction of the Central

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Park. It was decided that in-kind services shall be counted as a credit against the developer's required financial contribution of \$3,500 per dwelling unit in 2006 dollars to the Westphalia Park Club, as set forth in Condition 22 of CDP-0501. Specific Design Plan SDP-1003-06 also established the timing for the preparation of the SDP for Phase I of the Central Park.

†Master Plan

The applicant developed a master plan for the Central Park in 2006. The master plan included: a 36-acre lake and surrounding recreational facilities including a waterfront activities center, overlook/picnic areas, a restaurant, an adventure playground, a tennis center, an amphitheater, a recreation center, a skate park, group picnic areas, an extensive trail network, as well as an historic setting for the Blythewood historic site. In order to determine the feasibility of the lake construction as a core element of the Westphalia Central Park, M-NCPPC hired the URS Corporation in 2009 to design the lake and obtain construction permits from the Army Corps of Engineers and the Maryland Department of Environment (MDE). Due to the complexity and lengthy process involved in obtaining the necessary approvals for an in-stream lake and the high costs associated with relocation of the existing sewer line within the stream valley and the construction of the lake, DPR made the decision to stop the lake design and redesign the 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 including a water feature), restrooms, 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, and an extensive network of pedestrian, bicycle, and equestrian trails.

†Specific Design Plan (SDP) for Phase I Westphalia Central Park

The applicant is in the process of developing an SDP for the Westphalia Central Park. The SDP is being prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and the Urban Design Section (M-NCPPC). Urban Design

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Section and DPR reviewed the consultant's credentials and approved the design consultants for the development of the SDP plans.

†Construction Drawings

The applicant is in process of developing construction drawings for the Phase I Central Park. The applicant is working in cooperation with the design team from DPR.

†The applicant and their consultants developed proposals, including cost estimates, for the master plan, the schematic design plan, the SDP for Phase I, construction documents, and the grading and construction plans for Phase I of the Westphalia Central Park as follows:

- †• Master plan – \$100,000.
- †• Schematic Design Plan and SDP for Phase I Central Park – \$400,000.
- †• Construction documents – \$500,000.
- †• Grading of entire SDP Phase-1 area and structural pond grading and construction – \$2,378,000.
- †• Phase I construction including: a promenade, a plaza with a shade structure (designed in the shape of a cloud including a water feature), restrooms, 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 a community gardens, and an extensive network of pedestrian, bicycle, and equestrian trails. The total cost of Phase I construction is estimated to be \$18,600,000.

†The cost estimate provided by the applicant demonstrates that the costs for design, grading, and construction services exceed the costs anticipated in CDP-0501. The funds allocated for each specific service will not cover the actual cost of desired services, and the timing for delivery of design and construction services are not in line with available funds to pay for the services.

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†DPR diligently worked with the applicant in an attempt to determine the best solution that would allow the applicant to continue development of Parkside and at the same time insure that an appropriate portion of Phase I Central Park facilities will be constructed by the applicant. DPR and the applicant developed mutually acceptable revisions to the conditions previously described.

†Existing CDP-0501, Condition 10:

- †10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make 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).

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†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.

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

†The condition above does not provide for adequate funds for the development of Phase I or future phases of the park development, therefore, the Planning Board considered the following substitute condition:

†Recommended Amendment to CDP-0501, Condition 10:

†10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC) and the applicant's heirs, successors, and/or assignees will 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 will be reimbursed from the applicant's generated park club permit fees, and the balance of \$7,400,000 will be reimbursed from other developer generated park club fees or other sources. The applicant's obligation to provide design and construction work for the Central Park is applicable only through the 1600th building permit. Beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:

†a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the Central Park. DPR shall review and approve the master plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.

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- †b. \$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 will work together to determine how the available funding will 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

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construction of the Central Park set forth in Condition 10 herein shall be limited to: (i) the amount of funds to be generated from 1600 of the applicant's building permits pursuant to Condition 22; OR (ii) the amount of funds available in the Westphalia Park Club Fund (which will include amounts to be contributed by other developers in the Westphalia Sector) or other sources at 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. 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 will assign its current contracts to the Maryland-National Capital Park and Planning Commission (M-NCPPC) to complete 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 will 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.

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†The Planning Board was concerned about the statement “Such payments shall be made by DPR to the applicant on a priority basis” and modified the language to be defined in the Park Fund Agreement and adopted the substitute condition.

†Existing CDP-0501, Condition 11:

†11. Per the applicant’s offer, the recreation 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>Central Park-Passive Areas</u>	<u>Prior to the issuance of any building permits</u>	<u>Complete by 300th building permit overall</u>
<u>Private Recreation center Outdoor recreation facilities</u>	<u>Prior to the issuance of the 200th building permit overall</u>	<u>Complete by 400th building permit overall</u>
<u>Central Park-Public Facilities</u>	<u>Prior to the issuance of the 400th permit overall</u>	<u>To be determined with the applicable SDP for Central Park</u>
<u>Pocket Parks (including Playgrounds) within each</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</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>		

†The condition above combines both public and private recreational triggers which should be clarified by deleting lines one and three of the chart above and adding language identifying the improvements associated with HOA facilities only. Therefore, the Planning Board considered the following substitute condition:

†Recommended Amendment to CDP-0501, Condition 11:

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

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PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
<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>
<p><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></p>		

†The Planning Board agreed with and adopted the proposed substitute condition.

†Existing CDP-0501, Condition 24:

†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.

†DPR recommended deletion of CDP-0501, Condition 24, because this condition is addressed in amended Condition 10, as stated above. The Planning Board agreed with the recommendation to delete the condition.

†Existing CDP-0501, Condition 31, from final action of the District Council dated June 12, 2006:

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†31. The SDP for the Central Park shall provide for the construction of a tennis facility during the first phase of construction.

†DPR recommended deletion of CDP-0501, Condition 31, because the cost of the tennis facility, its location in proximity to Phase I, and the topography of the existing site is such that it is unrealistic at this time to be included in the first phase of the construction of the park. The Planning Board agreed with the recommendation to delete the condition.

†Existing CDP-0501, Condition 32, from final action of the District Council dated June 12, 2006:

†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.

†DPR recommended deletion of CDP-0501, Condition 32, because the cost of the tennis facility, its remote location in proximity to Phase I of the Central Park, and the topography of the existing site is such that it is unrealistic to be included in the first phase of the construction of the park.

†The Planning Board agreed with the applicant and DPR and understands that their authority is limited in regard to revisions to conditions of the District Council; therefore, the Planning Board recommends to the District Council, based on the information provided above, that they eliminate Conditions 31 and 32 above.

16. The Washington Suburban Sanitary Commission (WSSC) (Dixon to Zhang, October 17, 2005) has indicated that the Capital Improvement Projects (CIP) programmed by WSSC will address the deficiencies in water service in the area. The existing waste water transmission and treatment capacity (Western Branch) appears adequate to serve this development.
17. The Maryland State Highway Administration, the Washington Suburban Sanitary Commission, the Health Department, the Department of Environmental Resources (DER), and The Department of Public Works and Transportation had not responded to the referral request at time the staff report was written.

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 I Tree

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Conservation Plan (TCPI/38/05), and APPROVED Variance Application No. VCDP-0501, and further APPROVED the Comprehensive Design Plan CDP-0501, Smith Home Farms for the above described land, subject to the following conditions:

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

- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.
- j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.
- k. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be implemented and documented by semiannual reports to the historic preservation staff, until such time as the final plan for this area is implemented.
- l. Provide a revised plan showing the dedicated parkland to be reviewed and approved by Department of Parks and Recreation (DPR) staff as designee of the Planning Board.
- m. Submit a concept plan for the Central Park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the Central Park.
- n. Revise the Type I Tree Conservation Plan (TCP I) as follows:
 - (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;
 - (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."
 - (3) No woodland conservation shall be provided on any residential lots;
 - (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;
 - (5) Include the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."
 - (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;
 - (7) Clearly show the limits of each proposed afforestation/reforestation area by using a different symbol;
 - (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;

- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;
- (10) Eliminate all woodland conservation areas less than 35 feet wide;
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;
- (12) Show all lot lines of all proposed lots;
- (13) Show clearing only for those areas that are necessary for development;
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
 - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.
 - (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.

- (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
 - (17) Have the plans signed and dated by the qualified professional who prepared them.
 - o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
 - p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings.
 - q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.
 - r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.
2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.
3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
4. At time of preliminary plan of subdivision, the applicant shall:
- a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.

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

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

- (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
 - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
 - g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the Central Park and the view sheds and vistas from the Central Park.
 - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
- [10. ~~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.~~

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- [e. ~~\$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.~~

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

†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.

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- †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

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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 recreation facilities shall be bonded and constructed in accordance with the following schedule:~~

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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
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.]		

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

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
<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>		

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

R-M Zone

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

Notes:

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

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

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

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

R-M MRD

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

Notes:

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

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

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

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

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

19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."
21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.

- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.
22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.
23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
- [24. ~~Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.~~]
- [25.] †24. Prior to application for the building permit for the construction of any recreational facilities in the Central Park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.

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- [26:] †25. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
- [27:] †26. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
- [28:] †27. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
- [29:] †28. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.
- [30:] †29. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.

†The Planning Board RECOMMENDS to the District Council that they adopt the revisions to the three conditions as stated above and delete Conditions 31 and 32 of the District Council's original action on this case as follows:

- [31:] ~~The SDP for the Central Park shall provide for the construction of a tennis facility during the first phase of construction.]~~
- [32:] ~~At the time of the limited SDP for the Central Park, provide for the parameters of a long term tennis program with the Prince George's Tennis and Education.]~~
- [33:] †30. The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the Central Park.
- [34:] †31. Prior to SDP approval, the height for all structures shall be determined, and the density percentages shall be determined based on any variances necessary.

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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 23, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2006.

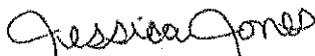
† This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Gerald, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 17, 2015 in Upper Marlboro, Maryland.

† Adopted by the Prince George's County Planning Board this 7th day of January 2016.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 1/7/16

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SHL:rpg

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PGCPB No. 06-56(C)

File No. CDP-0501

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

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive 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 23, 2006, regarding Comprehensive Design Plan CDP-0501 for Smith Home Farms the Planning Board finds:

1. **Request:** The comprehensive design plan as proposed by the applicant includes a maximum of 3,648 residential dwelling units and 170,000 square feet of commercial/retail uses on approximately 757 acres of land. Specifically this application contains the following four requests:

- a. A total of 2,124 single-family detached, single-family attached, and multifamily residential dwelling units in the R-M (Residential Medium Development) Zone on approximately 572 acres of land.
- b. A total of 1,224 single-family detached, single-family attached, and multifamily residential dwelling units in a Mixed-Retirement Development in the R-M (Residential Medium Development) Zone on approximately 155 acres of land.
- c. A total of 170,000 square feet of commercial/retail and a total of 300 multifamily dwelling units in the L-A-C (Local Activity Center) Zone on approximately 30 acres of land.
- d. Variance applications:

A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 10 percent of multifamily dwelling units in the R-M Zone.

A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.

A variance from the maximum building height as stated in Section 27-480(f), which allows a maximum of 40 feet in the R-M Zone.

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2. **Development Data Summary**

Zone(s) Use(s)	EXISTING R-A* Residential and Agricultural	PROPOSED R-M & L-A-C Residential, Commercial/Retail
Acreage	757	757
Dwelling units/structures	35**	3,648
Of which R-M Zone residential	-	2,124
Mixed Retirement Development in R-M Zone	-	1,224
Multifamily condominium in L-A-C Zone	-	300
Square Footage/GFA of commercial/retail	-	170,000

Note: *The Zoning Map Amendment (Basic Plans) applications A-9965 and A-9966, which rezone the subject property from the existing R-A Zone to the R-M Zone, are pending final approval from the District Council.

**Three conditions have been proposed in the recommendation section governing possible demolition of the existing structures on the property.

OTHER DEVELOPMENT DATA- Dwelling Units by Housing Types

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone Residential		
Single-family detached dwellings	15	319
Single-family attached dwellings	26	552
Multifamily condominium dwellings	42	892
Two over two townhouse units	17	361
Subtotal	100	2,124
R-M Zone Mixed Retirement Development		
Single-family attached dwellings	28	343
Multifamily condominium dwellings	72	881
Subtotal	100	1,224
L-A-C Zone		
Multifamily condominium dwellings	100	300
Subtotal	100	300

3. **Location:** The subject property is a large tract of land consisting of wooded, undeveloped land and active farm land, 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.

4. **Surroundings and Use:** The site is bounded to the north by existing subdivisions and undeveloped land in the R-R, R-A, C-M, C-O and R-T Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development such as the German Orphan Home,

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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 Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and M-X-T Zones.

5. **Previous Approvals:** On September 29, 2005, the Planning Board approved Zoning Map Amendment Applications A-9965 and A-9966, which rezone the entire property covered in the subject Comprehensive Design Plan CDP-0501 from the R-A (Residential-Agricultural) Zone to the R-M (Residential Medium 3.6-5.7) Zone with a mixed retirement development and L-A-C (Local Activity Center) Zone with a residential component, subject to 19 conditions. On October 7, 2005, the Zoning Hearing Examiner (ZHE) heard the Zoning Map Amendment Applications A-9965 and A-9966. On October 26, 2005, the ZHE approved the Zoning Map Amendment Applications A-9965 and A-9966 with two conditions, which include all of the conditions of approval of the Planning Board as sub-conditions. On the same date, the ZHE's decisions on the Zoning Map Amendment Applications A-9965 and A-9966 were also filed with the District Council. The public hearing of these cases by the District Council took place on January 23, 2006. At the time of writing this staff report, the Zoning Map Amendment Applications A-9965 and A-9966 were pending final approval by the District Council.

6. **Design Features:** The Comprehensive Design Plan proposes a layout and road network that are in general conformance with what has been shown in the Zoning Map Amendment Applications A-9965 and A-9966. The Comprehensive Design Plan shows two access points connecting to the existing roadways. The major access point, in the southwest corner of the site, will be off the existing Presidential Parkway connecting to the interchange of Suitland Parkway and Pennsylvania Avenue (MD 4). The secondary access point to the site will be off the existing Westphalia Road to the north of the subject site and will use a small part of existing Melwood Road. The two roadways intersect past the stream to the north and form the forefront of the central park. The two roadways turn to the east as one-side-loaded streets defining the northern and southern edges of the central park. The Presidential Parkway extension stretches further to the east until it reaches the eastern boundary line of the site. The Melwood Road extension terminates in a traffic circle intersecting with a north-south roadway that passes through the L-A-C Center to the north. The rest of existing Melwood Road will be utilized as part of the proposed trail system.

Approximately 20 pods of various housing types and one mixed-use commercial center have been shown on the Comprehensive Design Plan. Most of the single-family detached lots, the Mixed Retirement Development, and the mixed-use commercial center are located north of the Presidential Parkway extension. Two pods of single-family detached housing, and six pods of a combination of single-family attached units and multifamily condominiums are located south of the Melwood Road extension. Two community centers have been proposed for the development. One is the community center for the entire Smith Home Farms and is located at the main entrance area off the existing Presidential Parkway, southwest of the Central Park. The other community center is exclusively for the Mixed Retirement Development and is located north of the Central Park and west of the mixed-use commercial center.

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In addition to the Central Park and the Cabin Branch stream valley, which will be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), a five-acre park has been designated along the site's northern boundary and will be added to the existing M-NCPPC park adjacent to it. Another 10 small green spaces have been designed throughout the development.

A Historic Site #78-013 (designated October 18, 2005), Blythewood, is located in the southeast part of the site. The HPC designated a 33-acre Environmental Setting, which includes the main house, domestic and agricultural outbuildings, and historic vistas.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Basic Plans A-9965 and A-9966:** The Planning Board approved the Basic Plans A-9965 and A-9966 with 24 conditions on September 29, 2005. The Zoning Hearing Examiner heard the plans on October 7, 2005, and recommended approval to the District Council on October 26, 2005, with two conditions, which include most of the Planning Board's conditions of approval with only a few modifications. The District Council heard the Basic Plans on January 23, 2006. At the time of writing this staff report, the District Council had not yet reached a decision on the plans. The conditions of approval of the Zoning Hearing Examiner that are applicable to the review of this Comprehensive Design Plan warrant discussion as follows:

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

- A. **Land use Types and Quantities:**

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

R-M Zone Proposed Land Use Types and Quantities:

- **Total area: 727± acres***
Of which residential use: 572.4 acres
Mixed Retirement Development: 154.6 acres
- **Density permitted under the R-M (Residential Medium 3.6) Zone:**
3.6-5.7 dus/ac
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 units**

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- **Density permitted under the R-M (Mixed Retirement) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 units**
- **Proposed Residential Development: 1,224 units**

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

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

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

- B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).**
- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line and shall be further expanded northward to connect to the Blythewood site and its environmental setting. The total active open space shall be no less than approximately 100 acres.**

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- D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.**
- E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.**

Comment: As discussed previously, the District Council has not yet made a final decision on the two basic plans. As a result, these plans have not been certified. The Urban Design staff acknowledges the Zoning Hearing Examiner's requirement that the applicant fulfill the above conditions prior to approval of the subject Comprehensive Design Plan. A condition of approval has been proposed in the recommendation section, requiring the applicant to obtain approval for the two basic plans and to ensure that the subject Comprehensive Design Plan be made consistent with any additional conditions of approval that may be added by the District Council.

Regarding the square footage of the proposed commercial/retail development in the proposed L-A-C center, the applicant proposed a 140,000 square-foot center on the initial application. During the review process, the applicant increased the square footage from 140,000 square feet to 200,000 square feet without revising the application form. A market study to support a 200,000 square-foot center was submitted late in the Basic Plan review. In the subject Comprehensive Design Plan application, the applicant revised the total square footage of the proposed L-A-C Center to 170,000. A traffic analysis review by the Transportation Planning Section (Masog to Zhang, January 25, 2006) indicates that the proposed development, including the 170,000 square feet of commercial retail space within the L-A-C Zone, would not place an unreasonable burden on transportation facilities, including existing facilities, those under construction, or those for which 100% construction funding is contained in the County CIP or the State CTP.

- 2. The following conditions of approval shall be printed on the face of the Basic Plan:**
 - A. At the time of the Comprehensive Design Plan, the Applicant shall:**
 - 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.**
 - 2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.**

Comment: According to the review comments of the Environmental Planning Section, a signed NRI was submitted with the application. It is not possible to develop the subject property without impacts to the regulated areas; however, the impacts are required to be the minimum necessary. This requirement is addressed by other conditions of approval.

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A geotechnical study was not submitted with the CDP application. A condition of approval has been proposed that requires the applicant to submit a geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.

3. **If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:**
 - (a) A fire station site
 - (b) A middle school site
 - (c) A library site
 - (d) A police office complex site

Comment: The above list of public facilities was proposed at the time of the Zoning Map Amendment review for this site based on the Westphalia Comprehensive Conceptual Planning (WCCP) Study in order to support the development in the Westphalia area. None of the facilities on the list is located on the site of this application. Pursuant to the WCCP Study, the above four public facilities, except for a middle school site, are located to the south of the subject site in the areas envisioned as a mixed-use urban core area and a mixed use edge area. The middle school site is envisioned on the property included in a Zoning Map Amendment application known as Woodside Village, which is currently under review. A middle school site has been proffered and shown on the basic plan of Woodside Village. A recently revised CDP for the subject site shows an elementary school in the southeast part of the site as a result of citizens' opposition to the original off-site option. The Historic Preservation and Public Facilities Planning Section, in a memorandum dated January 18, 2006 (Izzo to Zhang), indicated that the staff of the Public Facilities Section has reviewed the proposed school site with the representatives of the Board of Education and endorses the site for a future elementary school south of the Blythewood historic site.

4. **Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.**

Comment: Per a review by the Historic Preservation Commission (HPC), this condition is still outstanding. The HPC recommends a condition of approval to require the applicant to meet this condition prior to certification approval of this CDP.

5. **Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.**

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Comment: This condition will be carried forward as a condition of approval for this CDP.

6. **Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.**

Comment: Per a review by the Historic Preservation Commission (HPC), the applicant has fulfilled the first half of the condition by delineating the approved environmental setting for Blythewood on the CDP. The HPC, in a memorandum dated January 18, 2006, recommends a condition of approval to require the applicant to meet the second part of the condition prior to certification approval of this CDP.

7. **Obtain a protocol for surveying the locations of all rare, threatened, and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submission package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**

Comment: This condition will be carried forward as a condition of approval for this CDP.

8. **Provide a multi-use stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.**

Comment: This condition will be carried forward as a condition of approval for this CDP.

9. **Preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor and provide cul-de-sacs for the northern and southern portions of the site that abut said road to provide access for existing homes along those points and reduce the possibility of pass-thru traffic.**

Comment: The ZHE revised this condition, from a similar condition of approval attached to this application by the Planning Board, by adding the cul-de-sac treatment in response to the requests of the citizens living south of the project along existing Melwood Road. The Urban Design staff learned recently after meeting with the concerned citizens that they no longer support this request and would like to see Melwood Road preserved to the extent possible by dedicating it to a pedestrian/trail corridor and limiting pass-through vehicular traffic. A condition of approval proposed by the HPC has been incorporated into the recommendation of this report.

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- 10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.**

Comment: The CDP shows standard sidewalks along all internal roads and along the streets of the L-A-C center as well. The review of the sidewalk and pedestrian network connectivity will be one of the focuses of the further review at the time of the specific design plan.

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

Comment: This condition will be carried forward as a condition of approval for this CDP.

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

Comment: The Transportation Planning Section has reviewed the subject CDP. In a memorandum dated January 25, 2006, the Transportation Planning staff concluded that the proposed development will not be an unreasonable burden on transportation facilities which are existing, under construction or for which 100% construction funding is contained in the County CIP or the State CTP. The staff recommends approval of this CDP with five conditions that have been incorporated into the conditions of approval of this CDP. One of the conditions requires a detailed timetable for providing the required improvements to be established at the time of the Preliminary Plan of Subdivision to ensure an adequate road system to serve the proposed development.

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

Comment: Per the review by the Environmental Planning Section, a few road crossings are not perpendicular to the streams. It is not clear where all the existing road crossings are located and this information has not been provided. This information will be required for review of the preliminary plan.

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

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Comment: Per the review by the Environmental Planning Section, the woodland conservation calculations in the worksheet on the TCPI are incorrect, because they do not reflect these threshold percentages. A condition of approval, recommended by the Environmental Planning Section, has been incorporated in the recommendation section of this report.

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

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

Comment: Per the review by the Environmental Planning Section, this note is not reflected on the TCP submitted with the CDP. The worksheet does not reflect that clearing in the PMA be mitigated at a ratio of 1:1. A condition of approval has been proposed by the Environmental Planning Section, requiring the applicant to revise TCPI to reflect that clearing in the PMA be mitigated at a ratio of 1:1. This condition of approval has been incorporated in the recommendation section of this report.

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

Comment: Per the review by the Environmental Planning Section, the plan shows numerous woodland conservation lots. A condition of approval has been recommended by the Environmental Planning Section and has been incorporated in the recommendation section of this report.

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

Comment: This condition will be carried forward as a condition of approval for this CDP.

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

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

Comment: This condition will be carried forward as a condition of approval for this CDP.

R. The Applicant shall dedicate the acquired property known as the German Orphan Home site for construction of a public elementary school.

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Comment: At the time of Zoning Map Amendment applications review, the applicant proffered and showed an off-site dedication of an elementary school site on a location known as the German Orphan Home, which abuts the southern boundary of the subject site. The homeowners along Melwood Road to the south of the subject site voiced strong opposition to the proposed school site. Subsequently, the applicant relocated the proffered elementary school site to the southeast part of the property, south of the Historic Site, Blythwood. This has been endorsed by the Board of Education. During the January 23, 2006, District Council hearing for this case, the People's Zoning Counsel described the condition requiring an off-site dedication as inappropriate and recommended that the condition be deleted. Since the CDP has provided an on-site school site for this development, the staff believes the intent of this condition has been fulfilled, unless the Council affirms the above condition to require an off-site dedication.

8. The requirements of the Zoning Ordinance governing development in the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone:

a. **Density Increment Analysis:** The applicant has provided a density increment justification to request density increments pursuant to factors listed in Sections 27-509(b), 509(c), in the R-M Zone for both regular R-M development and Mixed Retirement Development components and Section 27-496(b) in the L-A-C Zone for both residential and commercial components. The following discussions document the staff's analysis and density increment recommendations.

R-M (Medium 3.6) ZONE RESIDENTIAL UNITS

Base density 3.6 DUs/AC	1,877 units
Maximum density 5.7 DUs /AC	2,973 units
Density requested 4.07 DUs /AC	2,124 units
Density increment requested 13.2%	247 units

Section 27-509(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting density increments as follows:

- (1) For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units. (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property.)
- (2) For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5% in dwelling units.

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- (3) **For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant has not requested a density increment using these factors.

- (4) **For recreational development of open space (including minimum improvement of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10% in dwelling units.**

Applicant's request: The applicant requests 10.0 percent (188 units) density increment in dwelling units with the following justification:

“The applicant proposes to develop the neighborhood open spaces into pocket parks. These village green style parks will be graded and will include appropriate landscaping, playgrounds for ages 2–12, walking paths, sitting areas and open play areas. These parks are focal points for their neighborhoods, providing recreation opportunities within walking distance. (See recreation plan for facility locations and sizes.) The recreational development of the neighborhood open space qualifies the applicant for a 10 percent increase in dwelling units.”

Comment: Staff agrees with the applicant and recommends the granting of the full ten percent density increment as requested, if the conditions of approval are adopted in regard to the size of the community building in the communitywide center. The applicant will also provide the following recreation facilities (in addition to the trail components discussed above) throughout the entire development and in the community center (which does not include the facilities provided in the recreation center for the Mixed Retirement Development and the amenities in the L-A-C Center), which exceed the requirements of Subtitle 24 for mandatory dedication:

- Eleven open play areas
- One community building
- One community pool
- One bocce/croquet lawn field
- One event plaza
- Five playgrounds for children age 2–12
- Parking compound (with parking spaces per the Zoning Ordinance)

The plan appears to suggest that the community building and pool facilities are one and the same structure. This configuration is acceptable; however, staff believes that the applicant should commit to a minimum size community building of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities. The pool has also not been sized; however, staff recommends that the applicant commit to a standard Olympic

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size pool with at least a 30- by 30-foot training area, and additional areas in order to accommodate uses such as a wading pool for toddlers. The adding of other facilities to the community center, such as tennis courts and basketball courts, should also be considered. If these facilities were added as conditions for approval of the plans, staff would support the full density increment requested.

- (5) **For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**

The applicant has not requested density increment by this factor.

- (6) **For creating activity centers with space provided for quasi-public services (such as churches, day care center for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10 percent in dwelling units.**

Applicant's request: The applicant requests 10 percent (188 units) density increment in dwelling units with the following justification:

“The applicant proposes an HOA recreation center for the use of every home in Smith Home Farms. It will include community-meeting rooms in addition to swimming and active recreation facilities. This activity center qualifies the applicant for a 10% increase in dwelling units.”

Comment: The applicant proposes only the community meeting rooms be included in the community center building, but does not identify the specific size. Given the size of the proposed development, staff believes that the applicant should commit to a minimum size for the community building as discussed above and only five percent increase in dwelling units (94 units) be granted.

- (7) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5 percent in dwelling units.**

The applicant has not requested density increment by this factor.

DENSITY INCREMENT SUMMARY: R-M Zone

In summary, the applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above two density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

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Factor Number	Density Increment (%)	Density Increment (# of units)
4	10	188
6	5	94
	15	282

The applicant requests a density increment of 13.2 percent, an equivalent of 247 dwelling units, which is within the allowable limits of density increment in accordance with the above analysis.

R-M ZONE MIXED RETIREMENT DEVELOPMENT

Base density 3.6 DUs/AC	551 Units
Maximum density 8.0 DUs /AC	1,224 Units
Density requested 8.0 DUs /AC	1,224 Units
Density increment requested 122.14%	673 Units

Section 27-509(c), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting density increments as follows:

- (1) **For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units.**

Applicant's request: The applicant requests 25 percent (138 units) density increment in dwelling units with the following justification:

“The applicant proposes over 43 acres of open space within the R-M (MRD) portion of the community in addition to the central park. These lands include pocket parks integrated into neighborhoods and stream valley open space, which preserves irreplaceable natural features and natural swales. (See recreation plan for parcel locations and acreages.) The quantity of proposed open space exceeds the amount required for the full density increment credit. The applicant qualifies for a 25% increase in dwelling units.”

Comment: The open space provided with this application can accommodate 1,228 dwelling units per the above ratio. The total dwelling units proposed by the applicant in this part of the development including the requested density increment is 1,224. Staff agrees to grant the applicant a 25 percent density increment in dwelling units.

- (2) **For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 25% in dwelling units.**

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Applicant's request: The applicant requests 25 percent (138 units) density increment in dwelling units with the following justification:

"The applicant proposes to provide all of these enhancements, where appropriate above and beyond normally required by law, i.e., sediment and erosion control. Within the preserved open space, the developer will selectively clear and grub the undergrowth. The property has several thousand feet of stream bank that, where possible, and where environmental constraints allow, will be provided with break-front features. And, while there are few slopes susceptible to erosion, where applicable the applicant will provide sodding. However, areas of erodible soils that are completely wooded and outside the proposed limits of disturbance will be left in a natural state and enhanced only when necessary. Given the proposed enhancements, the applicant is eligible for an increase of 25% in dwelling units."

Comment: The applicant's proposal to use this factor to gain the requested density increment is too general and unquantifiable. In order to obtain the requested density increments, the areas of stream restoration need to be identified and quantified. The staff recommends that a minimum of six project areas be identified and the restoration work be shown in detail on the applicable SDP. A stream corridor assessment should be conducted to evaluate areas of potential stream stabilization. For 138 units, the total expenditures related to the stream corridor assessment and actual stream restoration work performed should be no less than \$1,476,600.

- (3) **For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

Applicant's request: The applicant requests five percent (28 units) density increment in dwelling units with the following justification:

"The applicant proposes a system of pedestrian paths which cross open spaces, connecting neighborhoods to each other, to the central recreation facility and to the public park at the northern portion of the community. The applicant also proposes the conversion of portions of Melwood Rd. into a trail commemorating the history of the Melwood Rd. corridor. (See recreation plan for trail hierarchy and location) Because these pedestrian facilities are separated from the vehicular right-of-way they qualify the applicant for a 5% increase in dwelling units."

Comment: The staff agrees with the applicant and recommends the granting of five percent density increments for the reason discussed previously.

- (4) **For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly, or physically handicapped, an increment factor may be granted, not to exceed 50% in dwelling units.**

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Applicant's request: The applicant requests a 50 percent (276 units) density increment in dwelling units with the following justification:

"The applicant proposes a recreation center within the R-M (MRD) community which is exclusively oriented to the active adult lifestyle. At a minimum, this facility will include an indoor/outdoor pool, bocce/croquet lawn, and a variety of year round indoor activity spaces and socialization areas. This facility qualifies the applicant for a 50% increase in dwelling units."

Comment: The applicant has provided additional information about the activity center exclusively for the proposed mixed retirement development in the proposal. The center will occupy a site of approximately 11.2 acres with two tennis courts, walking paths linking it to other parts of the development, an open play area, and sitting areas. The design will also make full use of the stream valley on the site as the backdrop of the clubhouse. The estimated cost for the proposed center is \$5.2 million. The staff agrees with the applicant and recommends the granting of 50 percent density increments. However, the applicant needs to identify the minimum size for the proposed center in this component on the CDP and commit to a barrier-free design for all elements included in the center prior to certification.

- (5) **For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**
- (6) **For creating activity centers with space provided for quasi-public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10% in dwelling units**
- (7) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant has not requested density increment using the above three factors.

- (8) **For providing 3 or more different dwelling types, an increment factor of 15% in dwelling units for each additional dwelling unit type.**

Applicant's request: The applicant requests a 15 percent (83 units) density increment in dwelling units with the following justification:

"The applicant proposes four separate types of dwelling units within the R-M (MRD) community. Four-story condominiums, two-story condominiums, street-loaded villas and alley-loaded villas. The third and fourth unit types qualify the applicant for a minimum of 15 percent, up to a 60 percent increase in dwelling units."

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Comment: The staff disagrees with granting up to 60 percent of the density increment under this factor. The applicant proposes four housing types. The first three dwelling types have allowed the applicant to have a 15 percent density increment. The fourth type will be eligible for another 15 percent density increment. In total, the four dwelling types will earn a 30 percent density increment only.

DENSITY INCREMENT SUMMARY- R-M Zone Mixed Retirement Development

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above five density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Criteria Number	Density Increment (%)	Density Increment (#units)
1	25	138
2	25	138
3	5	28
4	50	275
8	30	165
	135	744

The applicant requests a density increment of 122.14 percent, an equivalent of 673 dwelling units, which is within the allowable limits of density increments in accordance with the above analysis.

L-A-C ZONE RESIDENTIAL UNITS

Base density 10 DUs/AC	193 Units
Maximum density 20 DUs /AC	386 Units
Density requested 15.5 DUs /AC	300 Units
Density increment requested 55.44%	107 Units

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting residential density increments as follows:

- (2) **For improved common recreational space totaling at least 200 square feet per dwelling unit (available without charge) for use by the residents;**

OR

At least 200 square feet per dwelling unit of private open space contiguous to each dwelling unit;

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OR

A combination of both the above items, which provides at least 200 square feet of either recreational open space or private open space per dwelling unit, an increment factor may be granted, not exceed 15% in dwelling units.

Applicant's request: The applicant requests a 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant proposes a private open space adjacent to the LAC of 7.5 acres. (See recreation plan for parcel location) This open space is suitable for active or passive recreation and exceeds the 60,000 square feet required for an increase of 15% in dwelling units."

Comment: The common recreation space provided by the applicant equals 326,700 square feet in total, which is much bigger than the required space for 300 residential units. Staff agrees with the applicant and recommends granting the 15 percent density increment in dwelling units requested by the applicant.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted, not to exceed 15% in dwelling units; 15% in FAR.**

Applicant's request: The applicant requests a 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant proposes a pedestrian path that runs along the western boundary of the LAC. This path provides mid-block pedestrian access from the active adult community and LAC parking areas to the C-631 corridor. Because this pedestrian facility is separated from the vehicular right-of-way, it qualifies the applicant for a 15% increase in commercial FAR and dwelling units."

Comment: Staff agrees with the applicant and recommends granting the 15 percent density increment in dwelling units requested by the applicant.

- (4) **For public facilities (excluding streets and open space areas), an increment factor may be granted, not to exceed 45% in dwelling units; 30% in FAR.**

The applicant has not requested density increment using the above factor.

- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.**

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Applicant's request: The applicant requests 15 percent (29 units) density increment in dwelling units with the following justification:

"The applicant intends to provide distinctive streetscapes along the "Main Street" style commercial district. These urban sidewalks extend from the building façade to the curb and include tree wells for street trees, opportunities for outdoor dining, benches, and lighting, which creates a pedestrian-friendly environment. (See recreation plan for urban sidewalk locations and length information) These streetscape improvements qualify the applicant for a 15 percent increase in dwelling units and a 10 percent increase in commercial FAR."

Comment: The staff agrees with the applicant and recommends granting a 15 percent (29 units) density increment in dwelling units for the factor mentioned above. However, in order to obtain the 15 percent density increment, the applicant should further define the "Main Street" style by providing specific urban design guidelines to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board, prior to certificate approval of this comprehensive design plan.

- (6) For preserving irreplaceable features (such as stands of trees, natural swales, or historic buildings), an increment factor may be granted, not to exceed 10% in dwelling units; 5% in FAR.

Applicant's request: The applicant requests a ten percent (19 units) density increment in dwelling units with the following justification:

"The applicant proposes to donate the historic Blythewood home, tobacco barn and outbuildings to the Prince George's County Historical Society for adaptive reuse. This preservation qualifies the applicant for a 10% increase in dwelling units and 5% in commercial FAR."

Comment: Staff agrees with the applicant and recommends granting a 10 percent (19 units) density increment in dwelling units for the factor mentioned above. Three conditions of approval have been proposed in the recommendation section to require the applicant to fulfill all legal requirements of dedication prior to the approval of first SDP and record the historic property to be dedicated in the Land Record of the Prince George's County at time of final plat.

- (8) For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.

Applicant's request: The applicant requests a 15 percent (29 units) density increment in dwelling units with the following justification:

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“The applicant proposes to incorporate solar access into the design of the condominium architecture streetscape. Sky lights, clear stories, and light wells are encouraged to allow the maximum amount of natural light into activity areas and living spaces. Building facades will be arranged in a manner that avoids over shading streetscapes. These efforts qualify the applicant for a 15% increase in dwelling units and a 10% increase in commercial FAR.”

Comment: The staff agrees only partially with the applicant regarding the density increment under this criterion. The treatments proposed by the applicant for incorporating solar access or active/passive solar energy in design such as skylights, clear stories and light wells are highly encouraged and will be further reviewed at time of SDP when building design information is available. A condition of approval has been proposed to follow up these measures at the time of SDP review. Because use of the above-mentioned treatments is limited to condominium units, which accounts for only one-third of the proposed dwelling units, the benefits of the solar energy in this application will be undermined. Therefore, staff recommends that five percent of a density increment in dwelling units under this criterion be granted.

DENSITY INCREMENT SUMMARY- L-A-C ZONE RESIDENTIAL UNITS

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above five density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (#units)
2	15	29
3	15	29
5	15	29
6	10	19
8	5	9
	60	115

The applicant requests a density increment of 55.4 percent, an equivalent of 107 dwelling units, which is within the allowable limits of density increments in accordance with the above analysis.

L-A-C ZONE COMMERCIAL SQUARE FOOTAGE

Base density 0.2 FAR	93,218 Square feet
Maximum density 0.68 FAR	316,943 Square feet
Density requested 0.36 FAR	170,000 Square feet
Density increment requested 82.37%	76,782 Square feet

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Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting commercial density increment as follows:

- (1) **For at least 12% of the gross commercial acreage in green area, and the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade, an increment factor may be granted, not to exceed 25% in FAR.**

Applicant's request: The applicant requests 25 percent (23,305 square feet) density increment in FAR with the following justification:

"The applicant proposes over 60,000 sf of green area in the vicinity of the residential and commercial components of the LAC. Parking areas shall be either screened from view or designed in a manner which is broken up with large islands of trees to soften the effect of the pavement and to provide shade. These improvements qualify the applicant for a 25% increase in commercial FAR."

Comment: The gross commercial acreage proposed in the 30-acre L-A-C Zone is approximately 10.7 acres. Twelve percent of the 10.7 acres equals 55,931 square feet. The applicant provides more than 60,000 square feet of green area in the application and meets the green area requirements of this factor. The staff recommends granting 25 percent density increment in FAR with a condition of approval that will guide the future reviewer at time of SDP to focus on the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted, not to exceed 15% in dwelling units; 15% in FAR.**

Applicant's request: The applicant requests a 15 percent (13,983 square feet) density increment in FAR with the following justification:

"The applicant proposes a pedestrian path that runs along the western boundary of the LAC. This path provides mid-block pedestrian access from the active adult community and LAC parking areas to the C-631 corridor. Because this pedestrian facility is separated from the vehicular right-of-way, it qualifies the applicant for a 15% increase in commercial FAR and dwelling units."

Comment: An extensive pedestrian system has been proposed with this application. The pedestrian path discussed above is only part of the system. The staff agrees with the applicant and recommends granting of a 15 percent of density increment in FAR.

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- (4) **For public facilities (excluding streets and open space areas), an increment factor may be granted, not to exceed 45% in dwelling units; 30% in FAR.**

Applicant's request: The applicant requests a 30 percent (27,965 square feet) density increment in FAR with the following justification:

"The applicant proposes a \$5,000,000 contribution to the Department of Parks and Recreation for the development of public facilities within the central park. These facilities could include the pedestrian pathways, greenway system, Melwood Rd. commemorative trail improvements, playgrounds, amenity pond, ornamental pedestrian bridges, parking facilities, landscaping, tennis complex, amphitheater with covered stage, and/or alternative facilities requested by the Department of Parks and Recreation and agreed upon by the applicant/county. This contribution qualifies the applicant for an increase of 45% in dwelling units and 30% in FAR."

Comment: Since this factor has not been used previously to obtain density increment in FAR, the staff agrees with the applicant to granting density increment pursuant to this factor. However, the \$5 million monetary contribution covers only a portion of the total cost for the development of public facilities within the central park. According to a preliminary cost estimate, this contribution accounts for approximately 50 percent of the fair share the subject application should be assumed. The staff recommends granting 50 percent of the requested density increment, which equals to 13,983 square feet.

- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.**

Applicant's request: The applicant requests a ten percent (9,322 square feet) density increment in FAR with the following justification:

"The applicant intends to provide distinctive streetscapes along the "Main Street" style commercial district. These urban sidewalks extend from the building façade to the curb and include tree wells for street trees, opportunities for outdoor dining, benches and lighting which creates a pedestrian friendly environment. (See recreation plan for urban sidewalk locations and length information) These streetscape improvements qualify the applicant for a 15% increase in dwelling units and a 10% increase in commercial FAR."

Comment: The staff agrees with the applicant and recommends granting a ten percent (333 square feet) density increment in FAR for the factor mentioned above. However, in order to obtain the ten percent density increment, the applicant should further define the

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"Main Street" style by providing specific urban design guidelines to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board, prior to certificate approval of this Comprehensive Design Plan.

- (6) For preserving irreplaceable features (such as stands of trees, natural swales, or historic buildings), an increment factor may be granted, not to exceed 10% in dwelling units; 5% in FAR.

Applicant's request: The applicant requests a five percent (4,611 square feet) density increment in FAR with the following justification:

"The applicant proposes to donate the historic Blythewood home, tobacco barn and outbuildings to the Prince George's County Historical Society for adaptive reuse. This preservation qualifies the applicant for a 10% increase in dwelling units and 5% in commercial FAR."

Comment: The staff agrees with the applicant and recommends granting of five percent increment in FAR.

- (7) For L-A-C Zone applications submitted pursuant to Section 27-179(a)(1)(A), for each 2,500 square feet of lands which are combined in one application (having a total area of at least 10,000 square feet), provided these lands were owned by different individuals or corporations, and have not been subdivided, for at least two years prior to submittal of the application, an increment factor may be granted, not to exceed 0.04 in FAR for each 2,500 square feet; the total increment granted shall not exceed 0.32 FAR.

Applicant's request: The applicant requests 29,827.7 square feet of a density increment with the following justification:

"The applicant has combined multiple properties under one application. The sizes of these parcels are adequate to qualify the applicant for an increase in FAR of 29,827.7 square feet."

Comment: The 29,827.7 square feet of density increment requested by the applicant is equivalent to approximately 0.31 FAR above the base density. Given the total of 30 acres of property included in the L-A-C Zone application, the staff agrees with the applicant and recommends granting of the requested increment of 29,827 square feet.

- (8) For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 15% in dwelling units; 10% in FAR.

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Applicant's request: The applicant requests a ten percent (9,322 square feet) density increment in FAR with the following justification:

“The applicant proposes to incorporate solar access into the design of the condominium architecture streetscape. Sky lights, clear stories, and light wells are encouraged to allow the maximum amount of natural light into activity areas and living spaces. Building facades will be arranged in a manner that avoids over shading streetscapes. These efforts qualify the applicant for a 15% increase in dwelling units and a 10% increase in commercial FAR.”

Comment: For the reason discussed previously, in accordance with the recommendation regarding density increment in dwelling units, the staff recommends granting only one third of the required increment in FAR, which equals to three percent (2,797 square feet) in FAR under this criterion, be granted.

DENSITY INCREMENT SUMMARY- L-A-C ZONE COMMERCIAL SQUARE FOOTAGE

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above seven density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (square footage)
1	25	23,305
3	15	13,983
4	15	13,983
5	10	9,322
6	5	4,661
7	—*	29,827
8	3	2,797
	73	97,878

Note: *This factor has no percentage value.

The applicant requests a density increment of 82.37 percent, an equivalent of 76,782 square feet, which is within the allowable limits of density increment in accordance with the above analysis.

However, Condition 1 of Basic Plan A-9966-C for the L-A-C Zone permits no more than 140,000 square feet of commercial development for Smith Home Farms. The Comprehensive Design Plan, therefore, approves a density increment of 50.2 percent, or 46,782 square feet for a maximum of 140,000 square feet of commercial use.

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***b. Development Standards: The comprehensive design plan proposes the following development standards for the R-M Zone, R-M Zone Mixed Retirement Development, and L-A-C Zone, which shall govern development for all specific design plans within the subject comprehensive design plan:**

R-M Zone

	<u>Condominiums</u>	<u>Single-family Attached</u>	<u>Single-family Detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1,300 sf</u>	<u>6,000 sf</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>**</u>	<u>45*</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>**</u>	<u>50*</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>95%</u>	<u>75%</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'****</u>	<u>10'****</u>	<u>10'****</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>0'-12'****</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>15'</u>
<u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Maximum residential building height:</u>	<u>75'</u>	<u>60'</u>	<u>40'</u>
<u>Approximate percentage of total units:</u>	<u>60</u>	<u>25</u>	<u>15</u>

Notes:

*Minimum lot frontage for flag lot configurations shall be 25 feet.

**150 square feet of yard area shall be provided on each lot.

***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.

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*

R-M MRD

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1800 sf</u>	<u>N/A</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>**</u>	<u>N/A</u>
<u>Minimum frontage at Front B.R.L.:</u>	<u>N/A</u>	<u>**</u>	<u>N/A</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>95%</u>	<u>N/A</u>
<u>Minimum front setback from R.O.W.:</u>	<u>10****</u>	<u>10****</u>	<u>N/A</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum corner setback to side street R.O.W.:</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>
<u>Maximum residential building height:</u>	<u>75'</u>	<u>45'</u>	<u>N/A</u>
Approximate percentage of total units:	70	30	0

Notes:

*Minimum lot frontage for flag lot configurations shall be 25 feet.

**180 square feet of yard area shall be provided on each lot.

***Stoops and/or steps can encroach into the front setback.

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L-A-C Zone

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum residential building height:</u>	<u>85'</u>	<u>N/A</u>	<u>N/A</u>
<u>Approximate percentage of total units:</u>	<u>100</u>	<u>0</u>	<u>0</u>

*Stoops and/or steps can encroach into the front setback.

Comment: The Urban Design staff has reviewed the standards above and has several concerns regarding the applicant's proposal, including concerns about specific lots within the development that should be modified in order to create compatibility with surrounding existing and proposed R-A and R-E properties, as stated in the purposes of L-A-C and the R-M Zones, Sections 27-494 and 507. The concerns are listed below:

The lot size proposed for single-family detached dwelling units in the regular R-M Zone should be switched with that proposed in the R-M Mixed Retirement Zone because of the household size. The household size in the mixed retirement development is usually smaller than that in the regular R-M Zone.

The issue of compatibility in the design of the lots located along the site perimeters, which are adjacent to the existing single-family detached houses in the R-R and R-A Zones, will be reflected in the lot width at the building restriction line. The lot width at the building

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*restriction line for R-E-zoned properties varies from 150 feet down to 100 feet, and at the front street line it is 50 feet; R-A-zoned properties vary from 100 to 70 feet and at the front street line it is 50 to 70 feet. The staff recommends a wider standard for the perimeter lots in order to be compatible with the existing development. A note will be added to the table to indicate that for the perimeter single-family detached lots the lot width at building restriction line shall be 60 feet and at the street front shall be 50 feet.

In addition, the Urban Design staff believes that the housing types proposed in the two residential pods located east of the dedicated five-acre parkland in the northern part of the subject site are not consistent with the existing single-family detached houses. The layouts of the two pods should be revised to reflect a mixture of different housing types, with single-family detached units along the perimeter adjacent to the existing single-family detached houses. A condition of approval has been proposed in the recommendation section, requiring the applicant to revise the layout for the two pods—and for the revised layout to be reviewed by the Urban Design Section prior to certificate approval of this Comprehensive Design Plan.

“Condominium” is a housing classification based on the type of ownership. Condominium can be of any building type, such as a multistory, multifamily apartment building, or a townhouse-like small building, or even a one-story duplex villa. The setback standards and the building height proposed should be revised to differentiate different building types. The staff recommends increasing the setback standards for multifamily, multistory condominium buildings and in general limiting the building height in the R-M Zone to not higher than 40 feet as shown in the revised table in the recommendation section of this report.

For the standards in the L-A-C, staff believes that additional design guidelines regarding street wall, building placement, scale, massing and size, architectural features, lighting and signage should be provided to achieve the “Main Street” style environment envisioned by the Westphalia comprehensive conceptual planning study. In addition, the minimum setbacks from the rights-of-way should be increased to 15 feet in order to accommodate outdoor dining/sitting, landscaping and pedestrian path. The staff recommends a special purpose specific design plan for community character to be prepared for both the residential development and the L-A-C-zoned center to establish the design parameters.

- c. Variations: This application includes a variance from the maximum building height for multifamily dwellings and variances from multifamily dwelling unit percentages as follows:

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*Section 27-480, General development regulations,

(f) The maximum building height for multifamily dwellings for which an application for a Specific Design Plan is filed after December 30, 1996, shall be as follows: in the R-S and R-M Zones, forty (40) feet;...(CB-56-1996; CB-25-2003)

As shown in the above Finding 8(b) development standards, the applicant is proposing a maximum height of 75 feet and is requesting variances of 35 feet for the R-M regular part and R-M MRD from the maximum 40-foot height limit. As discussed previously, the staff recommends less intrusive multifamily buildings for both the R-M regular section and R-M Mixed Retirement Development and suggests reducing the maximum building height to 50 feet. As a result, the staff can only recommend approval of variances for 15 feet for both sections in the R-M Zone.

Section 27-515 (b), Table of Uses, Footnote 29 states:

For Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan: in the...; R-M 30%...; L-A-C 40%;... Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan: in the...; R-M, 10%...; L-A-C, 30%...(CB-56-1996; CB-25-2003).

The applicant proposes the following percentage for each type of housing:

	<u>Multifamily %</u>	<u>SFA %</u>	<u>SFD %</u>	<u>Total</u>
<u>R-M regular</u>	<u>42</u>	<u>25</u>	<u>15</u>	<u>100</u>
<u>R-M MRD</u>	<u>43</u>	<u>30</u>	<u>NA</u>	<u>100</u>
<u>L-A-C</u>	<u>100</u>	<u>NA</u>	<u>NA</u>	<u>100</u>

The applicant is requesting variances of 32 percent for the R-M regular part and of 33 percent for R-M MRD from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 10 percent multifamily dwelling units in the R-M Zone; as well as a variance of 70 percent for the L-A-C from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), footnote 29, which allows a maximum 30 percent of the multifamily dwelling units in the L-A-C Zone.

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*The variances requested are normally considered at time of the specific design plan. However, since the proposed development in this comprehensive design plan hinges on the approval of the variances, the applicant requested them earlier to ensure that the overall goals of the development can be achieved as planned.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Comment: The subject property is a land assemblage of approximately 757 acres, which is encumbered by the Cabin Branch Stream Valley and its tributaries. Approximately one third of the property is located in environmentally sensitive and regulated areas.

The 1994 Westphalia and Melwood Master Plan and the Westphalia Comprehensive Conceptual Planning (CCP) Study have envisioned an extensive public open space network in the Westphalia area. Approximately 75 acres of developable parkland, in addition to the environmentally sensitive and regulated areas, will be required to be dedicated to the county's park system, if the Comprehensive Design Plan is approved. The parkland dedication further reduces the developable land of the subject property.

The approved 2002 General Plan envisions a community center south of the subject property along the Pennsylvania Avenue Corridor and recommends higher density and an intensive land use pattern for the area. The Westphalia CCP Study further refined the General Plan policies for the Westphalia area. The Westphalia CCP was endorsed by the District Council on January 10, 2006. The Westphalia CCP encourages higher density for the subject site. In order to achieve the density and intensity envisioned by the Westphalia CCP and the District Council, the applicant must develop an intensive proposal on the limited developable land stock that represents an extraordinary situation for this application.

The above mentioned council bills, which limit the percentage of multifamily dwelling units and the height of building in R-M and L-A-C Zones, were enacted in the middle 1990s—to promote more executive housing in the county—and in 2003 to encourage development around metro stations. Various high quality housing products have become available in recent years. In the light of more refined visions of the 2002 General Plan for

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*the entire county and the Westphalia CCP Study for the Westphalia area, it is desirable that the subject variances be approved to create more flexibility and to encourage more variety in design and housing types, in order to implement the 2002 General Plan.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Comment: As discussed above, the limited developable land on the site and intensive development pattern envisioned for the subject site create an extraordinary situation for this application. The strict application of this Subtitle will result in peculiar and unusual practical difficulties for the property owner because denial of the variances would result in significant loss of dwelling units. If the application does not achieve the number of legally allowable units, it will not be possible for the applicant to secure an economically viable plan for the proposed development.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Comment: The variances have been requested in order to implement the visions of the General Plan and Master Plan for the Westphalia area. Granting the variances will ensure that the development proposal is consistent with the intent and purposes of the approved 2002 General Plan and the 1994 Melwood Westphalia Master Plan as refined by the Westphalia Comprehensive Conceptual Plan.

The subject site is a large and unique assemblage of land. Due to the presence of Cabin Branch Stream Valley and its related environmentally sensitive areas, as well as large parkland dedication, the land left suitable for development is limited. Granting the requested variances for the subject site will enable the development proposal to be consistent with the density and intensity envisioned by the approved 2002 General Plan and the 1994 Melwood-Westphalia Master Plan, while denying the variances will result in undue hardship for the property owner, as well as peculiar and unusual difficulties. The staff therefore recommends approval of the variance of 15 feet from the requirements of Section 27-480, general development regulations, for building height, and the variances from the requirements of Section 27-515 (b), Table of Uses, Footnote 29, of 10 percent in the L-A-C Zone, 32 percent in the regular R-M Zone, and 33 percent in the Mixed Retirement Development in the R-M Zone for the maximum percentage of the multifamily dwelling units.

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*d. Section 27-521 of the Zoning Ordinance, Required Findings for Approval in the Comprehensive Design Zone, requires the Planning Board to find conformance with the following findings for approval of a Comprehensive Design Plan:

(1) The plan is in conformance with the approved Basic Plan;

Comment: The subject CDP is in general conformance with the basic plans, which were approved by the Planning Board and Zoning Hearing Examiner (ZHE), but are pending final approval of the District Council, subject to various conditions and any additional conditions of approval that may be attached by the District Council. A condition of approval that requires the applicant to obtain final approvals from the District Council for Basic Plans A-9965 and A-9966 prior to certificate approval of the subject CDP has been proposed to make sure that the subject CDP is consistent with the approved basic plans.

(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;

Comment: The subject CDP process is more flexible than conventional regulations, yet allows for the achievement of high standards for development. This comprehensive design plan will create a better environment when compared to the existing development in Westphalia area. The proposed CDP will have approximately one third of the property preserved in green open space. The plan also has a large central park, one small park, and two recreation areas.

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

Comment: This approval will allow for the development of various housing types, including single-family detached, single-family attached, and multifamily dwelling units in the R-M regular section and R-M Mixed Retirement Development, as well as commercial/retail and multifamily residential units in the L-A-C, which will include extensive site design elements such as a centrally located public park and its related pedestrian circulation network, extensive facilities such as one elementary school, and amenities that will satisfy the needs of the future residents, employees, or guests of the project.

(4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

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*Comment: Additional development standards have been proposed with this application and extensive bufferyards will be required at time of specific design plan to ensure that the proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

(B) Building setbacks from streets and abutting land uses; and

(C) Circulation access points;

Comment: The subject CDP proposed a comprehensively planned community with various housing types, extensive facilities and amenities, and commercial and retail uses that are interconnected by the extensive internal circulation system and an extensive pedestrian network consisting of a stream valley trail system and sidewalks. The entire development is centered on a centrally located public park with various recreation facilities. Approximately one-third of the land will be preserved in open space. In addition, a community center for the entire development and a center for the mixed retirement development are also proposed adjacent to the central park. There are approximately 10 small green open spaces interspersed in the rest of the development. A Main Street-style local activity center is located to the north of the central park. Additional development standards have been proposed and a special purpose SDP will be required to ensure that the proposed development will be of high quality. The land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to the amount of building coverage and open space; building setbacks from streets and abutting land uses; and circulation access points.

(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

Comment: Given the scale of the proposed development, the CDP will be developed in multiple phases. A condition of approval has been proposed to require the applicant to provide a detailed staging plan to ensure that each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

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***(7) The staging of development will not be an unreasonable burden on available public facilities;**

Comment: According to the reviews by the Transportation Planning Section (Masog to Zhang, January 25, 2006), the proposed development will not be an unreasonable burden on transportation facilities that are existing, under construction, or for which 100 percent construction funding is contained in the county CIP or the state CTP.

The review by the Historic Preservation and Public Facilities Planning Section (Izzo to Zhang, January 18, 2006) provides comments on fire and rescue, police facilities and public schools as listed above based on the Westphalia CCP study. The development proposed in this application meets the requirements pertaining to road systems and public facilities.

(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

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

(B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;

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

Comment: This comprehensive design plan proposal includes an adaptive use of a Historic Site, 78-013, Blythewood. As discussed in the memorandum from the Historic Preservation and Public Facilities Planning Section dated January 18, 2006, no final user for the site has been identified yet. The historic preservation staff proposes a potential use of the historic site for mounted park police (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park. The staff recommends a condition of approval to be fully enforced at time of specific design plan when more information and final adaptive user are available.

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- *(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and**

Comment: The plan incorporates the applicable design guidelines as set forth in Section 27-274 with modifications and revisions to meet the specific situations of this development.

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

Comment: This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance and a Type I tree conservation plan has been submitted with this comprehensive design plan. The Environmental Planning Section has reviewed the Type I Tree Conservation Plan TCPI/38/05 and recommended approval of the subject comprehensive design plan and the TCPI/38/05. The Planning Board will hear the two plans on the same date.

9. **Woodland Conservation Ordinance:** This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. There are no previously approved tree conservation plans or exemptions.
- a. An approved natural resources inventory (NRI), NRI/006/05, was submitted with the application. The NRI correctly shows all of the required information. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Countywide Green Infrastructure Plan identifies extensive regulated areas, evaluation areas, and gap areas on this property that are within the network. The forest stand delineation meets all requirements of the Woodland Conservation Ordinance.
 - b. Type I Tree Conservation Plan TCPI/38/05 was submitted with the application. The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/38/05, subject to conditions as written in the recommendation section of this report.

REFERRAL COMMENTS

Referral requests concerning sufficiency of public facilities and compliance with current ordinances and regulations of the subject CDP have been sent to both the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

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Internal Divisions and Sections: The following are summaries of major comments regarding this application from the internal divisions and sections of M-NCPPC, as follows:

- Planning and Preservation Section, Community Planning Division
 - Environmental Planning Section, Countywide Planning Division
 - Transportation Planning Section, Countywide Planning Division
 - Historic Preservation and Public Facilities Planning Section, Countywide Planning Division
10. The Community Planning Division's referral comments will be presented at time of public meeting.
 11. The Environmental Planning Section (Shoulars to Zhang, January 23, 2006) has stated that CDP-0501 and TCPI/38/05 generally address the environmental issues for this site and are recommended for approval subject to eight conditions that have been incorporated in the recommendation section of this report.
 12. The Transportation Planning Section (Masog to Zhang, January 25, 2006) has provided a detailed analysis of the traffic impact of this application and has concluded that the proposed CDP revision will not be an unreasonable burden on transportation facilities that exist, are under construction, or

for which 100 percent construction funding is contained in the county CIP or the state CTP. The transportation planner recommends the approval of the subject CDP with five conditions that have been incorporated into the recommendation section of this report.

The Transportation Planning Section (Shaffer to Zhang, November 8, 2005, regarding comprehensive design plan review for master plan trail compliance) has provided a detailed background review of the subject comprehensive design plan. The trails planner recommends six conditions of approval as incorporated in the recommendation section of this report.

13. The Historic Preservation and Public Facilities Planning Section (Izzo to Zhang, January 18, 2006) has indicated that the proposed development is within the required response time for fire and rescue. The test for adequate police facilities will be conducted at time of Preliminary Plan of Subdivision. The dedicated elementary school site is acceptable.

Other Agencies include:

The Maryland State Highway Administration (SHA)
The Washington Suburban Sanitary Commission (WSSC)
The Historic Preservation Commission
Department of Parks and Recreation, Prince Georges' County
Prince George's County Health Department

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Prince George's County Department of Environmental Resources
Prince George's County Department of Public Works and Transportation

14. The Historic Preservation Commission (HPC) (HPC to Zhang, January 18, 2006) has provided a complete review of the historic preservation and archeological issues related to this site. HPC recommends the approval of this comprehensive design plan, based on its review of the revised plans and the testimony and exhibits of the citizens, with eight conditions. The recommended conditions of the HPC have been incorporated into the recommendation of this report.
15. The Department of Parks and Recreation (Asan to Zhang, January 26, 2006) has recommended approval of this comprehensive design plan with 12 conditions because DPR staff finds that the application will satisfy the conditions of approval attached to Basic Plans A-9965 and A-9966, the requirements and recommendations of the approved 2002 Prince George's County General Plan, and the approved 1994 Master Plan and Sectional Map Amendment for Melwood-Westphalia Planning Area. The 12 conditions have been included in the recommendation section of this report.
16. The Washington Suburban Sanitary Commission (WSSC) (Dixon to Zhang, October 17, 2005) has indicated that the Capital Improvement Projects (CIP) programmed by WSSC will address the deficiencies in water service in the area. The existing waste water transmission and treatment capacity (Western Branch) appears adequate to serve this development.
17. The Maryland State Highway Administration, the Washington Suburban Sanitary Commission, the Health Department, the Department of Environmental Resources (DER), and The Department of Public Works and Transportation had not responded to the referral request at time the staff report was written.

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 I Tree Conservation Plan (TCPI/38/05), and APPROVED Variance Application No. VCDP-0501, and further APPROVED the Comprehensive Design Plan CDP-0501, Smith Home Farms for the above described land, subject to the following conditions:

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

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related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.

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

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- m. Submit a concept plan for the central park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the central park.

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

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- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
 - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.
 - (b) The TCP II will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

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- (17) Have the plans signed and dated by the qualified professional who prepared them.
 - o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
 - p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings.
 - q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.
 - r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.
2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.
3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
4. At time of preliminary plan of subdivision, the applicant shall:
 - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
 - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.
 - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by

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- a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.
- d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.
 - e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
 - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
 - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.
 6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
 7. Prior to acceptance of the applicable SDPs,
 - a. The following shall be shown on or submitted with the plans:
 - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.

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- (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.
9. At time of the applicable SDP, the following areas shall be carefully reviewed:
 - a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
 - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
 - c. The design of the condominiums and parking garage to maximize the application of solar energy.
 - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
 - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
 - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
 - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards.

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Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.

- g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the central park and the view sheds and vistas from the central park.
 - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:
- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
 - b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 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.

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

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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
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.		

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

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- 15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.
- 16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of SDP if circumstances warrant.)

R-M Zone

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

Notes:

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

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

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

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

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

Notes:

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

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

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

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

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

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20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."
21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.

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22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.
23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application for the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
29. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.

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- 30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.

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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 23, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2006.

Trudye Morgan Johnson
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:HZ:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

George Johnson
M-NCP&C Legal Department

Date 5/19/06

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

January 10, 2012

SHF Project Owner, LLC.
1999 Avenue Of The Stars, Suite 2850
Los Angeles, CA 90067

Re: Notification of Planning Board Action on
Comprehensive Design Plan - CDP-0501-01
Smith Home Farms

Dear Applicant:

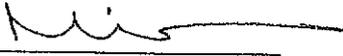
This is to advise you that on **January 5, 2012** the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-523, the Planning Board's decision will become final 30 calendar days after the date of the final notice **January 10, 2012** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

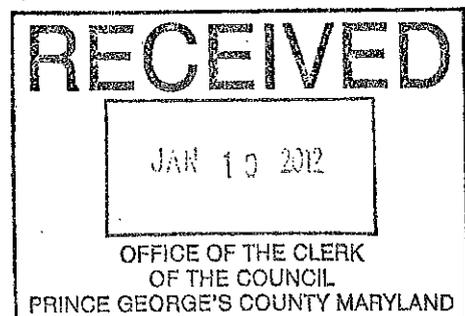
Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the Council, at the above address.

Very truly yours,
Alan Hirsch, Chief
Development Review Division

By: 
Reviewer

c: Redis C. Floyd, Clerk to the County Council
Persons of Record
Interested Persons

PGCPB No. 11-112





PGCPB No. 11-112

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

File No. CDP-0501/01

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 1, 2011, regarding Comprehensive Design Plan CDP-0501/01 for Smith Home Farms the Planning Board finds:

1. **Request:** The applicant proposes to revise three conditions attached to the previously approved Comprehensive Design Plan CDP-0501 as stated below.

Condition 3: Regarding the construction of the MD 4/Westphalia Road interchange.

Condition 7: Regarding the location and the size of the proposed community center and pool.

Condition 16: Regarding the size of the market-rate single-family attached lots in the R-M Zone.

The rest of the conditions attached to the prior approval of Comprehensive Design Plan CDP-0501 remain unchanged and valid, and will govern the development of the Smith Home Farms project.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	APPROVED
Zone(s) Use(s)	R-M & L-A-C Residential, Commercial/Retail	R-M & L-A-C Residential, Commercial/Retail
Acreage	757	757
Dwelling units	3,648	3,648
Of which R-M Zone Residential	2,124	2,124
R-M Zone Mixed Retirement Development	1,224	1,224
L-A-C Zone Multifamily condominium	300	300
Commercial/retail uses (GFA in square feet)	170,000	170,000

3. **Location:** The subject property is a large tract of land consisting of wooded, undeveloped land and active farm land, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, within the Developing Tier in Planning Area 78, Council District 6.

4. **Surrounding Uses:** The site is bounded to the north by existing subdivisions and undeveloped land in the R-R (Rural Residential), R-A (Residential Agricultural), C-M (Commercial

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Miscellaneous), C-O (Commercial Office) and R-T (Residential Townhouse) Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the 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.

5. **Previous Approvals:** On September 29, 2005, the Planning Board approved Zoning Map Amendment applications A-9965 and A-9966, which rezoned a 757-acre property from the R-A Zone to the R-M (Residential Medium 3.6-5.7) Zone with a mixed-retirement development and L-A-C (Local Activity Center) Zone with a residential component subject to 19 conditions. On October 7, 2005, the Zoning Hearing Examiner (ZHE) heard the Zoning Map Amendment applications A-9965 and A-9966. On October 26, 2005, the ZHE approved the Zoning Map Amendment applications A-9965 and A-9966 with two conditions, which included all of the conditions of approval of the Planning Board as sub-conditions. On the same date, the ZHE's decisions on the Zoning Map Amendment applications A-9965 and A-9966 were also filed with the District Council. The District Council finally approved both Zoning Map Amendment applications on February 13, 2006 and the approving Ordinances became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved (through PGCPB Resolution No. 06-56(C)) Comprehensive Design Plan CDP-0501 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 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-64(A)) a Preliminary Plan of Subdivision 4-05080 for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-192) an infrastructure Specific Design Plan SDP-0506 for portions of roadways identified as C-631 (oriented east/west, also known as MC-631) and C-627 (oriented north/south, also known as MC 635) in the R-M Zone. 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, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501. The *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* was approved by the District Council on February 6, 2007. In Resolution CR-2-2007, the District Council modified several conditions in the CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range from 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M (Market rate) 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 in Comprehensive Design Plan CDP-0501 for Smith Home Farm to require submission of an

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SDP for the Central Park following approval of the Westphalia sector plan and SMA and not as the second SDP as stated in Condition 23.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

6. **Design Features:** This revision to the previously approved Comprehensive Design Plan CDP-0501 is limited to three conditions which were attached to the original approval with limited physical impact on the previously approved site layout, except in regard to the community building. The major design features as included in the approved Comprehensive Design Plan CDP-0501 remain valid and unchanged. Any changes to the previously approved layout that is not related to the above three conditions are prohibited.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment applications A-9965 and A-9966:** The District Council heard the zoning map amendment applications on January 23, 2006 and affirmed the Zoning Hearing Examiner's recommendations. The District Council's approval became effective on February 13, 2006 with a total of three conditions. Conformance with the requirements of the basic plans was found at the time of Comprehensive Design Plan CDP-0506 approval. This application is a revision to three specific conditions attached to the previously approved comprehensive design plan and does not impact the previous conformance findings.
8. **Comprehensive Design Plan CDP-0501:** The Planning Board approved Comprehensive Design Plan CDP-0501 for the entire Smith Home Farms project with 30 conditions on February 23, 2006. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with a total of 34 conditions. This application proposes to revise three specific conditions as follows:
 - a. **Condition 3** attached to the previously approved Comprehensive Design Plan CDP-0501 establishes specific triggers for the construction and completion of the critical intersection of MD 4 at Westphalia Road in order to provide major vehicular access to the Westphalia development. Condition 3 includes the following three parts:
 3. **The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of**

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this improvement shall also be determined at the time of preliminary plan of subdivision.

- a. **Prior to the issuance of the first building permit, the above improvement shall have full financial assurances through private funding, full CIP funding or both.**
- b. **Prior to the issuance of the 1,000th building permit for the residential units, the MD 4/Westphalia Road interchange must be open to traffic.**
- c. **The applicant has agreed to construct a flyover at Westphalia Road and MD 4. The construction timing shall be as follows:**
 - (1) **The flyover shall be financially guaranteed prior to the initial building permit.**
 - (2) **The flyover shall be open to traffic prior to issuance of the 1,000th building permit for the residences, or prior to use and occupancy of the commercial portion of the development.**

Applicant's proposal: The applicant has proposed a new condition to completely replace the above condition based on County Council Resolution CR-66-2010, which is a resolution concerning the Public Facilities Financing and Implementation Program (PFFIP) District that provides various financing strategies for large scale, critical infrastructure such as the MD 4 at Westphalia Road interchange as alternatives to satisfy traditional adequate public facilities (APF) requirements for transportation. County Council Resolution CR-66-2010 specifically designates the Westphalia Project as a Public Facilities Financing and Implementation Program District and makes the MD 4/Westphalia Road interchange and its interim improvements eligible for various financing strategies. County Council Resolution CR-66-2010 amends the applicable provisions regarding the requirements of adequate public facilities for transportation in both Subtitle 27-Zoning Ordinance and Subtitle 24- Subdivision Regulations. In addition to the funding mechanisms as stated in the previously approved condition above, other financing strategies included in County Council CR-66-2010 are pro-rata contributions, sale leasebacks, funding "clubs," the Surplus Capacity Reimbursement Procedure, and other methods to ensure equity in the PFFIP District. Meanwhile, CR-66-2010 establishes a cost cap for the MD 4/ Westphalia Road Interchange and associated improvements at \$79,990,000. The County Council Resolution further mandates that any Owners/Developers, their heirs, successors and/or assignees that are subject to this legislation shall be required to pay a share of the cost ("Fee") for the planning, engineering, construction and administrative cost of the interchange and interim improvements as set forth in County Council Resolution CR-66-2010. The Fee shall be paid into the Westphalia PFFIP District Fund at time of the issuance of each building

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permit. Fees paid by an Owner/Developer, their heirs, successors and/or assignees into the Fund prior to the issuance of building permits shall be credited against the fee at the time of issuance of the initial building permits of that Owner/Developer, their heirs, successors and/or assignees, until repaid. In no case shall the fee exceed the maximum cost allocations as set forth in Exhibit B of County Council Resolution CR-66-2010, which is estimated at \$79,990,000. As the result of this County Council Resolution, the applicant proposes a new condition as follows:

- 3. Prior to the issuance of each building permit for the Smith Home Farm development, applicant and the applicants heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010, pay to Prince George's County (or its designee) a fee per dwelling unit. Evidence of payment must be provided to the Planning Department with each building permit application.**

The applicant for Comprehensive Design Plan CDP-0501 Smith Home Farms proffered to construct the MD 4/Westphalia Road interchange at the time of Planning Board review and approval of the comprehensive design plan as a way to fulfill the project's obligation to meet the adequate public facility requirements for transportation. The Planning Board attached Condition 3 to memorialize the proffer and further established triggers for construction and completion of the interchange. The economic downturn made the proffer unrealistic for the applicant. To assist with moving the project forward, the District Council approved a resolution (CR-66-2010) to provide alternative financing mechanisms to fund the construction of this critical infrastructure for the Westphalia Project. County Council Resolution CR-66-2010 does not provide a specific fee associated with each building permit. However, the County Council Resolution requires the Planning Board to determine the specific fee prior to issuance of the building permit. This new condition has been included in this resolution.

- b. Condition 7 of Comprehensive Design Plan CDP-0501 requires a community center building and associated swimming pool to be provided at the time of specific design plan:

7. Prior to acceptance of the applicable SDPs:

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

- (1) **The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
- (2) **The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.**

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Applicant's proposal: The applicant proposes to construct more than one community building to best serve future residents. Specifically, a 10,000-square-foot community building is proposed to be constructed during the first phase of the development to serve approximately 1,650 market rate units, which is approximately sixty-eight percent of all approved market rate dwelling units. The remaining 5,000 square feet are proposed to be constructed in a separate community building to serve the rest of the market-rate units. A third community building will be built to serve the approved age-restricted community consisting of a total of 1,224 dwelling units. In addition, the applicant proposes to relocate the previously approved community center to the north quadrant of the intersection of C-627 and C-631, across C-631 from the proposed central park. The proposed revised Condition 7 is as follows (underlined text is added/changed):

7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The Community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 25-meter, 8-lane competition pool, and minimum of 4,000 square foot wading/activity pool.

The design scheme as approved in Comprehensive Design Plan CDP-0501 envisioned one community center in a central location where multifamily and single-family attached dwelling units are concentrated. The community center is also adjacent to the proposed L-A-C-(Local Activity Center) zoned town center area with an Olympic-size pool and a wading/activity pool for younger children. The community center has been included as an amenity in the density increment analysis. There is no doubt that an additional community building will provide more amenities to future residents of the Westphalia project. However an additional community center could result in more maintenance costs to be borne by the residents. During the public hearing for this application on December 1, 2011, the applicant expressed the desire to have more flexibility in provision of community buildings and indicated that they would like to have options of providing smaller satellite community buildings in addition to the 10,000 square-foot main community building. The Planning Board acknowledged uncertainty in future real estate market and showed willingness to accommodate the applicant's request. At the conclusion of the public hearing, the Planning Board decided and further agreed upon by the applicant that if more than two community buildings

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will be built, the minimum gross floor area for each subsequent building shall not be less than 2,500 square feet. The Planning Board reserved the right to review and approve additional community buildings at time of appropriate SDPs.

According to the revised comprehensive design plan, the site where the previously approved community center is located will be utilized for another community center serving the age-restricted community of 1,224 dwelling units. The Planning Board believes a separate community center servicing the age-restricted community is a reasonable design decision because the residents in the age-restricted community will have different schedules than the residents in the market-rate community.

The revision also reduces the length of the previously approved eight-lane pool from 50 meters to 25 meters and at the same time doubles the area of the wading/activity pool. This revision is acceptable, given the fact that many families with children will be living in the area. The Planning Board decided that Condition 7 be modified as follows:

7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The Community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 25-meter, 8-lane competition pool, and minimum of 4,000-square-foot wading/activity pool.

To ensure timely completion of the first community center and the construction of the second one for the market-rate residential dwelling units, two new conditions have been included in this resolution as follows:

- Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.
- If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact

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size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.

- c. Condition 16 of Comprehensive Design Plan CDP-0501 prescribes development standards for both the R-M Zone and R-M/M-RD (Mixed-Retirement Development) Zone as follows:

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

R-M ZONE

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

Notes:

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

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

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

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

Applicant's proposal: In accordance with County Council Resolution CR-2-2007, the certified plans for the Smith Home Farms CDP, Preliminary Plan of Subdivision 4-05080, and the CDP resolution provide for a minimum single-family attached lot size of 1,300 square feet. The approved square footage, however, is not reflected on the County Council Resolution. The applicant is requesting a clarification to reflect the approved minimum square footage and further requesting that the minimum lot size to be 1,300 square feet for all lots in the R-M Zone. The lot size of the single-family attached units in the R-M/M-RD is also 1,300 square feet.

Comprehensive Design Zones were introduced in the Westphalia project to encourage flexible and imaginative utilization of land. The CDZ allows the developer to propose its own development standards that are different from those of the traditional zones, subject to the review and approval by the Planning Board and District Council, in order to provide the developer sufficient flexibility to achieve the above goals and high quality development. The Smith Home Farms project was rezoned from the traditional Euclidean zones to the comprehensive design zones, and all design standards for the development were approved with Comprehensive Design Plan CDP-0501, including the lot size for single-family attached units. Following the approval of CDP-0501, a Preliminary Plan of Subdivision 4-05080 was also approved by the Planning Board. Both Comprehensive Design Plan CDP-0501 and Preliminary Plan of Subdivision 4-05080 have the minimum lot size for single-family attached units at 1,800 square feet.

County Council Resolution CR-2-2007 approving the Westphalia Area sector plan was adopted by the District Council one year after the approvals of the Comprehensive Design Plan CDP-0501 and Preliminary Plan of Subdivision 4-05080. Within the resolution, under Amendment 1, the sector plan recommends the following:

- **Add text on page 12 to recommend that single-family attached residential lot sizes near the town center area may range from 1,300 to 1,800 square feet and the minimum finished floor area should be determined at site plan review. Within the town center urban areas there should be a range of lot sizes for single-family attached dwelling units with a minimum of 1,000 square feet. The finished floor area for dwelling units in the town center should be determined during site plan review in order to ensure an urban character of development. The percentage of townhouses and other dwelling**

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unit types to be allowed in the town center and surrounding development projects should be determined at site plan review based on the policies and exhibits referenced in the sector plan text.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* envisions a mixed-use, pedestrian-friendly, transit-oriented, high-density urban town center core area with defined edge and fringe areas. In order to support the land use vision, residential areas in the edge and fringe areas should maintain higher density. As such, the sector plan recommends smaller lot sizes for single-family attached dwelling units. Specifically under Policy 5-Residential Area of Development Pattern Element, the sector plan (p. 31 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)*) calls for lot sizes for single-family attached dwelling units near the town center to be from 1,300 to 1,800 square feet. The Smith Home Farms site is located to the north of the designated Westphalia Town Center. According to the approved comprehensive design plan, most of the single-family attached dwelling units are concentrated near the town center.

On the other hand, it is also desirable to ensure that a variety of lot sizes are available to provide enough design flexibility for high quality housing products and to achieve an interesting fine-grained development pattern around the town center core area. In general, the Planning Board agrees with the applicant on the reduction of the minimum lot size for single-family attached units in accordance with the intent of the sector plan. However, the Planning Board believes it is prudent to recommend a condition that will prevent the creation of a predominantly small-lot development pattern around town center area while at the same time not significantly reducing the developer's flexibility. A proposed condition below would simply require that no more than 50 percent (or 276) of the single-family attached lots could be smaller than 1,600 square feet. Meanwhile, the minimum lot width of the attached units should also be limited to not less than 16 feet to ensure enough design flexibility for achieving high quality residential architecture. The Planning Board decided that Condition 16 be revised to reduce the minimum lot size for the single-family attached units to 1,300 square feet with a new note added as follows **(underlined and bolded text is added)**:

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

R-M ZONE

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

Notes:

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

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

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

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

†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

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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.

9. The requirements of the Zoning Ordinance governing development in the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone:
- a. **Density Increments:** This application does not propose any revision to the previously approved density for the project.
 - b. **Development Standards:** A comprehensive set of development standards has been approved with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farms project. This application proposes to revise the lot size for the single-family detached lots only in the R-M-zoned section based on the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. See above Finding 8 for detailed discussion. The rest of the development standards as approved in Comprehensive Design Plan CDP-0501 remain valid and will govern the development of the site.
 - c. Section 27-521 of the Zoning Ordinance, Required Findings for Approval in the Comprehensive Design Zones, requires the Planning Board to find conformance with the following findings for approval of a comprehensive design plan:
 - (1) **The plan is in conformance with the approved Basic Plan;**
 - (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**
 - (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**
 - (4) **The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;**
 - (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**
 - (A) **Amounts of building coverage and open space;**
 - (B) **Building setbacks from streets and abutting land uses; and**
 - (C) **Circulation access points;**

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- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**
- (7) **The staging of development will not be an unreasonable burden on available public facilities;**
- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
 - (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**
- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and**
- (10) **The Plan is in conformance with an approved Tree Conservation Plan.**

The Planning Board made the above findings at the time of Comprehensive Design Plan CDP-0501 approval as stated in the resolution (PGCPB Resolution No. 6-56). This revision to Comprehensive Design Plan CDP-0501 is limited to three conditions attached to the approval and does not alter any required findings. Therefore, the subject Comprehensive Design Plan CDP-0501-01 is in conformance to all the above required findings for approval.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible;**

According to the review by the Environmental Planning Section, this application conforms to the previously approved NRI and Type I Tree Conservation Plan. Previously approved CDP also requires that certain sections of the streams within the Smith Home Farms project area be restored. At the time this report was written, an SDP for stream restoration has been accepted by the Development Review Division. As such, the plan demonstrates

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the preservation and restoration of the regulated environmental features in a natural state to the fullest extent possible.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Section 27-226(f)(4) is the District Council procedure for approving a Comprehensive Design Zone application as a part of Sectional Map Amendment. This provision is not applicable to the subject application because the property was rezoned to the Comprehensive Design Zone through a Zoning Map Amendment Application, not through a Sectional Map Amendment.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This provision is not applicable to the subject application because the Smith Home Farms project is not a Regional Urban Community.

10. **Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance:** This site is subject to the Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A natural resources inventory (NRI), NRI/006/05 and a Type I Tree Conservation Plan TCPI/38/05 were approved with Comprehensive Design Plan CDP-0501. No revisions to the TCP have been proposed with this application. This application is limited to the revision of three previously approved conditions and is in substantial conformance with the approved TCPI/38/05 regarding impacts to the primary management area (PMA).

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, which was adopted after the Comprehensive Design Plan CDP-0501 approval, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy. L-A-C-zoned properties are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property includes both R-M and L-A-C zoning categories. The amount of tree canopy required for the 728.73 acres in the R-M zone is 109.31 acres, and the required amount for the 30.04 acres in the L-A-C Zone is 3.00 acres, resulting in 112.31 acres total tree canopy required for the property.

During future review of the specific design plans and building permits, the applicant must demonstrate conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance. A Tree Canopy Coverage Schedule will be required to be added to each specific design plan or permit plan, whichever is applicable, to show how the tree canopy requirement is being met.

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11. **Further Planning Board Findings and Comments from Other Entities:** Referral requests concerning compliance of the subject CDP with current ordinances and regulations have been sent to the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and to other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

- a. **Community Planning**—This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application also conforms to the 2007 Westphalia sector plan land use recommendation for residential development. The Community Planning South Division has concerns that the proposed revision to Condition 16 to lower the minimum lot size to 1,300 square feet without providing a range of lot sizes is not consistent with the sector plan.

The development pattern element of the 2007 approved Westphalia sector plan and sectional map amendment calls for lot sizes varying from 1,300 to 1,800 square feet for those single-family attached dwellings that are close to Westphalia Town Center. The Planning Board believes that to reduce the minimum lot size from 1,800 square feet to 1,300 square feet meets the intent of the sector plan. However, it is desirable and necessary to ensure a variety of lot sizes to promote design flexibility and to encourage high quality development, and also to avoid monotonous streetscapes, which is one of the goals that the development pattern element of the sector plan was attempting to achieve.

- b. **Environmental Planning**—Comprehensive Design Plan CDP-0501-01 is consistent with previously approved Natural Resources Inventory (NRI), NRI/006/05 and Type I Tree Conservation Plan TCPI/38/05. The site's conformance to the requirements of the Tree Canopy Coverage Ordinance will be reviewed at time of subsequent site plan or issuance of permit for the site.
- c. **Transportation Planning**—County Council Resolution CR-66-2010, is an ordinance regarding the Westphalia Public Facility Financing and Improvement Program (PFFIP) for the financing and construction of the MD 4/Westphalia Road interchange. Based on the applicable provisions of CR-66-2010 and the Planning Board's decisions on several similar projects in the Westphalia area, the Planning Board concludes that the proposed development meets the requirements of Section 27-521, Required Findings for Approval of a Comprehensive Design Plan, of the Zoning Ordinance.

The District Council approved County Council Resolution CR-66-2010 on October 26, 2010 to establish a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. County Council Resolution CR-66-2010 also capped the maximum total cost at \$79,990,000, which is an estimate of the total cost at the time of council bill approval. According to CR-66-2010, the actual cost of the interchange and interim improvements should be based on the contractor's cost of construction, which shall be in accordance with the Federal Highway Administration (FHWA) National

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Environmental Policy Act (NEPA) guidelines, the Interstate Access Permit Approval (IAPA), and applicable FHWA, State Highway Administration (SHA) and Prince George's County Department of Public Works (DPW&T) specifications and standards. The Council also allows the project within the PFFIP proceeding prior to the conclusion of the NEPA and IAPA process to pay the fee based upon the current cost. At the same time, CR-66-2010 requires that the Planning Board should determine the fee prior to the issuance of the first building permit for the affected property, and that payment of the fee into the fund shall be deemed to satisfy the Adequate Public Facilities requirement for those improvements for each said project and the Planning Board's condition of approval for the MD 4 at Westphalia Road Interchange and Interim Improvements.

According to the applicant, they have already started the NEPA and IAPA processes. Once the processes are completed, the actual cost of the interchange will be available. Since this is a revision to previously approved CDP-0501, the applicant is required to obtain necessary specific design plan approval before the issuance of a building permit for the development. In accordance with the intent of County Council Resolution CR-66-2010, the Planning Board believes that it is premature to determine the specific fee amount based on a current estimate with this comprehensive design plan and recommends that the specific fee amount based on average daily traffic (ADT) of each project be finalized at time of specific design plan approval.

The proposed revisions to three previously approved conditions do not impact either bike or pedestrian facilities approved in Comprehensive Design Plan CDP-0501 and Preliminary Plan of Subdivision 4-05080. The Planning Board concluded that this application fulfills the intent of the applicable sector plan and functional master plan, meets the requirements of prior approvals and satisfies the findings required for a comprehensive design plan.

- d. **Historic Preservation**—The proposed revisions to the CDP conditions will have no adverse effects on archeological resources. The reviewer also pointed out that the location of the Blythewood Historic Site (#78-013) and its Environmental Setting are not shown on the plan.

No changes have been proposed regarding Historic Site Blythewood (#78-013) and its environmental setting.

- e. **Special Projects**—The Planning Board concluded that there is adequate police, fire and rescue as well as water and sewer facility capacity to serve the proposed development. As far as school capacity is concerned, the reviewer indicated that the school test will be conducted at the time of subdivision application.

A Preliminary Plan of Subdivision 4-05080 was approved by the Planning Board on July 27, 2006 for the entire Smith Home Farms property after the District Council approved the Comprehensive Design Plan CDP-0501 on June 12, 2006. A determination was made at

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the time of the preliminary plan of subdivision approval that County Council Bill CB-31-2003 school surcharge is applicable to this project. The applicant will pay the per-unit charge at time of issuance of each building permit.

- f. **Subdivision**—The proposed revisions will not lead to the modification of the findings and conditions for the previously approved preliminary plan of subdivision.
- g. **The Washington Suburban Sanitary Commission (WSSC)**—WSSC has indicated that a previous submittal (DA4358Z06) for this project has been conceptually approved. Existing WSSC project number DA4358Z06 will require an amendment/revision submittal to reflect the changes shown on the current plan.

This revision to the previously approved Comprehensive Design Plan CDP-0501 is limited to three conditions with limited impact on the physical layout of the plan as approved in CDP-0501.

- h. **The Maryland State Highway Administration (SHA)**—SHA stated that they had no objection to revisions to the CDP conditions and site plan and a detailed review letter would be forthcoming.

No further review comments from SHA had been received at the time of the public hearing for this case.

- i. **Prince George's County Department of Parks and Recreation (DPR)**—DPR indicated that the proposed amendments to Comprehensive Design Plan CDP-0501 conditions have no impact on public parks and recreational issues associated with this project.
- j. **The Westphalia Sector Development Review Advisory Council**—The Westphalia Sector Development Review Advisory Council has no opposition to Comprehensive Design Plan CDP-0501-01.
- k. **The Department of Public Works and Transportation (DPW&T)**—DPW&T offered no comment.

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 Comprehensive Design Plan CDP-0501/01, Smith Home Farms for the above described land, subject to the following conditions:

- 1. Prior to certificate approval of this comprehensive design plan, the applicant shall:
 - a. Reflect the Westphalia Sector Plan right-of-way designations and widths, including MC-637, which shall all be reflected on the subsequent SDP and record plats.

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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

	Condominiums	Single-family Attached	Single-family Detached
Minimum Lot size:	N/A	<u>1,300 sf</u> †	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

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approval, based on the design merits of specific site layout and architectural products.

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

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 1, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2012.

Patricia Colihan Barney
Executive Director

Jessica Jones

By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:atj

APPROVED AS TO LEGAL SUFFICIENCY

George...
M-NCPPC Legal Department

Date: 12/13/11



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 06-64(A/2)(C)

File No. 4-05080

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

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

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

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

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

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

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

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

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

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

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

†Denotes Secondary Amendment
 [Brackets] and † indicates new language
 [Brackets] indicate deleted language

*Denotes Primary Amendment
 Underlining indicates new language
 [Brackets] indicate deleted language

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- n. Label the general location of the pit feature, 18PR766.
 - o. Relabel A-66 as M-634.
 - p. Provide the acreage of the proposed M-NCPPC land located in the L-A-C Zone.
 - q. Clearly label all existing structures and the disposition of those structures.
 - r. Label Parcel R to be retained by the owner.
 - s. Conform to DPR Exhibit A, dated 6/7/06, or modified by the Planning Board.
 - t. Provide adequate setback from abutting existing subdivisions to allow bufferyards to be installed in the future without encumbering each individual lot, to be approved by the Urban Design Section.
 - u. Remove general note that indicates that "2 over 2" dwelling units are multifamily. Two-over two dwelling units are attached, unless architecture demonstrates conformance to Section 27-107.01(75), definition of multifamily, demonstrate at the time of SDP.
 - v. Dimension the width of the frontage of Parcel R on MC-632.
2. A Type II Tree Conservation Plan shall be approved with each specific design plan.
 3. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.
 4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties. If encumbered that applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
 5. Prior to the approval of building permits associated with residential development, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
 6. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.

†Denotes Secondary Amendment
[Brackets] and † indicates new language
[Brackets] indicate deleted language

*Denotes Primary Amendment
Underlining indicates new language
[Brackets] indicate deleted language

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be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.

15. The applicant, his heirs, successors and/or assignees shall provide:

- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.
- b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.
- c. Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.
- d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.

16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.

17. Prior to signature approval of the preliminary plan, the applicant shall provide written evidence from DPW&T that the cul-de-sac extending from C-635 to serve existing dwellings is acceptable to DPW&T standards and shall be dedicated to public use, and not to the Smith Home Farm HOA, or the preliminary plan shall be revised to address this issue.

†Denotes Secondary Amendment
[Brackets] and † indicates new language
[Braackets] indicate deleted language

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map to be submitted as part of the report. The significant archeological resources shall be preserved in place.

25. Prior to signature approval of the preliminary plan the applicant shall submit a Security and Maintenance Plan for all the structures (addendum) within the environmental setting of Blythewood Historic Site (78-013) for ratification to ensure that these structures are maintained and monitored throughout the development process.
26. A note shall be provided on the preliminary plan and final plat that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit approved by the Historic Preservation Commission. A Phase II investigation should be conducted if the proposed development results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation.
27. The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
28. Prior to signature approval of the preliminary plan, the 33-acre environmental setting for Blythewood shall be delineated as approved by the HPC, including the main house and domestic outbuildings, barns stables and other agricultural outbuildings, the circa 1860s tenant houses, tobacco barn and any other cultural and historical resources. The limit of disturbance shall be expanded to exclude the entire 33-acre environmental setting of Blythewood. A note shall be provided on the preliminary plan and the Type I Tree Conservation Plan that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit.
29. Prior to signature approval of the preliminary plan, the 5.9-acre boundary line around "Historic Blythewood Homesite Parcel" should be revised to also include the tree-lined lane leading to the house and outbuildings, and the land connecting these two stems. The tree-lined access appears to be approximately 15 feet wide and may not be adequate to serve as vehicular access to a commercial or office use. To ensure that the historic entrance remains intact, options for review at the time of SDP including the conversion of the tree-lined driveway to a pedestrian path may be appropriate.

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- of Prince George's County, Upper Marlboro, Maryland, and the liber folio reflected on the final plat.
35. Prior to signature approval of the preliminary plan, the applicant shall submit revised concept approved stormwater management (SWM) plan showing no SWM ponds on dedicated parkland except the recreational lake in the central park parcel, or those agreed to by DPR and authorized by the approving authority.
36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.
37. The applicant, his heirs, successors and/or assignees shall be subject to the following conditions for the conveyance of parkland to M-NCPPC:
- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

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

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

†[Prior to issuance of each building permit for the **residential** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ~~‡[11.30]~~ 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by ~~‡[3,628]~~ 3,648 to determine the unit cost.]

43. Prior to the approval of the initial Specific Design Plan proposing development (not infrastructure) within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant should utilize new 12-hour counts, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.

44. At the time of final plat approval, the applicant shall dedicate the following rights-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan:

- a. 80 feet along MC-635, as shown on the submitted plan
- b. 100 feet along MC 632, as shown on the submitted plan
- c. A minimum of 60 feet along P-616, as shown on the submitted plan (70 feet from C 631 to Road M)
- d. A minimum of 60 feet along P-615, as shown on the submitted plan
- e. 40 feet from centerline along existing Westphalia Road

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DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.

- c. At the intersection of MC-631 and MC-635/P-615, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- d. At the intersection of MC-631 and MC-632/P-616, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.
- e. At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, the intended one-lane roundabout shall be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T shall determine whether a one-lane or a two-lane roundabout will be implemented at this location by the applicant; however, such determination shall, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.
- f. At the intersection of MC-635 and Road J, the proposed two-lane roundabout shall be designed and constructed. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.
- g. All intersections along the major collector (MC) facilities shall include exclusive left-turn lanes where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes unless specifically waived by DPW&T. Such configurations shall be verified at the time of specific design plan review for the appropriate sections of roadway.
- h. All proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
- i. All proposed transit facilities, as shown on the plan "Transit Plan—Smith Farm," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.

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- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.
 - b. Consider the stormwater management facilities proposed;
 - c. Include all land necessary to accommodate the proposed grading for stream restoration;
 - d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site; .
 - e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;
 - f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).
57. Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) shall be delineated clearly and correctly on all plans in conformance with the staff-signed Natural Resource Inventory (NRI). A written explanation shall be provided regarding how the floodplain woodland acreage was reduced by approximately 10 acres from previous submissions. The text shall be accompanied by a plan at 1"=300' scale that shows where the floodplain woodland limits changed. The NRI shall be revised as appropriate to reflect the changes.
58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:
- "No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be

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- f. Eliminate all woodland conservation areas less than 35 feet wide;
 - g. Identify all off-site clearing areas with a separate label showing the acreage for each;
 - h. Show clearing only for those areas that are necessary for development;
 - i. Revise the font of the existing and proposed contours so that they are legible;
 - j. Revise the limits of disturbance to accurately reflect the proposed area of disturbance;
 - k. Eliminate woodland conservation within the Melwood Road right-of-way;
 - l. Revise the limits of disturbance so that the PMA is preserved where impacts are not approved;
 - m. Revise the worksheet as necessary; and
 - n. Have the plans signed and dated by the qualified professional who prepared the plans.
 - o. Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.
65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.
66. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01). The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/38/05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
67. No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.
68. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reflect the following:

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73. Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan shall be submitted. All conditions contained in the concept approval letter shall be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan shall be revised to conform to the Planning Board's approval.
74. Prior to signature approval of the preliminary plan of subdivision the following Urban Design issues shall be addressed:
- a. All dead-end private alleys that are longer than 100 feet shall be designed to provide adequate turn around capabilities in accordance with standards and recommendations of the Department of Public Works and Transportation that will allow an emergency vehicle to negotiate a turn.
 - b. The townhouse section shall be revised to provide no more than six units in any building group. The applicant must obtain approval of more than six dwelling units in a row at the time of SDP, pursuant to Section 27-480(d).
 - c. To fulfill CDP condition 1 (h), to provide additional visitor's parking space and to ensure an emergency access to the site be maintained at all times.
75. The following note shall be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."
76. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
77. Prior to specific design plan approval for the applicable area, the road network shall show a connection (r/w to be determined) between the cul-de-sac of Private Road DD to the north to connect to the Woodside Village property (Sheet 10), and to the south to connect to the Westphalia Town Center as a dedicated public right-of-way.

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

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

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

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

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

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

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

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

1. The sector plan will show MC 631 as a four-lane major collector within a 100-foot right-of-way through the site. The current plan shows this right-of-way as 85 feet. It is required that the plan be revised to show dedication of 100 feet of right-of-way along MC 631 within the subject property. This change could affect the configuration of lots along the roadway, but may be resolvable if there is a clear support by the County Department of Public Works and Transportation (DPW&T) for the Section 2 typical section along the entire MC 631 facility. The typical section requires DPW&T review and approval because it is non-standard.
2. MC 631 exits the subject property to the east at a location and angle that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan appears to minimize environmental impacts. Nonetheless, this roadway exits the site with an east-northeast orientation. Given that the adjacent property to the east (Woodside Village, A-9973) is intending to set aside a sizable school site, it is recommended that this roadway exit the site due east. This will allow the adjacent developer better flexibility to configure the planned development with the school site.
3. The sector plan will show MC 632 as a four-lane major collector within a 100-foot right-of-way between MC 631 and P 615, and as a four to six-lane major collector within a 120-foot right-of-way from P 615 to the southern boundary of the property. The current plan shows this right-of-way as 62 feet. It is required that the plan be revised to show dedication of 100 feet of right-of-way between MC 631 and P 615, 120 feet of right-of-way south of Road C, and a transition section between P 615 and Road C. This is a significant change that will likely affect lotting patterns in the southern portion of the site, and will also affect the configuration of the proposed elementary school site.
4. The sector plan will show MC 635 as a four-lane major collector within a 100-foot right-of-way between MC 631 and the northern boundary of the site. The current plan shows this right-of-way as 62 feet. The plan should have been revised to show dedication of 100 feet of right-of-way along MC 635 within the subject property. This change could affect up to 30 proposed lots that are adjacent to this facility.

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

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

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

~~A-9966:~~

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

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

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

~~CDP-0501:~~

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

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

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

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

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

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

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

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

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

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

Access has been a major concern of the review of this site and the connectivity of the site to the existing roadways and to the future and existing adjacent developments, especially to the east of the subject site. For the connection to the existing roadways, the proposed connection between Presidential Parkway and the proposed MC 631 is not consistent with the 1994 Master Plan and 2005 Westphalia Comprehensive Concept Plan study, both of which calls for a direct extension of Presidential Parkway to the subject site. For the connection to the adjacent development, the

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

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

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

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

B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).

C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line

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19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.

6. Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.
7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
8. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.
9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.
11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.

C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated

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

K. At time of preliminary plan of subdivision.

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

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

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

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

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

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

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

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

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

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corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.

- c. Revise the development standard chart pursuant to the staff's recommendations as shown in Condition 16.
- d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.
- e. Document the Moore farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
- f. Revise the layout of the two pods located east of the five-acre parkland in the northern boundary area. The revised layout shall be reviewed and approved by the Planning Board, or its designee.

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

- h. Revise the CDP to indicate the following:
 - (1) The impact of A-66 in the area proposed for Stage I-A, with a determination of right-of-way width and location to be made at the time of preliminary plan.
 - (2) A secondary external connection shall be provided at the terminus of the cul-de-sac to the north of Ryon Road.
- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.
- j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.

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- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;
- (10) Eliminate all woodland conservation areas less than 35 feet wide;
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;
- (12) Show all lot lines of all proposed lots;
- (13) Show clearing only for those areas that are necessary for development;
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
 - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.
 - (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of

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Comment: An appropriate condition is contained in this resolution.

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

Comment: An appropriate condition is contained in this resolution.

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

- a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
- b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**
- c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**
- d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

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

- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style**

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7. Prior to acceptance of the applicable SDPs,

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

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

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

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

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

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

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

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

d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.

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

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

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documents. These actions shall occur prior to the issuance of the 100th building permit.

d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 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.

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

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

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

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

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

R-M ZONE

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

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

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

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

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

Comment: An appropriate condition is contained in this resolution.

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

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

Comment: An appropriate condition is contained in the resolution.

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

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

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

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

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

23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for Westphalia Area by the District Council whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.

24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

Comment: An appropriate condition is contained in this resolution.

25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.

26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor areas in the L-A-C Zone shall be constructed.

27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.

28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.

Comment: An appropriate condition is contained in this resolution.

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

Comment: An appropriate condition is contained in this resolution.

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

Background

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

Site Description

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

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

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

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

This condition has been addressed.

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

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

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

Comment: An appropriate condition is contained in this resolution.

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

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

Comment: An appropriate condition is contained in this resolution.

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

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

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

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

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

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

This condition has been addressed.

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

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

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

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

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

This condition has been addressed.

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

This condition has been addressed.

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

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

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

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

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

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lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

This condition has been addressed.

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

This condition has been addressed.

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

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

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

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

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

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

The SDPs and Type II tree conservation plans should show the 1.5 safety factor line and a 25-foot building restriction line in relation to all proposed structures. The final plat should show all 1.5

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

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

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

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

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

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

Environmental Review

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

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Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)10 of the Subdivision Ordinance, which defines the Patuxent River primary management area (PMA), and Section 24-130(b)(5) of the Subdivision Ordinance, which provides for the protection of streams and the associated buffers comprising the PMA. The PMA is required to be preserved to the fullest extent possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL PLAN, MASTER PLAN AND SMA

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

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

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

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

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

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

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

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

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

According to Condition 2 of A-9965-66, 75 acres of dedicated parkland is required and should be developable land suitable for active recreation. The applicant and DPR staff

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- Bicycle- and pedestrian-compatible roadways
- Standard or wide sidewalks within the community core
- Trail along Suitland Parkway extended (MC-631)

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

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

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

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

Cabin Branch Stream Valley Trail:

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

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

Cabin Branch Stream Valley Trail: 9,960 linear feet

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

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

Trail along MC-632: 2,550 linear feet

Trail along P-616: 1,140 linear feet

Trail along MC-635: 3,960 linear feet

Trail along P-615: 1,470 linear feet

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

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

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

TOTAL: 40,260 linear feet (7.6 miles)

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

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evaluated and appropriate pedestrian safety features will be recommended. MC-631 is a major collector and includes a 100-foot wide right-of-way, making the pedestrian crossing more difficult.

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

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

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

Growth Policy—Service Level Standards

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

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

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

Staff Analysis of Traffic Impacts

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for an at-grade signalized intersection. There are improvements in the county Capital Improvement Program (CIP) that have been factored into the analysis.

Background traffic is summarized below:

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

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

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

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

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

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

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

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

Regarding traffic control:

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

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review]. Therefore, the following proposed facilities on the Westphalia Sector Plan affect the subject site:

1. MC-635 is shown on the sector plan within a 100-foot right-of-way. During review of this plan, DPW&T has agreed to a modified 80-foot right-of-way along MC-635, as shown on the submitted plan.
2. MC-632 is shown on the sector plan within a 100-foot right-of-way, and this is consistent with the submitted plan.
3. P-616 is shown on the sector plan within a 60-foot right-of-way (70 feet from C-631 to Road M), consistent with the submitted plan.
4. P-615 is shown on the sector plan within a 60-foot right-of-way, and this is consistent with the submitted plan.
5. C-626, Westphalia Road, is shown on the sector plan within a 80-foot right-of-way, and the plan reflects 40 feet from centerline along existing Westphalia Road.
6. MC-631 is shown on the sector plan within a 100-foot right-of-way. The location shown on the preliminary plan is not consistent with the sector plan over the westernmost 1,000 feet. The sector plan aligns the roadway slightly north of the location on the preliminary plan to form a direct link with the MD 4/Suitland Parkway interchange. The preliminary plan location appears to involve greater environmental impacts and would create a "T" intersection with the existing Presidential Parkway. Creating this "T" intersection is not optimal; Presidential Parkway is intended to continue northward along a new alignment in the sector plan and in order to effectuate this recommendation under the applicant's proposal, a second "T" intersection would need to be implemented 400 feet north of the applicant's proposed "T" intersection. Figure 1 is attached to show this arrangement. As a means of achieving the sector plan's vision for the transportation network in this area, it is recommended that the sector plan alignment, and not the alignment shown on the preliminary plan, be utilized to the west of Road RR. Details of this alignment must be finalized prior to signature approval of the preliminary plan. Consistency with the sector plan should be verified at the time of specific design plan.
7. MC-634 is shown on the sector plan within a 100-foot right-of-way as an extension of the existing Presidential Parkway. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts MC-634 coincident to and west of Ryon Road. Given the function of this facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The subject subdivision shows this right-of-way.

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4. The environmental impacts of Road M and its stream crossing have become an issue. The transportation staff believes that Road M provides a major entrance to the mixed retirement residential component of the development. It is the primary entrance to the recreational facility serving the mixed retirement community. This roadway will be a secondary entrance to the multifamily residential components in and around the L-A-C portion of the site. This roadway should not be deleted from the plan.

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

A-9966:

Condition 2(A)(9): This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. It is important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, shall be determined by transportation staff in conjunction with the review of the specific design plan that includes the portion of Road C between MC-632 and Mellwood Road.

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

Condition 2(K)(1): This condition requires that the timing for the construction of the MD 4/ Westphalia Road interchange be determined at the time of preliminary plan. The applicant has generously proffered to construct this interchange and has agreed to a schedule that would involve bonding and finalization of design prior to the initial building permit, and completion prior to issuance of permits for the 1,001st residential unit.

CDP-0501:

Condition 1(h)(1): This condition requires the right-of-way required for A-66 be determined at the time of subdivision. Through determination of the right-of-way for MC-634, this has been done.

Condition 1(h)(2): This condition requires the provision of a secondary external connection near the northern end of Ryon Road. The plan reflects a connection to MC-634; this is acceptable.

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

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

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Given that the MD 4/Westphalia Road interchange meets the necessary criteria for consideration as an SCR improvement, it is determined that the interchange is appropriate for treatment as an SCR improvement. By this determination, Section 24-124(b) allows for the developer to be reimbursed in part by other developers for the creation of excess capacity. Conversely, Section 24-124(b) allows other developers to receive a requirement to pay a pro-rata share of the MD 4/Westphalia Road interchange rather than receiving a condition requiring the construction of the interchange. The subject applicant has accepted a condition to construct the interchange, and must bond it, obtain permits for it, and schedule it for construction prior to the release of the initial building permit. At this point, the Planning Board would be able to formally pass a resolution establishing the SCR (Surplus Capacity Reimbursement Procedure) for the MD 4/Westphalia Road interchange. In order to ensure compliance with Section 24-124(b), it will be necessary for this to occur prior to other developments paying the pro-rata share and moving into the building permit stage of development. Despite repeated requests, however, the applicant has provided no firm timetable for completing the needed bonding so that the SCR can be formally established.

The following information will be needed to establish the SCR:

- a. Engineering and construction plans for the transportation improvement sufficient to provide detailed cost estimates for completion, including right-of-way acquisition, utility relocation, design and construction costs.
- b. A certification with SHA of the total estimated cost.

The subject application has proffered to construct the SCR improvement. While the *Guidelines* provide detailed guidance for computations involving simple intersection or link improvements, there is no guidance for the interchange that is proposed. Therefore, the following methodology will be used to compute the SCR fee for each succeeding development:

Base: SCR Improvement:

The traffic study computations have been reviewed in great detail, and a number of issues have arisen:

The MD 4/Westphalia Road interchange is represented as two intersections connecting to ramps. Actually, the interchange involves three intersections: Westphalia Road/service road; Old Marlboro Pike/MD 4 EB ramps; and service road/MD 4 WB ramps. It is proposed that the AM and PM critical lane volumes of the three intersections be averaged in order to determine a traffic statistic for the interchange. While this statistic is roughly analogous to the critical lane volume, it is termed the "traffic statistic" in order to differentiate it from the commonly-used critical lane volume measure.

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- Aside from traffic control, paving, and structures, other signage will also be needed. An additional \$200,000 is added to the cost estimate to account for additional signage.
- The unit costs utilized cause the greatest concern. The roadway unit cost of \$250 per lane-foot covers paving only and not needed shoulders, barriers, drainage structures, or medians, and should be increased by one-third. This factor would increase the cost to \$332.50 per lane-foot.

With these changes, the overall cost of the interchange to be allocated would be \$25,840,000.

Pro-Rata Share for Smith Home Farm:

Using the information in the traffic study, trips are assigned as shown on Attachment E (keeping in mind that south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic with Smith Home Farm is shown on Attachment F. The following results are determined:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 782; PM CLV – 731. Average 756.5</u>
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 683; PM CLV – 831. Average 757</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 682; PM CLV – 758. Average 720</u>
	<u>SHF interchange traffic statistic: 744.5</u>

Change in traffic statistic = SHF – Base
Change in traffic statistic = 744.5 – 657.83 = 86.67

Share = Change/Created Capacity
Share = 86.67/792.17 = 0.1094

Allocated Cost = Allocable Cost * Share
Allocated Cost = 25,840,000 * 0.1094 = \$2,830,000

Pro-Rata Share for Subsequent Development:

As an example, a Development X consisting of 712 townhouses and 344 condominiums is proposed within the area of the SCR improvement. It is determined that 42.5 percent of site traffic would use the MD 4/Westphalia Road intersection, with 25 percent destined for the Beltway south of MD 4, 5 percent for MD 4 inside the Beltway, 10 percent for Old Marlboro Pike, and 2.5 percent for MD 4 outbound. Trips are assigned as shown on Attachment G (keeping in mind that traffic heading south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic is shown on Attachment H. The following results are determined:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 851; PM CLV – 829. Average 840</u>
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 710; PM CLV – 890. Average 800</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 784; PM CLV – 771. Average 778</u>

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

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

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

†[Subsequent to the Planning Board's approval of the preliminary plan, the District Council approved the 2007 *Westphalia Sector Plan and Sectional Map Amendment* by resolution (CR-2-2007) on February 6, 2007. The Smith Home Farm project (4-05080) is within the limits of the Westphalia Sector Plan. In order to "ensure the timely provision of adequate public facilities," the District Council adopted CR-66-2010 on October 26, 2010, establishing the Public Facilities Financing and Implementation Program (PFFIP) District for Westphalia Center.

†[Prior to the adoption of CR-66-2010, the Prince George's County Council amended Section 24-124 of the Subdivision Regulations, on July 23, 2008 (CB-25-2008), relating to adequate roads required in anticipation of the creation of the PFFIP as follows (emphasis added):

†[Section 24-124. Adequate roads required.

†[(a) Before any preliminary plat may be approved, the Planning Board shall find that:

†[(1) There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1);

†[Section 27-107.01(186.1) of the Zoning Ordinance, which defines the Public Facilities Financing and Implementation Program (PFFIP), provides (in part) that "[t]his program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding 'clubs,' and the Surplus Capacity Reimbursement Procedures provided in Section 24-124 of the County Code, and other methods to ensure equity."

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†[Council Resolution CR-66-2010, Section 7, provides that “[a]ny Owner/Developer, their heirs, successors and/or assigns that have approved plans of subdivision that include a requirement for the construction of MD 4 at Westphalia Road Interchange and Interim Improvements to meet a finding of adequacy of transportation facilities shall be subject to the provisions of the Resolution.”

†[The original Condition 42 for Smith Home Farm was approved prior to the adoption of Council Resolution CR-66-2010 and, therefore, did not provide for the use of the PFFIP. Condition 42(a) required that the applicant provide full financial assurances that the interchange at MD 4/Westphalia would be constructed prior to building permits beyond those ADTs grandfathered with this project. The reconsideration was necessary to amend Condition 42 to provide for the participation in the PFFIP, which is not a full financial assurance, and to establish conditions consistent with the requirements of CR-66-2010.

†[Additional Background

†[At a public hearing on December 1, 2011, regarding Comprehensive Design Plan CDP-0501/01 for Smith Home Farms, the Planning Board heard evidence presented by the applicant regarding a revision to Condition 3 of the previously approved CDP-0501. The language of Condition 3 was as follows:

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

†[Specifically, the applicant proposed the following replacement condition:

†[“Prior to the issuance of each building permit for the Smith Home Farm development, the applicant and the applicant’s heirs, successors, and/or assigns shall, pursuant to the provisions of CR-66-2010, pay to Prince George’s County (or its designee) a fee per dwelling unit. Evidence of payment must be provided to the Planning Department with each building permit application.”

†[Given the provisions of CR-66-2010 and in light of the fact that the Planning Board has taken similar action on at least three previous applications, staff supported the revision of Condition 42, with an exception.

†[Westphalia Public Facility Financing and Improvement Program (PFFIP) District Cost Allocation Table per CR-66-2010 (Revised 10/14/2011)

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†[Based on the current design of the proposed interchange at MD 4 and Westphalia Road, and given its close proximity to the existing interchange at MD 4 and the Capital Beltway (I-95/I-495), it is quite likely that traffic operation between both interchanges could be affected. To that end, the Federal Highway Administration (FHWA) is requiring that an Interstate Access Point Approval (IAPA) application be filed by the applicant working through the Maryland State Highway Administration (SHA). As part of the IAPA process, detailed engineering drawings of the proposed interchange must be produced, from which a final cost estimate will be derived. It is this cost estimate (up to a maximum of \$79,990,000.00) that will determine the share of each property owner within the PFFIP District. Information provided by the applicant and SHA has indicated that the IAPA process is likely to last for approximately one year. Consequently, the final cost estimate is not likely to be available before the IAPA process is completed. Since the final cost estimate is not known as of this writing, all development costs shown in the previous and current cost allocation tables are based on an assumed estimate of \$79,990,000.00. Applicants seeking building permits will pay an amount based on what was assumed at the time the cost allocation table was previously revised and as reflected in the recorded MOU that the applicant will enter into with Prince George's County prior to the approval of final plats. Pursuant to Section 4 of CR-66-2010, applicants who paid more than the amount based on the final cost estimate will be eligible for a credit refund of the overpayment.

†[CR-66-2010, Section 11 - Memorandum of Understanding ("MOU")

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

†[*"BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation shall execute a Memorandum of Understanding ("MOU") with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assigns pursuant to the PFFIP substantially in the form set forth in Attached Exhibit C, attached hereto and made a part hereof as if fully expressed herein. The MOU for each project shall be executed prior to Planning Board approval of any final plat for that Project. Upon approval by the County, the MOU shall be recorded among the County land records and noted on the final plat of subdivision. Failure of the Owner/Developer or its heirs, successors and/or assigns to execute and record the MOU shall preclude the issuance of any building permit to any Owner/Developer, heirs, successors and/or assigns that are subject to the provisions of the legislation."*

†[In light of this provision, all preliminary plans of subdivision subject to CR-66-2010 shall be conditioned on providing a copy of the recorded MOU and the liber/folio reflected on the record plat.

†[CR-66-2010, Section 12 – Management Consortium

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

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Residential

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3648 sfd	3648 sfd	3648 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	875.52	218.88	437.76
Actual Enrollment	3965	7218	10839
Completion Enrollment	176	112	223
Cumulative Enrollment	63.12	17.04	35.16
Total Enrollment	5079.64	7565.92	11534.92
State Rated Capacity	4140	6569	8920
Percent Capacity	122.70%	115.18%	129.32%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Proposed School Site

The subject site is located in an area recommended by the 1994 approved and adopted Melwood Westphalia master plan with a proposed floating elementary school and library symbols.

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using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial

The existing fire engine service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service travel time of 11.32 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service travel time of 8.43 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic services located at Kentland Station, Company 46, are beyond the recommended travel time guideline. The nearest fire station Forestville, Company 23 is located at 8311 Old Marlboro Pike, which is 4.20 minutes from the development for commercial. This facility would be within the recommended travel time for paramedic services. If an operational decision to locate this service at that facility is made by the county,

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. Police Facilities—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II-Bowie. The preliminary plan was accepted for processing by the Planning Department on October 14, 2005.

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The 2-hole privy serving the bunkhouse near the barn/stable associated with 4101 Melwood Road must be removed. To abandon the privy, the contents should be removed, if possible, by a licensed scavenger and the excavation lined prior to backfilling. If the contents cannot be removed, the materials should be lined and then backfilled.

Numerous above/below ground fuel storage tanks (oil, transmission fluid, fuel) as well as containers of fertilizers/pesticides were noted on-site. These tanks must be removed as part of the raze permits and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department should evaluate the soils for possible contamination once the tanks are removed prior to grading permit approval.

Prior to the approval of a final plat that contains existing structures to be razed, those structures should be razed, and the well and septic systems properly abandoned. A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed.

The German Orphan Home is located to the south of the site. The Home is currently served by well and septic systems. The Health Department recommends that upon availability that public water and sewer connection be provided to the adjacent German Orphan Home at 4620 Melwood Road.

14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #36059-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The preliminary plan and Type I Tree Conservation plan should be revised to conform to the conditions of the SWM approval.

15. **Historic**- This Preliminary Plan of Subdivision surrounds Blythewood and its 33-acre environmental setting. The Historic Preservation Commission reviewed this plan at the February 21, 2006 meeting. Subsequent to that meeting, the M-NCPPC archeologist clarified that the pit feature at archeological site, 18PR766, is not within the environmental setting for Blythewood but to the northwest at Road I and Road X of Block M. This memo carries forward their recommendations as well as staff recommendations on further information submitted with this preliminary plan under reconsideration.

The District Council approved the re-zoning of Smith Home Farm (A-9965/6) with conditions on February 14, 2006. The plans submitted with this preliminary plan of subdivision match the plans submitted with CDP-0501 (referred April 19, 2006). The environmental setting for Blythewood

†Denotes Secondary Amendment
[Brackets] and † indicates new language
[Brackets] indicate deleted language

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The Moore Farmhouse (78-035), part of this preliminary plan of subdivision, to the west of Mellwood Road, is not eligible for the National Register, and has not been designated as a historic site or resource.

The Blythewood House, outbuilding complex and fields are associated with the agricultural history of Prince George's County during the nineteenth and twentieth centuries. The environmental setting for the Blythewood complex includes all the associated buildings, as well as the view shed of the existing fields and is not accurately reflected on the preliminary plan. The good physical condition of the buildings will assist in their adaptive reuse as a focal point of the development. The opportunity to showcase this unique property in Prince George's County and promote the county's agrarian past through historical interpretation should be capitalized upon. The applicant should demonstrate how these buildings would be maintained and restored, through further phases of development.

Further Phase I investigations should be conducted to determine whether or not the property contains important evidence of Native American and African American habitation and burials. In addition, Phase II investigations should be conducted if the proposed development of the Smith property results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation. Phase II investigations are being conducted at the pit feature known as 18PR766, and additional modifications to layout and improvement locations may result through the development review process in order to ensure protection of historic features.

The "Historic Blythewood Homesite Parcel" is proposed for adaptive reuse to be retained at this time by the applicant. A plan for the maintenance of the tobacco barn and tenant houses should be submitted to Historic Preservation staff. The 5.9-acre parcel should include the tree-lined lane leading to the house and outbuildings. The tree-lined access appears to be approximately 15 feet wide and is not adequate to serve as vehicular access to a commercial or office use. To ensure that it remains, staff believe that options including the conversion of the tree lined driveway to a pedestrian path connecting may be appropriate. Prior to signature approval, the parcel should be revised to provide a minimum 22-foot-wide stem to the proposed traffic circle, to provide direct vehicular access on to the circle.

16. Cemeteries—The property contain one known cemetery, to the north of the Blythwood Historic House within the 33-acre environmental setting, and within the 5.5 acre "homesite parcel."

Section 24-135.02 of the Subdivision Regulations establishes that when a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

“(a)(1) The corners of the cemetery shall be staked in the field prior to preliminary plat submittal. The stakes shall be maintained by the applicant until preliminary plat approval.

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PGCPB No. 06-64(A/2)(C)

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The cemetery site on the Blythewood knoll is just to the south of the house and contains four headstones. There are three graves, the fourth headstone is a marker for a future interment. This is a modern family cemetery for the Smith Family. The cemetery is completely within the environmental setting for Blythewood.

Staff notes the following that relates to the review of the preliminary plan for conformance to this Section 24-135(02):

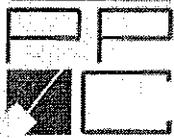
- (a) (1) The boundary of the four modern graves is discrete and staking prior to preliminary plan approval should not be necessary.
 - (2) An inventory of all cemetery elements should be submitted.
 - (3) The lot lines for the environmental setting for Blythewood will promote the long term maintenance and protection.
 - (4) The cemetery is within the environmental setting for Blythewood and adding a fence is not appropriate at this site.
 - (5) The plan proposes that M-NCPPC will be the owner of this property.
- (b) The cemetery will be protected by being within the environmental setting of Blythewood.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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[Brackets] indicate deleted language

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Underlining indicates new language
[Brackets] indicate deleted language

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

December 6, 2016

SHF Project Owner, LCC
1999 Avenue of the Stars, Suite 2850
Los Angeles, CA 90067

Re: Notification of Planning Board Action on
Specific Design Plan SDP-1601
Parking (formerly Smith Home Farm), Section 4,
Parcels 120 and 157

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on December 1, 2016 in accordance with the attached Resolution.

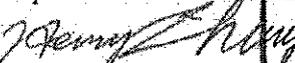
Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice December 6, 2016 of the Planning Board's decision unless:

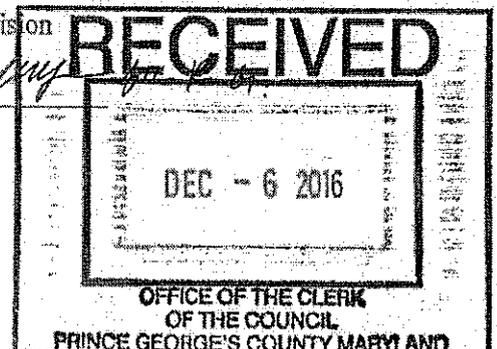
1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,
Alan Hirsch, Chief
Development Review Division

By: 
Reviewer



Attachment: PGCPB Resolution No. 16-125

cc: Redis C. Floyd, Clerk to the County Council
Persons of Record

the Local Activity Center (L-A-C) and Residential Medium Development (R-M) Zones; to the south by Section 3 of the Parkside development and the proposed Westphalia Central Park in the R-M Zone and to the west by Rock Spring Drive and Melwood Road, with Section 2 of the Parkside development in the R-M Zone and some scattered existing development in the Commercial Shopping Center (C-S-C), Commercial Office (C-O), in the Miscellaneous Commercial (C-M) Zone and the R-R Zones beyond.

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 (Residential-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 the existing development (Mirant Center) in the I-1 Zone, existing residences in the R-R and the R-A Zones, and undeveloped land in the I-1 and M-X-T Zones.

5. **Previous Approvals:** The subject approval is for Section 4 within a larger project currently known as Parkside, which measures 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 (Residential Medium 3.6-5.7) Zone with a mixed-retirement development and the L-A-C (Local Activity Center) 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, 2003, the Planning Board approved Zoning Map Amendments A-9965 and A-9966, subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner approved Zoning Map Amendments A-9965 and A-9966 with two conditions, which included all of the conditions of approval of the Planning Board as sub-conditions. The District Council approved both Zoning Map Amendment applications on February 13, 2006 and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved (through PGCPB Resolution No. 06-56(C)) Comprehensive Design Plan CDP-0501 for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 20, 2011, a revision to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and the 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 (through PGCPB Resolution No. 11-112) with four conditions.

On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-64(A)) Preliminary Plan of Subdivision 4-05080 for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-192) infrastructure Specific Design Plan SDP-0506 for portions of roadways

Specific Design Plan SDP-1003 for Sections 1A, 1B, 2, and 3 of the Smith Home Farm development was approved by the Planning Board on March 12, 2012, as formalized by the Planning Board's adoption of PGCPB Resolution No. 12-21 on March 29, 2012. On July 24, 2012, the District Council affirmed the Planning Board's decision with two additional conditions of approval.

Specific Design Plan SDP-1003-01, a revision to add townhouse architecture, widen some townhouses to 22 feet, and reorient six groups of townhouses, was approved by the Planning Board on May 30, 2013 and formalized in the adoption of PGCPB Resolution No. 13-62. The District Council approved the revision by an order dated September 23, 2013.

Specific Design Plan SDP-1003-02 was pre-reviewed, but then withdrawn on May 29, 2013.

Specific Design Plan SDP-1003-03, a revision to add the Westphalia model to the approved architecture for Section 1B, was approved by the Planning Board on September 19, 2013 and formalized in the Planning Board's adoption of PGCPB Resolution No. 13-106 on October 10, 2013.

Specific Design Plan SDP-1003-04, a revision to add the Arcadia model to Section 1A, was approved by the Planning Board on January 16, 2014. The Planning Board adopted PGCPB Resolution No. 14-02 on February 6, 2014, formalizing the 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.

Specific Design Plan SDP-1003-06 to revise Section 3 was approved by the Planning Board on July 21, 2015. The Planning Board subsequently adopted PGCPB Resolution No. 15-36 on May 7, 2015, formalizing that approval. The District Council subsequently reviewed the case and approved it by an order dated July 21, 2015.

The '-06' revision was approved on April 16, 2015 and, before the '-05' revision was approved on September 10, 2015, the name of the project was changed from Smith Home Farm to Parkside. Specific Design Plan SDP-1003-07 was approved by the Planning Board on November 19, 2015. Prince George's County Planning Board Resolution No. 15-121 was adopted on December 10, 2015, formalizing the approval. Specific Design Plan SDP-1003-08 was approved at staff level on December 14, 2015. Specific Design Plan SDP-1003-09 was approved by the Planning Board on September 8, 2016 and PGCPB Resolution No. 16-106 was adopted on September 29, 2016, formalizing the approval.

The project is subject to Stormwater Management Concept Plan 14846-2006-01, which covers Sections 4, 5, and 6 of the Parkside Development, approved on June 15, 2016 and valid until May 4, 2017.

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

The subject SDP for rough grading and the installation of stormwater management ponds is for Section 4 of the larger Parkside development. The SDP proposes a grading plan for Section 4 in the north central portion of the larger Parkside project site and stormwater management ponds that are consistent with the previously approved Comprehensive Design Plan CDP-0501. The application has an approved Stormwater Management Concept Plan, 14846-2006-01 (for Sections 4, 5, and 6), and a memorandum dated October 17, 2016 from the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with the approved stormwater concept plan. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The Planning Board stated that the subject project is in conformance with TCPII-014-2016, subject to several conditions. The subject approval will prevent off-site property damage, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge, consistent with previous approvals.

10. Preliminary Plan of Subdivision 4-05080: The Planning Board approved Preliminary Plan of Subdivision 4-05080 for the entire Parkside (formerly Smith Home Farm) development on March 9, 2006. PGCPB Resolution No 06-64 was adopted on March 16, 2006, formalizing that approval. The approval was reconsidered several times including April 6, 2006 (PGCPB Resolution No. 06-64(A) adopted September 7, 2006), July 27, 2006 (PGCPB Resolution No. 06-64(A/1)(C) adopted on September 7, 2006), and, most recently, on May 24, 2012 (PGCPB Resolution No. 06-64(A/2)(C) adopted June 14, 2012), with 77 conditions. 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.**

The Planning Board herein approves Type II Tree Conservation Plan TCPII-014-2016 with conditions. Therefore, the project is in conformance with this requirement.

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

In a memorandum dated October 17, 2016, the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with approved Stormwater Management Concept Plans 36059-2005-03 and 14846-2006-01 as required by this condition.

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th 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
<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 the construction sequence due to the exact location of sediment ponds or utilities, or other engineering necessities. 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 necessary facilities prior to completion of all the dwelling units.</p>		

Condition 8 of Specific Design Plan SDP-1003 reflects the timing of trail construction for Sections 1, 2 and 3. The Planning Board will look for comparable timing for the trails within Section 4 when a full-scale SDP is submitted for consideration, with bonding prior to the issuance of any building permits and construction prior to issuance of 50 percent of the building permits for Section 4.

27. The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

The Planning Board hereby finds that, as the final Phase II report for 18PR766 has been submitted, this condition has been satisfied.

11. **Specific Design Plan SDP-0506 and its revision:** The Planning Board approved Specific Design Plan SDP-0506 for infrastructure with three conditions. Condition 2 is related to the review of the subject SDP as follows:
2. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of

that approval. No conditions of these approvals are relevant to the review of Specific Design Plan SDP-1601.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County 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 TCPI-038-05 and TCPII-057-06.
 - a. Type I Tree Conservation Plan TCPI-038-05 was approved with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm, subject to many conditions. Type I Tree Conservation Plan TCPI-038-05 was approved along with CDP-0501. A revision to previously approved Type I Tree Conservation Plan TCPI-038-05-01 was submitted at the time of Preliminary Plan of Subdivision 4-05080 review and was approved by the Planning Board, along with 4-05080, for the entire Smith Home Farm property.
 - b. Type II Tree Conservation Plan TCPII-014-2016 is herein approved subject to conditions, which bring the project into conformance with the requirements of the WCO. Therefore, the project is in conformance with the requirements of the WCO.
13. **Prince George's County Tree Canopy Coverage Ordinance:** Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP for Section 4 is submitted for consideration.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. Note that due to time constraints, the project was not re-referred after its scope was reduced to include only rough grading for the installation of stormwater ponds. All comments other than those on rough grading for the installation of stormwater management ponds will be addressed when a full-scale SDP is submitted for Section 4. The referral comments are summarized as follows:
 - a. **Transportation Planning**—As the nature of the application is to show proposed rough grading and water and sewer infrastructure layout within Section 4 in order to obtain a rough grading permit, an SDP for the proposed street and lot layout within Section 4 will be filed as a revision to this application.

The 96.49-acre R-M-zoned property shows a proposed master plan road (C-627) along the western periphery of the property. Further, the location of C-627 is consistent with all of the previous approvals for this property, including Preliminary Plan 4-05080. Given the limited scope of this application, there are no other transportation-related comments.
 - b. **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 1-2, E 1-2, F 1-2. The

- c. **Trails**—The Planning Board has reviewed the subject specific design plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Review Comments (Master Plan Compliance and Prior Approvals)

The subject application is an SDP for rough grading and water and sanitary sewer installation for Section 4 of the larger Parkside (formerly Smith Home Farm) development. Bicycle, pedestrian, and trail facilities were required through the multiple prior approvals, including CDP-0501, 4-05080 and SDP-1003. The Melwood Legacy Trail runs through Section 4 and the adjoining Central Park. The area master plan included the following description of this planned trail/bikeway:

Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trail head at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.

Conditions of approval addressed issues including the location and timing of trail construction, sidewalk construction, and road cross-section issues. Section 4 will include a segment of the Westphalia Legacy Trail, which will utilize segments of the historic Westphalia Road as a trail corridor. See Finding 7 for a discussion of the Basic Plan A-9965 trails-related condition recognizing the importance of preserving the Melwood Road corridor relevant to the subject project.

The site is subject to previously approved CDP-0501 (PGCPB Resolution No. 06-56), which included several conditions related to bicycle and pedestrian facilities. See Finding 8 for a discussion of the trails-related conditions of that approval. The site is also subject to the requirements of Preliminary Plan of Subdivision 4-05080 (PGCPB Resolution No. 06-64(A)).

Conclusion

The subject project would be in conformance with prior approvals provided the project is adopted with the following conditions:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
CDP-0501-01	TCPI-038-05	Planning Board	Approved	12/01/2011	PGCPB No. 11-112
CDP-0501-01	TCPI-038-05	District Council Affirmation of Planning Board Approval amending Conditions 3, 7 and 9	Approved	5/21/2012	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
SDP-1002	NA	Planning Board	Approved	1/26/2012	PGCPB No. 12-07

The above chart reflects the history of approval for the overall Smith Home Farm site, currently known as Parkside. The project site for this application is subject to the conditions of approval of A-9965C, A-9966C, CDP-0501, CDP-0501-01 and 4-05080.

In addition to those previous approvals, this approval is also subject to the conditions of Specific Design Plan SDP-1002 for stream restoration. There are six identified stream restoration projects identified in SDP-1002 which covers the overall Smith Home Farm site, and one is located within Section 4 along Reach 6-2.

Because of the limited nature of the current approval, the required stream restoration will be addressed with the approval of an overall rough grading SDP for Section 4.

Activity Herein Approved

The current approval is for rough grading limited to access and stormwater management infrastructure only for three stormwater management ponds (Ponds 4A, 4B and 4C).

Grandfathering

The subject approval is grandfathered from the requirements in Subtitle 27 that came into effect on September 1, 2010 because the project has a preliminary plan approved prior to that date.

The approval is also grandfathered from the current requirements of Subtitle 25, Division 2 that became effective September 2010 because it has a tree conservation plan for the proposed activity that was approved before that date.

Site Description

The site is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road. The area of Section 4 is of 97.20 gross acres, of the overall 760.93-acre development and is located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro,

7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
 9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
 11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.
- H. At the time of the first Specific Design Plan, the Applicant shall:
2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.
- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.
- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.
- N. All Tree Conservation Plans shall have the following note:
- "Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1."

be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.

9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
 11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.
- H. At the time of the first Specific Design Plan, the Applicant
2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.
- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.
- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.
- N. All Tree Conservation Plans shall have the following note:
- "Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1."
- O. No woodland conservation shall be provided on any residential lots.
- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of

A specific design plan (SDP-1002) for stream restoration only was subsequently approved by the Planning Board. The following are the relevant environmental conditions of that approval:

- d. **Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.**
- i. **Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.**
- j. **Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.**
- u. **Revise the Type I Tree Conservation Plan (TCP I) as follows:**
 - (1) **Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;**
 - (2) **Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."**
 - (3) **No woodland conservation shall be provided on any residential lots;**
 - (4) **Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**
 - (5) **Include the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."**

- (b) The TCP II will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
- (17) Have the plans signed and dated by the qualified professional who prepared them.

The revisions required by Conditions 1(d), 1(i), 1(j) and (n)(1) through (17) were addressed prior to CDP certification.

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

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

18. **Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.**
19. **Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**
30. **Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.**

The conditions above will be carried forward to be addressed at the appropriate juncture.

District Council Final Decision for Reconsideration of CDP-0501

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan, TCPI-038-05, were reconsidered by the Planning Board and District Council. By a letter dated November 20, 2015, SHF Project Owner, LLC, the applicant, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits. The reconsideration was approved by the Planning Board on December 17, 2015 in corrected and amended PGCPB Resolution No. 06-56(C)(A), adopted on January 7, 2016, formalizing that approval. The case was later affirmed by the District Council on March 28, 2016 subject to conditions. The previously approved environmental conditions were not corrected or amended by this reconsideration.

Conditions of PGCPB 06-64(A) for Preliminary Plan 4-05080

Prince George's County Planning Board Resolution No. 06-64(A) for Preliminary Plan of Subdivision 4-05080 and Type I Tree Conservation Plan TCPI-038-05-01 contains the following environmental condition for the subject property.

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

This condition is addressed with each SDP application for the development.

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

This condition will be addressed during the review of all tree conservation plans.

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

The limited SDP for stream restoration shall:

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects**

This condition will be addressed with future SDPs for this section when grading for the remainder of the site and/or buildable lots/parcels is proposed.

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

This condition was addressed prior to signature of preliminary plan. The current approval is limited to SWM infrastructure, so the contours as determined by the latest Air Installation Compatibility Zone study are not needed with the SDP and TCPI, but will be required at the time of a full-scale SDP for Section 4.

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

This condition shall be addressed prior to approval of any final plat.

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

This condition shall be addressed prior to the issuance of grading permits which require federal or state wetland permits.

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

This condition shall be addressed prior to building permit, and preferably with the review of SDPs for architecture.

63. **Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that the individual sheets reflect the same land area for both plans.**

- m. **Revise the worksheet as necessary; and**
- n. **Have the plans signed and dated by the qualified professional who prepared the plans.**
- o. **Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.**

Conditions 63 through 64(n) were addressed prior to signature approval. Condition 64(o) does not appear to have been complied with in the approval of the revised TCPI. A revision to the TCPI is not required, as long as all TCPIs approved are in conformance with this condition. Conditions of this and future approvals will bring the project into conformance by removing woodland preservation from land to be dedicated to M-NCPPC.

65. **At the time of specific design plan, the TCPH shall contain a phased worksheet for each phase of development and the sheet layout of the TCPH shall be the same as the SDP for all phases.**

A phased worksheet, as well as an individual TCPH worksheet, was provided (see discussion below). The sheet layout of the TCPH matches the layout of the SDP for Section 4.

66. **Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI-038-05-01). The following note shall be placed on the Final Plat of Subdivision:**

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI-038-05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005."

The required plat note shall be addressed at the time of final plat.

67. **No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.**

The current SDP is for limited grading only and does not propose lots.

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

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

This condition shall be addressed at the time of final plat review, and may be amended in some cases to address unique situations related to this site.

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

This condition shall be carried forward and addressed prior to the issuance of building permits adjacent to afforestation/reforestation area in Section 4.

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

This condition was addressed prior to signature approval.

A revised SWM Concept Approval Letter and Plan, 14846-2006-01, was issued for Sections 4, 5, and 6 (identified as phases) on June 21, 2013, which was valid until June 21, 2016. The expiration date of the SWM concept plan was extended on June 15, 2016 to provide an expiration date of May 4, 2017. This approval is separate from the SWM concept approval for stream restoration of Section 6-2.

- (2) The noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.
 - (3) All woodland clearing areas within the limits of disturbance.
- f. Remove the following note from the TCPII-057-06:
- “All reforestation requirements will be provided offsite. The location of the off-site property has yet to be determined.”
- g. Revise the SDP to show the same limits of disturbance. The limits of disturbance shall accurately reflect the proposed area of disturbance.

For those areas outside the limits of disturbance, the proposed grading shall be removed from the plans.

These conditions were addressed prior to signature approval of the TCPII and SDP.

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

The limited SDP for stream restoration shall:

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC; other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management
- b. Consider the stormwater management facilities proposed;
- c. Include all land necessary to accommodate the proposed grading for stream restoration;

- b. **Provide two additional columns in the stream restoration chart that include:**
 - (1) **A column for the estimated cost for the restoration of each stream segment, with the cost typed in; and**
 - (2) **A column for the actual cost (to be typed in upon completion of each restoration project).**
- c. **The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.**
- d. **The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George's County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.**
- e. **The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.**
- f. **The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.**
- g. **The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. Lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.**

The approved SDP-1002 addressed the timing and location of the required stream restoration, and included a cost estimate for recommended segments. The total cost estimates previously included in this SDP fell significantly short of the required total cost; however, the plan did indicate that the total installation cost shall require \$1,476,600 of stream restoration work.

other requirements of the SDP approval, until such time as the required minimum expenditure is met.

The identified priority stream restoration projects in SDP-1002 may not fulfill the minimum required stream restoration expenditure. The approved SDP estimates that the cost for the six priority project locations will total \$775,065, or 52 percent of the required minimum.

Four of the restoration sites are located in Section 7, which is under separate ownership. These four project areas in Section 7 make up the majority of Reach 7, leaving no additional restoration opportunities within Section 7.

Within the remaining sections under the ownership of the current applicant, only two projects areas are identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). If additional priority projects need to be identified, they will have to be located within Sections 1 through 6, and cannot occur on property to be dedicated to M-NCPPC.

A cost estimate has been prepared for Reach 6-2 based on conceptual design approval, and conceptual design approval and estimate for Reach 3-4 is anticipated. With current cost estimates for these two projects, a potential gap between the required minimum and actual expenditures can be quantified. It is very likely that revisions to identify the location and cost of additional stream restoration segments will be required, and that a plan and process will need to be determined before approval of any further SDPs for overall grading beyond the limit of grading for SWM infrastructure to ensure that the intent of this condition is met. Bonding of the difference between the estimated cost of currently identified stream restoration projects, and the total required stream restoration expenditures may be appropriate with the issuance of overall grading permits for Sections 4, 5, and/or 6.

The Planning Board requires that a plan to fulfill the required minimum expenditure for stream restoration, as established with SDP-1002, be developed by the applicant and the Planning Board prior to approval of any future SDP beyond applications limited to stormwater management infrastructure;

- 5. Prior to issuance of any grading permits, all specific design plans (SDPs) for the Smith Home Farm project shall be revised to conform to the certified stream restoration SDP.**

Because each section will have a detailed technical plan, the SDP shall be revised as necessary to conform to that plan.

- 6. Prior to acceptance of all specific design plans (SDPs) for each section of development of Smith Home Farm, a separate Type II tree conservation plan for that area of the plan shall be submitted. Both shall conform to the**

Condition 8 required stream monitoring for a minimum of three years after the construction and the submittal of monitoring information to M-NCPPC. The Planning Board has since determined that the stream restoration work will require permitting from the Maryland Department of the Environment (MDE), which will require monitoring and reporting in accordance with statewide requirements.

Condition 10 indicated that M-NCPPC would maintain the stream restoration improvements. Because the project is not located on park property, M-NCPPC shall not take responsibility for maintenance of the project. Responsibility lies with the underlying property owner, which will be the homeowners association. Both of these conditions shall be revised at the time of technical approval.

The SWM concept approval was found to be acceptable for the current SDP, which is limited to the SWM ponds. Prior to approval of any future SDP for overall grading, the final technical approval must be approved and shown on the SDP and TCPII.

Protection of Regulated Environmental Features

Condition 71 of Preliminary Plan of Subdivision 4-05080 requires:

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

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

Because there are impacts proposed for the required stream restoration within the PMA, this condition might seem to indicate that the conservation easement should not include the area of the stream restoration project; however, the Planning Board requires that the conservation easement include the areas of the stream restoration in order to protect the project from future disturbance and has included a revision to the standard condition to address this concern, with the caveat that access into the stream restoration areas to perform necessary maintenance is allowed consistent with technical and functional requirements.

Conformance with the CDP

Prior to approving an SDP for infrastructure, the Planning Board must find that the plan conforms to the approved Comprehensive Design Plan. The current SDP has been limited

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire development to confirm that the overall woodland conservation requirement for the site is being met, as well as the requirements of the Final Decision of the District Council in A-9965-C and A-9966-A that the woodland conservation threshold be met on-site. Based on the overall site area of 617.94 net tract acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet considered in the current approval only provides 148.72 acres of woodland conservation on-site, with a deficit of 10.32 acres of on-site woodland conservation.

The total woodland conservation requirement for the overall development based on a net tract area of 617.94 acres and replacement related to clearing of 103.55 acres of net tract woodlands, 4.24 acres of woodland floodplain, 3.38 acres of wooded primary management area (PMA) and 2.95 acres of off-site woodland clearing results in a total woodland conservation requirement of 251.45 acres, which is distributed over the various development sections.

With the approval of Specific Design Plan SDP-1003, and the associated TCPiIs for Section 1A, 1B, 2 and 3, all sections were evaluated for the provision of on-site woodland conservation, and the significant off-site requirement which could not be satisfied on-site was distributed among all sections of the project, so the woodland conservation requirements would be provided on and off-site in sequence with development, and not be front-end loaded with the early sections, or deferred until the end of development. With the most recent reviews of the overall worksheet, with Section 2 (TCPiI-010-02) and Westphalia Park (TCPiI-021-2015) the amount of total woodland conservation to be provided in Section 4 was 20.02 acres on-site. The quantity of on-site woodlands provided in Section 4 has been reduced in the current application by 6.62 acres, which contributes significantly to the on-site deficit and delays the provision of woodland conservation requirements.

Other changes in the quantities of preservation and afforestation/reforestation may result from other revisions to the TCP, with a resultant effect on the amount of total woodland conservation provided, but the total amount of woodland conservation required with Section 4 of 20.02 acres, either on-site or off-site, shall not be changed at this time. This quantity was previously agreed to as a fair distribution of the total requirements, and further deferral does not support the intent of the Woodland Conservation Ordinance to provided woodland conservation and replacement concurrent with development.

The TCPiI also requires various technical revisions to the plan to be in accordance with the WCO and the Environmental Technical Manual. The necessary revisions are included in conditions of this approval.

Due to the approval of conceptual stormwater management prior to May 2010 and approval of final stormwater management and final erosion/sediment prior to May 2013, this site is administratively waived from environmental site design (ESD) requirements. Stormwater management ponds are to be built prior to May 4, 2017, otherwise revision to meet ESD to the maximum extent practical shall be required.

Pond	Permit #	Stormwater Management Plans PGSCD Approval Number	Technical Approval Date	Constructed	Other Comments
4A	25817-2012	Smith Home Farm Phase 4 (P#41/13)	12/20/2012	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.
4B	27512-2012	Smith Home Farm Phase 4 (P#42/13)	1/7/2013	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.
4C	30907-2012	Smith Home Farm Phase 4 (P#43/13)	1/7/2013	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.

Final Erosion and Sediment Control Plan:

Originally approved on January 11, 2013, (Approval No. 74-13-01);
 Updated to January 11, 2015 (Approval No. 74-13-01);
 Updated to January 6, 2017 (Approval No. 74-13-02);

All stormwater management facilities/drainage systems, are to be constructed in accordance with the Specifications and Standards of the Department of Permitting, Inspections and Enforcement (DPIE), DPW&T and the Department of the Environment (DoE). Approval of all facilities are required, prior to permit issuance. A 50-foot 5 to 1 slope landscape buffer is required from the proposed right-of-way line to the 100-year water surface elevation.

All disturbances are to be consistent with the approved Specific Design Plan SDP-1601.

United States Army Corp of Engineers (USACOE)/Maryland Department of the Environment (MDE) approval, with respect to the wetland impacts, and waters of United States are required.

The proposed site development has an approved 100-year floodplain FPS 200457 dated October 17, 2005. Floodplain easement is to be dedicated prior to issuance of fine grading permits.

- j. **Prince George's County Health Department**—In an e-mail dated July 8, 2016, a representative of the Health Department stated that the office had no comment on the subject project.
- k. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated June 2, 2016, WSDRAC stated that they had no comment on Specific Design Plan SDP-1601, Parkside, as indicated by the information provided to the WSDRAC Council from the M-NCPPC Development Review Division. However, the WSDRAC stated that should there be any changes after the staff review, or additional conditions added before the project can move forward, the WSDRAC needs to be informed.

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-014-2016), and further APPROVED Specific Design Plan SDP-1601 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
 - a. Applicant shall revise the plans to remove all proposed water and sewer lines, stream restoration measures, future Melwood Road legacy trail alignment, buildings to be removed and future parkland dedication. The SDP shall be limited to the proposed three stormwater management ponds, grading, and the abandonment of Melwood Road as identified on an exhibit submitted on October 13, 2016 by the applicant.
 - b. The SDP and Type II tree conservation plan shall be revised as follows:
 - (1) Land dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly labeled on the plans and the acreage shall be provided;
 - (2) The parcel boundaries for land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly shown and labeled with bearings and distances; and
 - (3) All credited tree conservation and/or reforestation areas on land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be removed.
 - (4) A copy of the approved technical stormwater management plan shall be submitted.
 - c. The applicant shall demonstrate that the woodland conservation threshold requirement of 159.04 acres is met on-site by revising the overall woodland conservation worksheet for the site and any affected Type II tree conservation plans.

"Off-site grading proposed with this plan is subject to the submittal of written permission from the property owner prior to the issuance of grading permits."

- (9) On all plan sheets, show the limit of disturbance associated with the proposed activity. If the critical root zones of specimen trees to be retained are impacted, show the location of temporary tree protection fencing to protect the trees during grading operations.
- (10) On the coversheet, the future park dedication shall be shown with a bolder line weight and the labeling arrow shall point more directly to the parcel.
- (11) Add an "Owner's Awareness Certificate" on the coversheet for signature at the time of certification.
- (12) On Sheet 3, remove the two elements which appear to be entrance features/signage adjacent to the roundabout.
- (13) On Sheet 12, provide additional information about why the wooded wetland area with specimen trees on the east side of Rock Spring Drive is indicated as retained but not credited. It is a priority area for woodland conservation.
- (14) On Sheet 15 add the "Post-type Signage Mounting" detail for use on the site as an alternative, subject to approval by the field inspector.
- (15) On the overall woodland conservation worksheet, revise as follows:
 - (a) Revise the project name as "Parkside (formerly Smith Home Farm).
 - (b) Complete the most recent information for Section 2.
 - (c) Complete the information for Section 4.
 - (d) Revise the worksheet to indicate that a minimum of 20.02 acres or more of woodland conservation will be provided with the development of Section 4.
- (16) Revise the Individual Woodland Conservation Worksheet to reflect revisions made to the overall woodland conservation worksheet and to the TCPII plan.
- (17) Revise all tables and summary tables on the plan to reflect all revisions to the plan.
- (18) Have the revised TCPII signed by the qualified professional who prepared it.

not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”

8. Prior to issuance of a grading permit, the applicant shall obtain approval of the road closure for the segment of Melwood Road within the boundary of this specific design plan and/or submit evidence of the abandonment and/or quit-claim deed to the benefit of the applicant, as determined to be appropriate by the Prince George’s County Department of Public Works and Transportation for the grading of existing Melwood Road, or revise the specific design plan to remove the proposed grading within the public right-of-way of historic Melwood Road.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 27, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 1st day of December 2016.

Patricia Colihan Barney
Executive Director

By *Jessica Jones*
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg

APPROVED AS TO LEGAL SUFFICIENCY:

Matthew Mills
M-NCPPC Legal Department

Date: 11/3/16

MS. STEPHANIE AVERY
10315 WELSHIRE DRIVE
UPPER MARLBORO MD 20772
(CASE NUMBER: SDP-1601)

MS. LAURA BROWN
9304 BAY LEAF COURT/S
UPPER MARLBORO MD 20772
(CASE NUMBER: SDP-1601)

KAREN BRAXTON
4833 FOREST PINES DRIVE
UPPER MARLBORO MD 20772
(CASE NUMBER: SDP-1601)

MS. SHEE NEWMAN
4304 SILVERWOOD COURT/S
UPPER MARLBORO MD 20772
(CASE NUMBER: SDP-1601)

TYRLE HARRIS
4819 FOREST PINES DRIVE
UPPER MARLBORO MD 20772
(CASE NUMBER: SDP-1601)

ROBERT ANTONETTI
1101 MERCENTILE LANE SUITE SUITE
LARGO MD 20774
(CASE NUMBER: SDP-1601)

1. O.K. for Final.
 YES NO Initials RU
2. O.K. for Final.
 YES NO Initials _____
3. O.K. for Final.
 YES NO Initials _____

<p>OPTION A</p>	<p>MANDATORY COUNCIL REVIEW REQUIRED</p> <p>YES NO</p> <p><i>*As required by A-, CDP and CSP</i></p>
<p>OPTION B</p>	<p>APPEALABLE TO DISTRICT COUNCIL</p> <p><input checked="" type="radio"/> YES <input type="radio"/> NO</p>
	<p>APPEALABLE TO CIRCUIT COURT</p> <p>YES NO</p> <p><i>**Applicable to Special Permits</i></p>
	<p>Is this an Expedited Transit Oriented Development (ETOD) processed under Section 27-290.01?</p> <p>YES</p>

EXHIBIT'S LIST
4/25/19 PGCPB REGULAR MEETING
ITEM 6 SDP-1601-02 PARKSIDE, SECTION 4

Applicant's Exhibit No. 1:

Revised Conditions (1 page)

ORIGINALS TO: DRD 4/25/19

A.E. 1

Smith Home Farm

(Parkside)

(SDP-1601/02)

REC'D BY PGCPB ON 4.25.19
ITEM # 6 CASE # SDP-1601-02
EXHIBIT # Appl Ex No. 1

Revised Conditions

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
 - a. ~~The applicant shall work with the Environmental Planning Section, as designee of the Prince George's County Planning Board, and appropriate County staff to develop a strategy and schedule for the fulfillment of the remainder of the \$1,476,600.00 minimum expenditure in stream restoration, concurrent with on-going development of the Parkside development.~~
 - c. Include the Melwood Legacy Trail amenities and improvements within Section 4, as approved with the Bicycle and Pedestrian Impact Statement Exhibit of Specific Design Plan SDP-1302-03, and provide details and specifications regarding the interpretive sign for archeological Site 18PR766.
 - j. Distribute the visitor parking spaces evenly throughout the townhouse pods within Section 4, to be reviewed and approved by the Urban Design Section, as designee of the Prince George's County Planning Board, as shown on Applicant's Exhibit 1.

5. Prior to approval of the ~~400th~~ 148th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the interpretive sign for archeological Site 18PR766, ~~on-site commemorative/interpretive features and complete other agreed upon outreach and education measures.~~ The details and specifications for the sign shall be reviewed and approved by the Historic Preservation Section prior to installation.

9. Prior to issuance of the 1st building permit, the applicant, his heirs, successors and/or assignees shall provide evidence to the Environmental Planning Section of the amount spent for stream restoration within Section 4.

Total

Strikethrough represents deleted language

Underline represents added language