



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

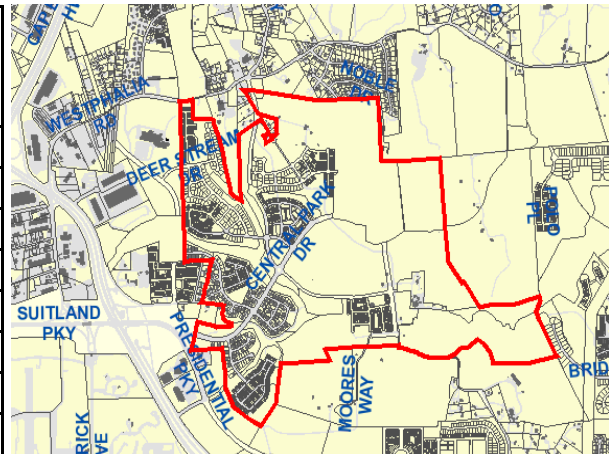
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Comprehensive Design Plan Parkside, Section 7

CDP-0501-03

| REQUEST | STAFF RECOMMENDATION |
|---|---------------------------------|
| <p>Reduce the density/number of units of the Mixed-Retirement Development in the Residential Medium Development (R-M) Zone; increase the density/number of units of the market-rate single-family dwellings in the R-M Zone; reduce the acreage and number of units of the commercial and residential components, and replace all multifamily dwelling units with townhouses in the Local Activity Center (L-A-C) Zone; and delete Condition 25.</p> <p>This case was continued from the Planning Board hearing date of February 3, 2022 to March 10, 2022.</p> | <p>APPROVAL with conditions</p> |

| | |
|---|-----------------|
| Location: Approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue). | |
| Gross Acreage: | 760.93 |
| Zone: | L-A-C/R-M/M-I-O |
| Dwelling Units: | 2,751 |
| Gross Floor Area: | 32,000 sq. ft. |
| Planning Area: | 78 |
| Council District: | 06 |
| Election District: | 15 |
| Municipality: | N/A |
| 200-Scale Base Map: | 205SE08 |
| Applicant/Address: Dan Ryan Builders, Mid-Atlantic LLC 2101 Gaither Road, Suite 200 Rockville, MD 20850 | |
| Staff Reviewer: Henry Zhang, AICP LEED AP Phone Number: 301-952-4151 Email: Henry.Zhang@ppd.mncppc.org | |



| | |
|------------------------------|------------|
| Planning Board Date: | 03/10/2022 |
| Planning Board Action Limit: | Waived |
| Staff Report Date: | 02/22/2022 |
| Date Accepted: | 10/26/2021 |
| Informational Mailing: | 05/20/2021 |
| Acceptance Mailing: | 10/13/2021 |
| Sign Posting Deadline: | 01/04/2022 |

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

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-0501-03
Type I Tree Conservation Plan TCPI-038-05-03
Parkside, Section 7

The Urban Design Section has completed its review of the subject application and agency referral comments concerning the plan and recommends APPROVAL, as stated in the Recommendation section of this report.

EVALUATION CRITERIA

- a. The requirements of Zoning Map Amendments (Basic Plans) A-9965 and A-9966.
- b. The requirements of the Prince George's County Zoning Ordinance governing development in the Residential Medium Development (R-M) Zone, the Local Activity Center (L-A-C) Zone and the Military Installation Overlay (M-I-O) Zone.
- c. The requirements of Comprehensive Design Plan CDP-0501 and its amendments.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance.
- e. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** This amendment to Comprehensive Design Plan CDP-0501 consists of multiple requests, as follows:
 - a. To increase the density/number of units of the market-rate single-family dwellings in the Residential Medium Development (R-M) Zone from previously approved 2,124 units to 2,273 units (a 149-unit increase).

- b. To reduce the acreage of the Local Activity Center (L-A-C) Zone designated for the commercial component to 3.1 acres and the gross floor area of the commercial/retail development to 32,000 square feet.
- c. To replace the previously approved 300 multifamily dwelling units in the L-A-C Zone with 194 townhouses.
- d. To reduce the density/number of dwelling units of the mixed-retirement development (MRD) in the Residential Medium Development (R-M) Zone to 284 units and completely remove MRD units from Section 7.
- e. To delete Condition 25, which states as follows:

Prior to issuance of the 2,113th building permit in the R-M or L-A-C zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.

The remaining conditions attached to the prior approval of CDP-0501, as amended with CDP-0501-01 and CDP-0501-02 (except for Condition 25) remain unchanged, valid, and will govern development of the Parkside project.

2. Development Data Summary:

| | PREVIOUSLY APPROVED | TOTAL PROPOSED | Within Section 7 |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| Zone(s) | R-M/L-A-C/ M-I-O | R-M/L-A-C/ M-I-O | |
| Use(s) | Residential, Commercial, Retail | Residential, Commercial, Retail | Residential, Commercial, Retail |
| Acreage | 757 | 760.93* | 113.51 |
| Dwelling units | 3,648 | 2,751** | 639 |
| of which R-M Zone - Residential | 2,124 | 2,273 | 445 |
| R-M Zone - Mixed Retirement Development | 1,224 | 284 | - |
| L-A-C Zone - Multifamily | 300 | 194 (Townhouses) | 194 (Townhouses) |
| Commercial/retail uses - Gross floor area in square feet | 170,000 | 32,000 | 32,000 |

Note: *Acreage has been adjusted per actual boundary surveys prepared since the initial CDP-0501 approval.

**A total net reduction of 897 dwelling units from that approved with CDP-0501.

- 3. **Location:** The subject property is a large tract of land that originally consisted of wooded, undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 760.93 acres, within Planning Area 78, Council District 6. The 113.51 acres of

land included in Section 7 is located predominantly north of Central Park Drive, east of the existing Sections 3 and 4, in the north easternmost corner of the larger Parkside (previously known as Smith Home Farm) development.

4. **Surrounding Uses:** The site is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Commercial Miscellaneous (C-M), Commercial Office, and Townhouse Zones; to the east by a large residential subdivision known as Marlboro Ridge (formerly Village of Claggett Farm) and scattered undeveloped land in the R-R and R-A Zones; to the south by a planned large development known as Westphalia Town Center in the Mixed Use-Transportation Oriented (M-X-T) Zone, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the Light Industrial (I-1) Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and M-X-T Zones. Most of the property is also covered by the Military Installation Overlay (M-I-O) Zone, as it is located in the vicinity of Joint Base Andrews.
5. **Previous Approvals:** On September 29, 2005, the Prince George's County Planning Board recommended approval of Zoning Map Amendments (ZMA) A-9965 and A-9966, which rezoned the subject 757-acre property from R-A to R-M (3.6-5.7), with a mixed-retirement development, and to the L-A-C Zone with a residential component, subject to 19 conditions. On October 7, 2005, the Prince George's County Zoning Hearing Examiner (ZHE) heard A-9965 and A-9966, and on October 26, 2005, recommended approval, with two conditions, which included all of the conditions of approval of the Planning Board as subconditions. On the same date, the ZHE's decisions on A-9965 and A-9966 were also filed with the Prince George's County District Council. The District Council finally approved both ZMA applications on February 13, 2006, and the approving ordinances became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved CDP-0501 (PGCPB Resolution No. 06-56(C)) for the entire Smith Home Farm project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On May 12, 2012, the District Council affirmed the Planning Board's decision on CDP-0501-01 (PGCPB Resolution No. 11-112) to amend Condition 3 regarding construction of the MD 4/Westphalia Road interchange; to amend Condition 7 regarding the location and size of the proposed community center and pool; and to amend Condition 16 regarding the size of the market-rate, single-family, attached lots in the R-M Zone, with five conditions.

On March 28, 2016, the District Council approved a reconsideration of approved CDP-0501 specifically related to Conditions 10, 11, 24, 31, and 32; to findings related to services for the design, grading, and constriction of the Westphalia Central Park; and to issuance of building permits for development of the subject property, with 31 conditions.

In addition to the prior approvals for the site, two later actions by the District Council have revised several conditions of CDP-0501. 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 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 a specific design plan (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 (PFFIP) District at 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 Prince George’s County Subdivision Regulations, and other methods, in order to ensure timely provision of adequate public facilities for larger projects, such as Westphalia.

On February 20, 2020, the Planning Board approved CDP-0501-02, which revised Condition 25, attached to the original CDP-0501 approval by the District Council, to change the trigger from the issuance of the 2,000th building permit to the 2,113th permit. The applicant requests to delete this condition as part of this CDP amendment (see findings below).

6. **Design Features:** This amendment to the previously approved CDP-0501 will physically impact only 113.51 acres of land, known as Section 7, under the ownership of Dan Ryan Builders Mid-Atlantic, LLC, with no impact to the remaining conditions (except for Condition 25) of the prior approvals, which are still valid and govern development of the entire property.

Ownership of the property changed since the original CDP approval in 2005. The original owner of the entire site, DASC, LLC, sold approximately 646 acres of the R-M-zoned portion in 2011 to SHF Project Owner, LLC. CDP-0501 approved a total of 3,648 residential units, of which 300 units were to be in the L-A-C Zone, which was sold recently to the current owner.

As of the writing of this technical staff report, more than 1,000 residential permits have been issued for single-family detached and attached homes in the larger Parkside development, with multiple SDP approvals. The land for major roadways and the central park has been dedicated that reduces the overall land previously designated for development. No SDPs or permits for either multifamily dwellings or commercial/retail uses have been approved or issued. The requested revisions will rearrange the development schemes within the 113.51-acre Section 7, to allow for a total of 639 dwelling units, including 445 dwelling units in the R-M Zone and 194 townhouses in the L-A-C Zone. Previously approved design standards, as included in the original CDP-0501, and further revised in CDP-0501-01 and the special purpose SDP governing both single-family detached and single-family attached (townhouses) dwelling units, will still be valid for the proposed 639 dwelling units.

For the setback of the homeowner minor improvements, such as a deck in the rear yards, the encroachment into the rear yard setback can be up to 10 feet for both the single-family detached and attached lots, as shown in this amendment.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments (Basic Plans) A-9965 and A-9966:** The District Council heard the ZMA applications on January 23, 2006 and affirmed the ZHE's recommendations of approval with two conditions, which include most of the Planning Board's conditions of approval with only a few modifications. The District Council's approval became effective on February 13, 2006, with a total of three conditions. The District Council finally approved both ZMA applications on February 13, 2006 (Zoning Ordinances 4-2006 and 5-2006), and the approving Ordinances became effective on March 9, 2006. The Ordinances were subsequently revised later that year to address minor mistakes (A-9965-C and A-9966-C). A-9965-C contained approximately 727 acres and A-9966-C contained approximately 30 acres. The District Council directed that the basic plans for both 4-2006 and 5-2006 be revised with the development quantities and densities discussed below:

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 [for both A-9965-C and A-9966-C]:**

- **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 [A-9965-C]:

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

L-A-C Zone Proposed Land Use Types and Quantities [A-9966-C]:

- **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**

Comprehensive design zones (CDZs) in Prince George's County are analogous to the planned unit development technique in other parts of the United States that provides great flexibility compared with Euclidean zoning devices, and promotes innovative and creative design, environmental conservation and affordable housing, and clustering and increased density. When the District Council approves a CDZ, it may specify particular permitted land use types, minimum and maximum ranges of dwelling unit densities and commercial intensities, limitations on uses, and related planning and development guidelines. The District Council may also impose reasonable requirements and safeguards to protect surrounding properties and ensure a harmonious development. The District Council's approvals are encompassed in, and become part of, the basic plan along with other planning considerations depicted on the plan, such as the location of environmental features, vehicular and pedestrian circulation patterns and access points, areas remaining free of development, and a forest stand delineation. With this in consideration, each development project should be viewed as an opportunity to implement the vision of the approved basic plan.

Even though the requests in this application are significantly different from the original CDP-0501, most of the development quantities and densities as proposed are still within the development density and intensity ranges of the basic plans, as approved by the District Council. The total number of dwelling units has been reduced by 897 units from the original CDP, but the proposed total of 2,273 units in this CDP amendment is within the permitted dwelling unit range of 1,877 to 2,973 units for market-rate, single-family residential units.

Since the original approval of this project in 2005, many additional developments including the Westphalia Town Center project, a mixed-use development including up to 5.9 million square feet of commercial/retail spaces and up to 5,000 dwelling

units that is adjacent to the south, have been approved in the Westphalia area. As discussed previously, the land area for all major roadways and the central park in the basic plans of this project has been dedicated and most of them are under construction. This significantly reduces the developable area for the L-A-C-zoned portion of Section 7. The basic plan designated approximately 30 acres in the L-A-C Zone and theoretically calculated the land areas for residential and commercial uses, respectively. After the dedication of 6.8 acres for the central park and 5.3 acres for the master plan roadway (Central Park Drive), only 18.4 acres of land is left for the local activity center development. Given the location of this designated local activity center, which is approximately one-mile north of the Westphalia Town Center, the proposed 32,000 square feet for commercial/retail use on 3.1 acres of L-A-C-zoned land that has an FAR of 0.23 (minimum 0.2 FAR required by the basic plan) achieves the purposes of the L-A-C Zone and, therefore, staff finds the proposal is in conformance with the basic plan.

For the residential component of the L-A-C Zone, the basic plan also approved a range of 193–386 residential dwelling units, preferably multifamily units. This application proposes 194 townhouses that is within the development range approved by the basic plan.

The basic plan also approved an MRD in the R-M Zone with permitted dwelling unit range of 551 to 1,224 units. This application proposes 284 units and completely removes MRD units from Section 7. The applicant must provide a minimum 551 dwelling units in MRD to show conformance with the basic plan. A condition has been included in the Recommendation section requiring the applicant to increase the unit count in the MRD by 267 units, prior to certification of this CDP.

In accordance with Section 27-478 of the Zoning Ordinance, development in CDZs is subject to a three-phase plan review, including basic plan, CDP, and SDP. Each low-level approval must conform to the governing high-level approval and therefore the CDP must be consistent with the approved basic plans, in terms of development quantities, densities, and spatial relationship among each use.

The revisions proposed in this CDP amendment are in conformance with the land use quantities and densities, as well as the general spatial relationship, as reflected in the approved governing Basic Plans A-9965 and A-9966, subject to the proposed conditions.

The rest of the conditions attached to the basic plan approvals were fulfilled at the time of the CDP-0501, CDP-0501-01, and CDP-0501-02 approvals, respectively.

8. **Prince George's County Zoning Ordinance:** The requirements of the Zoning Ordinance governing development in the R-M, the L-A-C, and M-I-O Zones are:
 - a. **Density Increments:** At time of the original CDP-0501 approval, the applicant provided a justification to request density increments, pursuant to factors listed in Sections 27-509(b) and (c) of the Prince George's County Zoning Ordinance in the R-M Zone, for both regular market-rate and Mixed Retirement Development components, and Section 27-496(b) of the Zoning Ordinance in the L-A-C Zone for both residential and commercial components. Most of the revisions in this

application request decreases in density and intensity, except for a slight increase to the R-M-zoned market-rate dwelling units. The following discussions document staff's analysis and density increment recommendations for the market-rate residential units in the R-M-zoned portion of the project, as follows:

R-M (Medium 3.6) ZONE RESIDENTIAL UNITS

| | |
|---|--------------------|
| Base density 3.6 dwelling units (DUs)/acre | 1,885 units |
| Maximum density 5.7 DUs/acre | 2,984 units |
| Density requested 4.34 DUs/acre | 2,273 units |
| Density increment requested 20.6% (emphasis added) | 388 units |

Section 27-509(b), Regulations, of the Zoning Ordinance, provides the specific public benefit features and density increment factors that can be considered in granting density increments. This project was previously approved for a density increment of 282 units, or 13.2 percent, in the original CDP-0501 approval. The specific factors are utilized, 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.)**

The applicant is requesting a density increment using this factor with this CDP amendment. None was previously granted using this factor.

- (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.**

The applicant did not request a density increment using this factor.

- (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 did not request a density increment using this factor.

- (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.**

The applicant was previously granted a 10 percent (188 units) density increment in dwelling units using this factor.

- (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 did not request a density increment using 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.**

The applicant was previously granted a 5 percent (94 units) density increment in dwelling units using this factor.

- (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 a density increment using this factor.

For this application, an additional density increment of 141 units, or 7.4 percent from the previously approved 13.2 percent, is requested to allow a total of 388 units (20.6 percent) through density increment factors. The applicant proposes a total of 2,751 units which, per the above, require 96.3 acres of open space, in order to meet the requirements for this increment factor ($2,751 \text{ DU}/100 = 27.5 \text{ DU} * 3.5 \text{ acres/DU} = 96.3 \text{ acres}$). Throughout the larger development, there are over 280 acres of open space, including a grand central park proposed, of which over 180 acres are primary management areas (PMAs), and thus includes the natural features of which this increment factor targets. The quantity of open space proposed far exceeds the amount required for the full density increment credit and thus the credit should be granted. This application requests only a 7.4 percent increase from the maximum 25 percent allowed. Staff supports this density increment because the new total development, as the result of this CDP, is still within the development limits established in the basic plan approval for the R-M-zoned market-rate single-family residential units.

- b. **Development Standards:** A comprehensive set of development standards for both single-family detached and attached units have been approved with CDP-0501, CDP-0501-01, and the special purpose SDP, for the entire Parkside development. This application only includes the revision to Condition 25 of the District Council's Order. The rest of the development standards, as approved in CDP-0501, CDP-0501-01, and the special purpose SDP remain valid and will govern the development of this Section 7.
- c. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the Zoning Ordinance requires that the Planning Board find conformance with the following findings for approval of a CDP:
- (1) The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical**

Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The proposed amendment is in conformance with the basic plans, per Section 27-195 of the Zoning Ordinance. As discussed above, the revisions requested in this CDP amendment are significantly different from the development proposed in CDP-0501; but most of them are still within the development ranges of the governing basic plans, as approved by the District Council, including land use type and quantities, densities, and spatial relationship among uses.

However, most of the proposed revisions decrease the original development densities, resulting in significantly reduced contributions to both the PFFIP and Park Club. The PFFIP and Park Club are the two main financial mechanisms that are essential to the improvement of public infrastructure for the success of this development. For example, with the removal of 897 dwelling units, more than \$3 million of park funds, without factoring inflation, will be gone. This is based on the original park club fee rate established with CDP-0501 of \$3,500 per unit times 897 units equals \$3.13 million, without inflation.

(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;

The flexibility inherent in the CDZs, such as the R-M and L-A-C Zones in this application, will allow the applicant to produce a much better environment than in regular Euclidean zones and to achieve high standards for the development. This CDP will create a better environment when compared to the existing development in the Westphalia area. The proposed CDP will have approximately one-third of the larger property preserved in green open space, including a large central park, which is currently under construction. However, Section 7 will result in a scale that is much smaller than what was approved in the original CDP-0501.

(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;

Approval is warranted because even though the amended CDP includes design elements and a land use vision that are significantly different from the previously approved CDP-0501, most of the changes are still within the development ranges, as approved in A-9965 and A-9966, as discussed in detail in Finding 7 above.

(4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

The proposed Section 7, which is part of Section 4 of the original CDP-0501, will be governed by the same design guidelines that direct the development of the adjoining approved sections, including Section 3 and the remaining Section 4 to the west, as well as central park to the south. The development of Section 7 will be compatible with the immediate surrounding land uses and zoning because it will be governed by the same development standards approved with the original CDP-0501.

(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;

Even though the overall intensity and density will be reduced in this CDP amendment, the development in this section will be a comprehensively planned community with various housing types, extensive facilities and amenities, and a small amount of 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.

Additional development standards, as approved in a special purpose SDP, along with those in the original approval, will ensure that the proposed development will be of high quality. The land uses and facilities covered by this CDP amendment 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;

A total of 639 dwelling units and 32,000 square feet of commercial/retail uses are included in this CDP for future Section 7, which will be developed in multiple phases. A condition has been included herein requiring 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;

According to the Transportation Planning Section (Burton to Zhang, January 10, 2022), the proposed development will not be an unreasonable burden on available transportation facilities.

The Special Projects Section (Thompson to Zhang, November 12, 2021) provided comments on water and sewer category, fire and rescue, police facilities and public schools. The development proposed in this application will not be an unreasonable burden on the available public facilities. Further adequate public facility tests will be carried out at time of approval of a preliminary plan of subdivision (PPS).

(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;**

The larger development site contains a Historic Site, 78-013, Blythewood. The original CDP-0501 approval has a detailed discussion on the adaptive use of that site, which fulfilled this finding. This CDP amendment does not affect those prior findings.

(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

This CDP amendment does not propose any additional design guidelines. The proposed development in Section 7 will be governed by the design guidelines approved in both CDP-0501 and CDP-0501-01. This finding has been met with the approvals of CDP-0501 and CDP-0501-01.

(10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;

In accordance with the review by the Environmental Planning Section (Finch to Zhang, January 7, 2022), the amended CDP can be found in conformance with revised Type I Tree Conservation Plan TCPI-038-05-03, and previous approvals of TCPI-038-05 governing the entire larger development property.

(11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5);

This application does not change the previous findings regarding conformance with this requirement.

- (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) of the Zoning Ordinance is the District Council procedure for approving a CDZ application as part of an SMA. This provision is not applicable to the subject application because the property was rezoned through two basic plan applications, not through an SMA.

- (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 Parkside is not a regional urban community.

- d. **Military Installation Overlay Zone:** This application is located within the M-I-O Zone for both Height and Noise. Pursuant to Section 27-548.54, Requirements for Height, of the Zoning Ordinance, the applicant must meet the applicable requirements for properties located in Right Runway Area Label: E Conical Surface (20:1). Pursuant to Section 27-548.55, Requirements for Noise, the applicant must meet the applicable requirements for Noise Intensity Zone Area Label: 60 db–74 db. Conformance with the applicable requirements of the M-I-O Zone will be reviewed at the time of SDP that shows uses and buildings.

9. **Comprehensive Design Plan CDP-0501 and its amendment:** The District Council approved both CDP-0501 and CDP-0501-01 with 34 and 5 conditions, respectively. The District Council also approved a reconsideration of conditions in 2016, as discussed in detail in Finding 5 above. This application has not altered any previous findings and is limited to a request to remove Condition 25, as stated in the District Council Order, as it relates to the timing for development of a certain amount of commercial/retail gross floor area. Specifically, Condition 25 states:

- 25. Prior to issuance of the 2,113th building permit in the R-M or L-A-C zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.**

The rationale behind Condition 25 is to ensure certain uses and services that complete a master-planned neighborhood, such as Parkside, will develop in concurrence with the residential uses. Those service uses, as included in this CDP amendment as commercial/retail uses, have been reduced to 32,000 square feet. Nevertheless, this basic rationale is not changed. Staff does not support the removal of Condition 25, instead, staff recommends that the condition be revised to tie to the development of Section 7 that is under the same land ownership to fulfill the purposes of the CDZs, as follows:

25. Prior to the approval of the 480th residential building permit in Section 7, a minimum 16,000 square feet of commercial gross floor area shall be constructed in the Local Activity Center Zone.

This revised condition will ensure that half of the commercial/retail square footage will be constructed when 75 percent of the residential units have been approved.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and Tree Canopy Coverage Ordinance: This revision to the previously approved CDP has been reviewed for conformance with the Woodland and Wildlife Habitat Conservation Ordinance and Tree Canopy Coverage Ordinance, as follows:

- a. **Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Prince George's County 1991 Woodland Conservation/Tree Preservation Ordinance (WCO), because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved TCPI-038-05. A revised conceptual TCPI-038-05-03 was submitted with the amended CDP application. The TCPI will be further refined during review of subsequent development applications. It should be noted that the requirement for a new PPS will subject this phase to the current 2010 Woodland and Wildlife Habitat Conservation Ordinance.

The current zoning for this site is R-M and L-A-C. The thresholds for the site are 25 percent for the R-M Zone and 15 percent for the L-A-C Zone. The worksheet reflects a threshold calculation of 24.53 percent, but the threshold has been reduced to 137.33 acres, which is the quantity of existing woodlands on-site, in accordance with the WCO.

This 760.93-acre site has a net tract area of 637.51 acres and a woodland conservation threshold of 137.33-acres. There is also a replacement requirement of 96.94 acres for clearing below the threshold, 4.93 acres for clearing in the floodplain, and 9.29 acres for clearing off-site and within the PMA. The 253.55-acre woodland conservation requirement is proposed to be satisfied by 29.04 acres of on-site preservation, 135.60 acres of afforestation/reforestation, and 88.91 acres of off-site mitigation. The conditions of approval of the basic plan state that the threshold, at a minimum, must be met on-site. The TCPI, as previously approved, proposed 164.64 acres of woodland conservation on-site, which exceeds the threshold requirement. No technical corrections are required.

- b. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, which was adopted after the CDP-0501 approval, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy, and properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. During the future review of an SDP, the applicant must demonstrate conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.

11. Referral Comments: Given the limited scope of the request, the subject application was referred to only a few concerned agencies and divisions. The referral comments and major findings are summarized, as follows:

- a. **Community Planning**—In a memorandum dated December 28, 2021 (McCray to Zhang), included herein by reference, the Community Planning Division staff finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the Westphalia Sector Plan and SMA.

The Westphalia Sector Plan and SMA recommends mixed-use area (activity center), low-density residential, and public/private open space land uses on the subject property. A portion of the property is also located in the Edge of the Westphalia Town Center. Accordingly, the Strategy III Town Center Edge states “Develop a medium- to high-density urban pattern surrounding the high-density town center core, including medium-density mixed-use commercial and office, and several interconnected residential neighborhoods that have diverse housing styles and a network of open space land uses on the subject property. (See Map 5 on page 20 and Illustration 3 on page 24). The Westphalia Sector Plan and SMA retained the subject property in the R-M Zone.

- b. **Subdivision**—In a memorandum dated December 30, 2021 (Vatandoost to Zhang), included herein by reference, the Subdivision Section noted that the property is subject to an overall PPS 4-05080, which was approved for a development titled Smith Home Farms by the Prince George’s County Planning Board (PGCPB Resolution No. 06-64(A/2)(C)). PPS 4-05080 approved 1,506 lots and 355 parcels for development of 2,143 residential dwelling units and 1,205 mixed retirement units in the R-M Zone (a total of 3,168 single-family dwelling units), and 300 multifamily condominium residential units and 140,000 square feet of commercial/retail use in the L-A-C Zone. The proposed change in the type and number of dwelling units and reduction in the quantity of commercial use floor area in this CDP amendment requires a new configuration of lots and parcels for the proposed development and associated private streets and alleys than what was previously approved with 4-05080. This requires a new PPS to establish a new layout of lots and parcels proposed for the revised residential and commercial development.

There are no previous record plats for Section 7, which is the area of property subject to this amendment. Parcels 219 and 157 are acreage parcels described by deeds recorded in Liber 44802 at folio 527 and Liber 32755 at folio 221, respectively. Final plats of subdivision will be required for the proposed lots and parcels, pursuant to the new PPS when approved.

- c. **Environmental Planning**—In a memorandum dated January 7, 2022 (Finch to Zhang), included herein by reference, the Environmental Planning Section provided a review of this CDP application for conformance with previous approvals and the governing woodland conservation requirements. Relevant findings have been included in this staff report. Additional findings are summarized, as follows:

Specimen, Historic, and Champion Trees: The project is not currently subject to the regulations of Subtitles 24, 25, and 27 of the Prince George’s County Code that came into effect on September 1, 2010, and February 1, 2012, which require approval of a Subtitle 25 variance for the removal of specimen, historic, or champion trees. A future PPS application for Section 7 would make that area subject to the current Woodland and Wildlife Habitat Conservation Ordinance (2010). Natural Resources Inventory NRI-005-15-02, when last revised in 2012, indicated that there were no specimen trees located in Section 7.

Preservation of Regulated Environmental Features/Primary Management Area: The site contains regulated environmental features. A required finding for the approval of a CDP plan is that “The Plan must demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).” The previously approved TCP1 proposed impacts for grading, sewer mains, and stormwater management outfalls. The Planning Board made the required findings at the time of CDP-0501, CDP-0501-01, and CDP-0501-02, as stated in the applicable resolutions and affirmed by the District Council. The current amendment to the CDP is limited to one condition attached to the approval and does not alter any required environmental findings. The proposed development pattern and impacts to regulated environmental features will be further reviewed with future development applications.

The Environmental Planning Section concluded that the amended CDP can be found in substantial conformance with the revised TCPI-038-05-03 and previously approved TCPI-038-05. The amended CDP demonstrates the preservation and restoration of the on-site regulated environmental features to the fullest extent possible, consistent with Section 24-130(b)(5) of the Subdivision Regulations and the previously approved CDP-0501.

- d. **Pedestrian and Bicycle Facilities**—In a memorandum dated January 10, 2022 (Ryan to Zhang), included herein by reference, the Transportation planner reviewed this CDP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and prior approvals governing this property and concluded that this CDP application is acceptable from the perspectives of pedestrian and bicycle transportation site access and circulation.
- e. **Transportation Planning**—In a memorandum dated January 10, 2022 (Burton to Zhang), included herein by reference, the Transportation Planning Section provided a comprehensive review of the background and prior approvals governing this application, and conformance with the Westphalia Sector Plan and SMA, as well as the MPOT. The Transportation Section also reviewed the submitted traffic impact study and their major findings are summarized as follows:

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area 2, as defined in the *Plan Prince George’s 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) is permitted at signalized intersections within any traffic study area subject to meeting the geographical criteria in the “2012 Transportation Review Guidelines, Part One” (Guidelines).

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines. The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

| EXISTING CONDITIONS | | |
|--|-----------------------|-----------------------|
| Intersections | AM (LOS/CLV) delay | PM (LOS/CLV) delay |
| Ritchie Marlboro Road-White House and Sansbury Road | A/725 | A/864 |
| Westphalia Road @ D’Arcy Road* | 12.5 seconds | 14.4 seconds |
| MD 4 @ Westphalia Road-Old Marlboro Pike | A/892 | C/1246 |
| MD 4 @ Suitland Parkway-Presidential Parkway | B/1059 | E/1503 |
| MD 223 @ Old Marlboro Pike* | 12.2 seconds | 12.4 seconds |
| MD 223 @ MD 4-WB Off Ramp* | 12.3 seconds | 15.4 seconds |
| MD 223 @ MD 4-EB Off Ramp* | 19.1 seconds | 21.2 seconds |
| *Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study. | | |

The traffic study identified 25 background developments whose impact would affect some or all of the study intersections. Based on the last 10 years of daily traffic along MD 4, it was determined that no growth has occurred. Applying the traffic for those

background developments, the following represents the results for the background analyses:

| BACKGROUND CONDITIONS | | |
|---|-----------------|-----------------|
| Intersections | AM | PM |
| | (LOS/CLV) delay | (LOS/CLV) delay |
| Ritchie Marlboro Road-White House and Sansbury Road | C/1282 | E/1536 |
| Westphalia Road @ D'Arcy Road | A.825 | B/1085 |
| MD 4 @ Westphalia Road-Old Marlboro Pike | E/1560 | F/1740 |
| MD 4 @ Suitland Parkway-Presidential Parkway | A/426 | A/318 |
| MD @ SB Ramps and Suitland Parkway | | |
| MD 4 @ NB Ramps and Presidential Parkway | | |
| Old Marlboro Pike Ext and Old Marlboro Pike | A/386 | A/484 |
| Old Marlboro Pike @ MD 4-NB Off Ramp | A/136 | A/202 |
| MD 223 @ Melwood Road-Woodyard Road | A/648 | A/711 |
| MD 223 @ MD 4-EB Off Ramp | A/666 | A/747 |

Using the trip rates from the Guidelines, as well as the 10th Edition, *Trip Generation Manual* (Institute of Transportation Engineers - ITE) the study has indicated that the subject application represents the following trip generation:

| Table 1 - Trip Generation | | | | | | | |
|---|------------------------------|------------|------------|-------------|------------|------------|-------------|
| | | AM Peak | | | PM Peak | | |
| | | In | Out | Total | In | Out | Total |
| Townhouses | 639 | 89 | 358 | 447 | 332 | 179 | 511 |
| | <i>Less internal capture</i> | -12 | -20 | -32 | -29 | -27 | -56 |
| | Net new trips | 77 | 338 | 415 | 303 | 152 | 455 |
| Retail | 46,000 square feet | 108 | 67 | 175 | 147 | 159 | 306 |
| | <i>Less internal capture</i> | -81 | -50 | -131 | -110 | -119 | -229 |
| | Net new Trips | 27 | 17 | 44 | 37 | 40 | 77 |
| Total new trips (Section 7 only) | | 104 | 355 | 459 | 340 | 192 | 532 |
| Total Trips (All sections) | | 353 | 1376 | 1729 | 1278 | 667 | 1945 |
| Total Trip Cap (PPS) | | 404 | 1443 | 1847 | 1194 | 532 | 1726 |
| Trip difference (Total trips - PPS trip cap) | | | | -118 | | | +219 |

The table above indicates that the development as proposed, will be adding 459 AM and 532 PM net new peak trips. A third analysis depicting total traffic conditions was done, yielding the following results:

| TOTAL CONDITIONS | | |
|--|------------------|-------------------------|
| Intersections | AM | PM |
| | (LOS/CLV) delay | (LOS/CLV) delay |
| Ritchie Marlboro Road-White House and Sansbury Road <i>With improvement</i> | D/1335 C/1149 | E/1596 D/1445 |
| Westphalia Road @ D'Arcy Road | A/914 | B/1133 |
| MD 4 @ Westphalia Road-Old Marlboro Pike* | F/1606 | F/1806 |
| MD 4 @ Suitland Parkway-Presidential Parkway | | |
| MD @ SB Ramps and Suitland Parkway | A/547 | A/641 |
| MD 4 @ NB Ramps and Presidential Parkway | A/584 | A/594 |
| Old Marlboro Pike Ext and Old Marlboro Pike | A/392 | A/504 |
| Old Marlboro Pike @ MD 4-NB Off Ramp | A/136 | A/202 |
| MD 223 @ Melwood Road-Woodyard Road | A/717 | A/773 |
| MD 223 @ MD 4-EB Off Ramp | A/714 | A/803 |
| *Subject to PFFIP participation | | |

The results under total traffic conditions show that the intersections will all operate adequately, with the exception of Ritchie Marlboro Road-White House and Sansbury Road. The applicant has proffered the followings improvements:

Ritchie Marlboro Pike-White House Road and Sansbury Road

- Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.
- Design and prepare traffic signal modification plans.

These improvements will result in adequate levels of service at the intersection. Regarding the intersection of MD 4 at Westphalia Road-Old Marlboro Pike, while inadequate levels of service are projected for this intersection, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010, the applicant will be required to contribute to the PFFIP District. The amount of the contribution will be determined at the time of PPS.

It should be noted that the analysis assumed 46,000 square feet of retail, which is greater than the 32,000 square feet identified on some of the site plans. The precise density for the site will be further evaluated at the time of PPS, where a trip cap will be established.

The Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available public facilities, as required by Section 27-521, subject to four conditions that have been included in the Recommendation section of this report.

- f. **Special Projects**—In a memorandum dated November 12, 2021 (Thompson to Zhang), included herein by reference, the Special Projects Section found that the

subject application meets the requirements of the respective public facilities. Further adequate public facilities tests for the proposed development will be carried out at PPS review.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated January 10, 2022 (Burke to Zhang), included herein by reference, DPR expressed concern over the possible negative financial impact that this application may have on the full development of the central park, as follows:

The vision for Parkside is to establish a mixed-use town center community with high quality compact areas of commercial, retail, office, and residential development. A multi-agency private/public work group consisting of Maryland-National Capital Park and Planning Commission staff, County staff, citizens within the sector plan area, and representatives of the developers were assembled to implement this vision. This community is to be defined with core, edge, and fringe areas, all tied together by a central park, a network of sidewalks, trails, and greenways. Approximately 15,000–16,000 proposed residential units anticipated a population of over 38,000 residents, a population larger than many cities, and equivalent to the state capital, Annapolis. The community was presented to the public, including prospective property owners and residents, with the promise of a central park as a unifying community destination and amenity. By paying into a park club (\$3,500 per residential unit in 2006 dollars, which equates to \$4,517.64 in 2021), residents of the community are committed to the development of the park. The club fee funds the park construction by the developers using the timing triggers established in the CDP. The CDP established a maximum responsibility by the developer of \$13,900,000 (adjusted for inflation on an annual basis using the consumer price index, beginning in 2016), which is to be reimbursed to the developer using fees collected through the park club. The Westphalia Sector Plan indicated that a preliminary estimate of the central park development was \$41,000,000, which requires a park contribution from at least 11,715 residential units, using 2006 dollars.

This amendment to the CDP seeks to reduce the total number of proposed residential units by approximately 25 percent in this section from 3,648, to 2,751 residential units. Using the current value of the park club fees, this reduction of 897 residential units equates to over \$4,000,000 less in contributions to the development of the proposed central park. DPR understands that the original approval of the CDP permitted a maximum density for the community with the possibility of developing to a lesser density, and that the applicant must adhere to the market demands for the density and unit type. DPR also understands that the developer is still responsible for the development of the park to the maximum of \$13,900,000, adjusted for inflation, approximately \$15,600,000 in 2021; however, DPR has concerns that the reduction in the number of units with this project, coupled with unit reductions in other projects within the Westphalia Sector Plan will result in a smaller contribution into the park club and may compromise the goals and visions for the development and maintenance of the central park.

DPR is generally supportive of this application provided that the obligation of the applicant to provide the \$13,900,000, adjusted for inflation, is not diminished with future applications.

- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the preparation of this technical staff report, DPIE did not respond to the referral request.
- i. **Westphalia Sector Development Review Committee (WSDRC)**—At the time of the preparation of this technical staff report, WSDRC did not respond to the referral request.
- j. **Prince George’s County Police Department**—At the time of the preparation of this technical staff report, the Police Department did not offer comments on the subject application.
- k. **Prince George’s County Health Department**—In a memorandum dated November 8, 2021 (Adepoju to Zhang), included herein by reference, the Health Department provided three comments, as follows:
 - The applicant should designate retail/commercial space for a food facility that provides healthy food options.
 - During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George’s County Code.
 - During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Those comments have been transmitted to the applicant. A condition has been included in the Recommendation section requiring the applicant to put the last two comments as site plan notes on the SDP.

This amendment, except for those elements and conditions specifically discussed herein, does not affect the remaining conditions of previously approved CDP-0501, and CDP-0501-01, all of which remain in full force and effect governing the development of all sections, including Section 7.

RECOMMENDATION

Based upon the preceding evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-0501-03, and Type I Tree Conservation Plan, TCPI-038-05-03, for Parkside, Section 7, subject to the following conditions:

1. Prior to certification of this comprehensive design plan and prior to submission of any specific design plan for Section 7, the applicant shall:

- a. Provide a total of 551 mixed-retirement dwelling units (additional 267 units) in the Residential Medium Development Zone.
 - b. Provide a comprehensive phasing plan for the proposed development in Section 7.
 - c. Revise Condition 25, as follows:
 - 25. Prior to the approval of the 480th residential building permit in Section 7, a minimum 16,000 square feet of commercial gross floor area shall be constructed in the Local Activity Center Zone.**
2. Total development within the subject property shall be limited to uses which generate no more than 1,729 AM peak-hour trips and 1,945 PM peak-hour 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.
 3. At the time of preliminary plan of subdivision (PPS) for Section 7, the applicant shall:
 - a. Show all rights-of-way for MC-631 and P-616, as identified by the Prince George's County Planning Department, to be dedicated for public use.
 - b. Calculate its contribution to the Public Facilities Financing and Implementation Program. The exact amount will be determined based on the density approved with the PPS, to be paid at time of building permit.
 4. At time of specific design plan, the applicant shall include the following site plan notes:

"The applicant shall conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code."

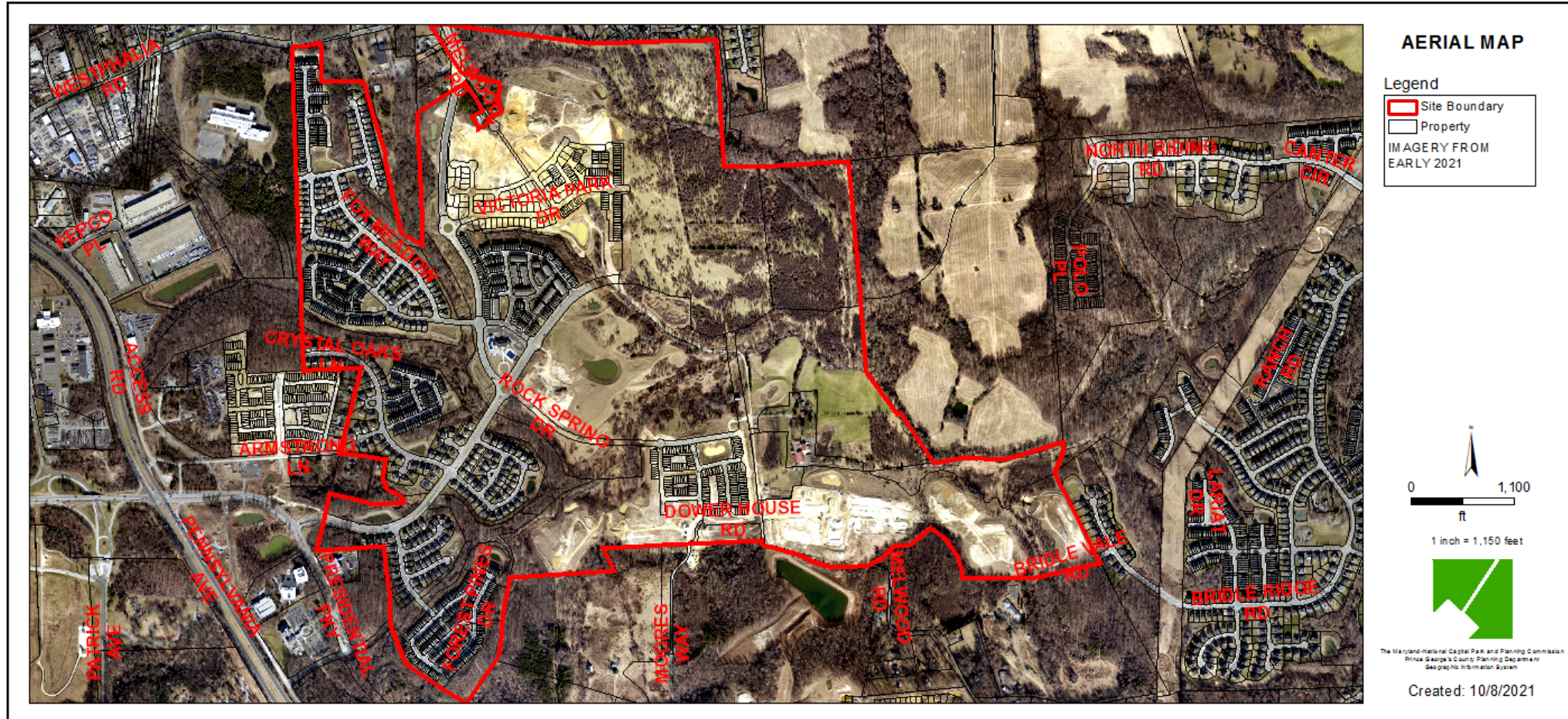
"The applicant shall conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."
 5. Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

Ritchie Marlboro Pike-White House Road and Sansbury Road

- Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.
- Design and prepare traffic signal modification plans.

PARKSIDE

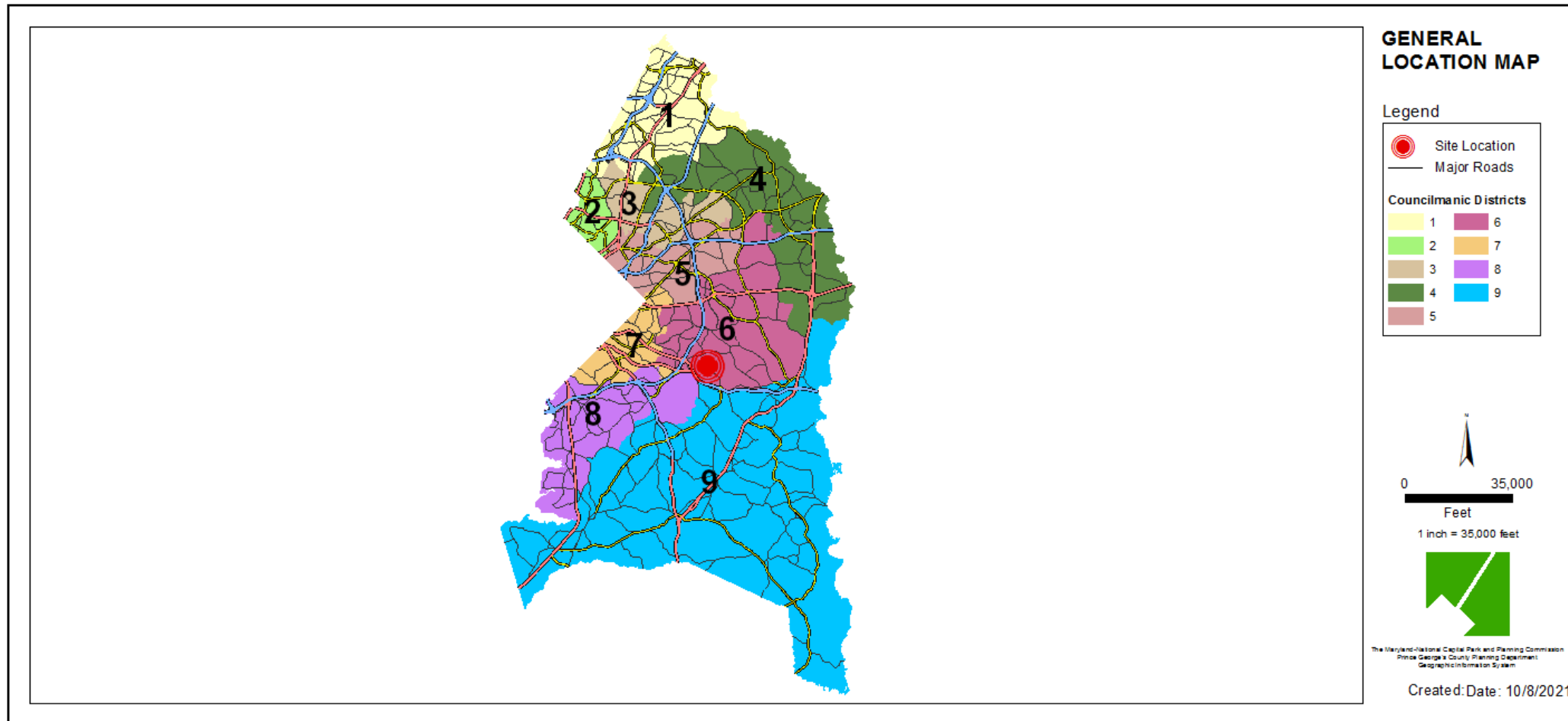
Comprehensive Design Plan
Staff Recommendation: DISAPPROVAL



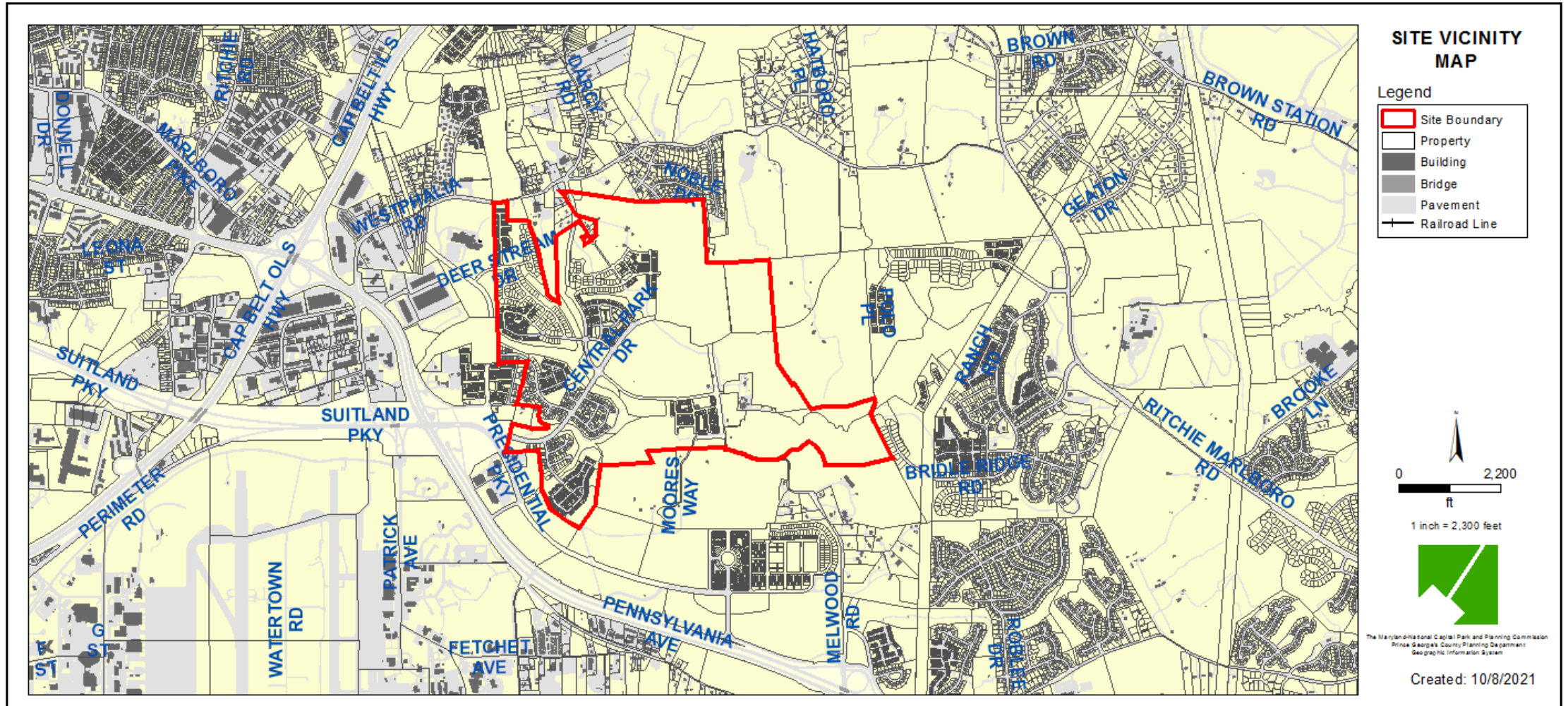
GENERAL LOCATION MAP

Council District: 06

Planning Area: 78

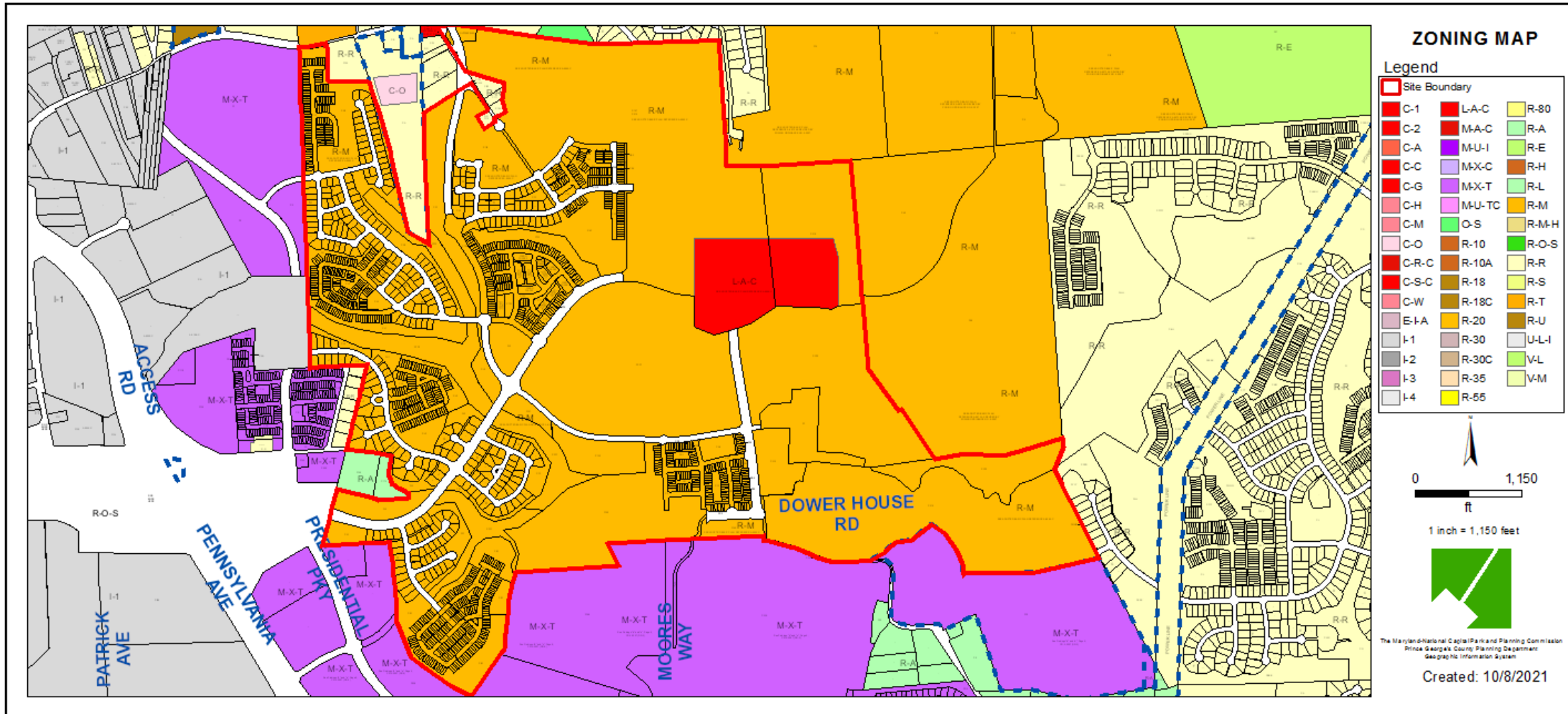


SITE VICINITY MAP

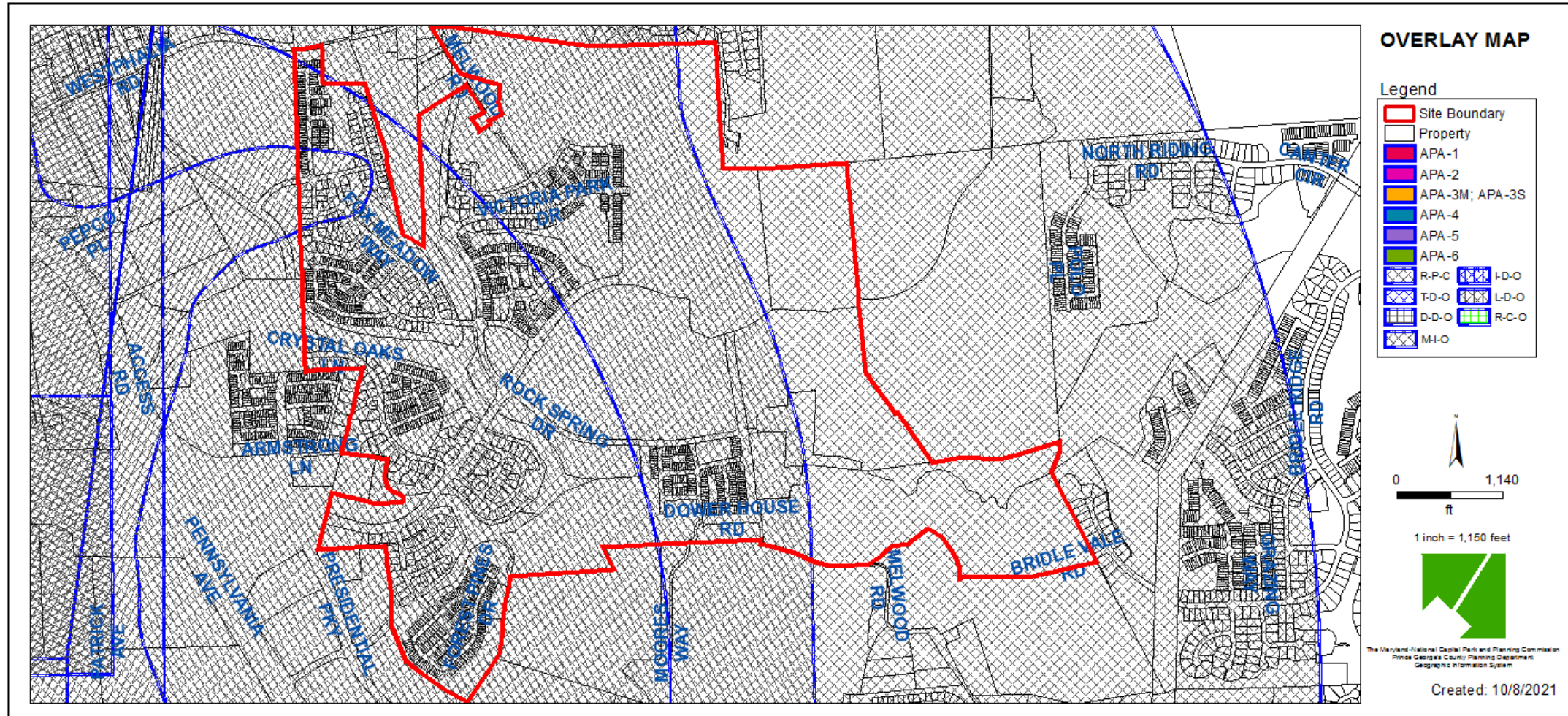


ZONING MAP

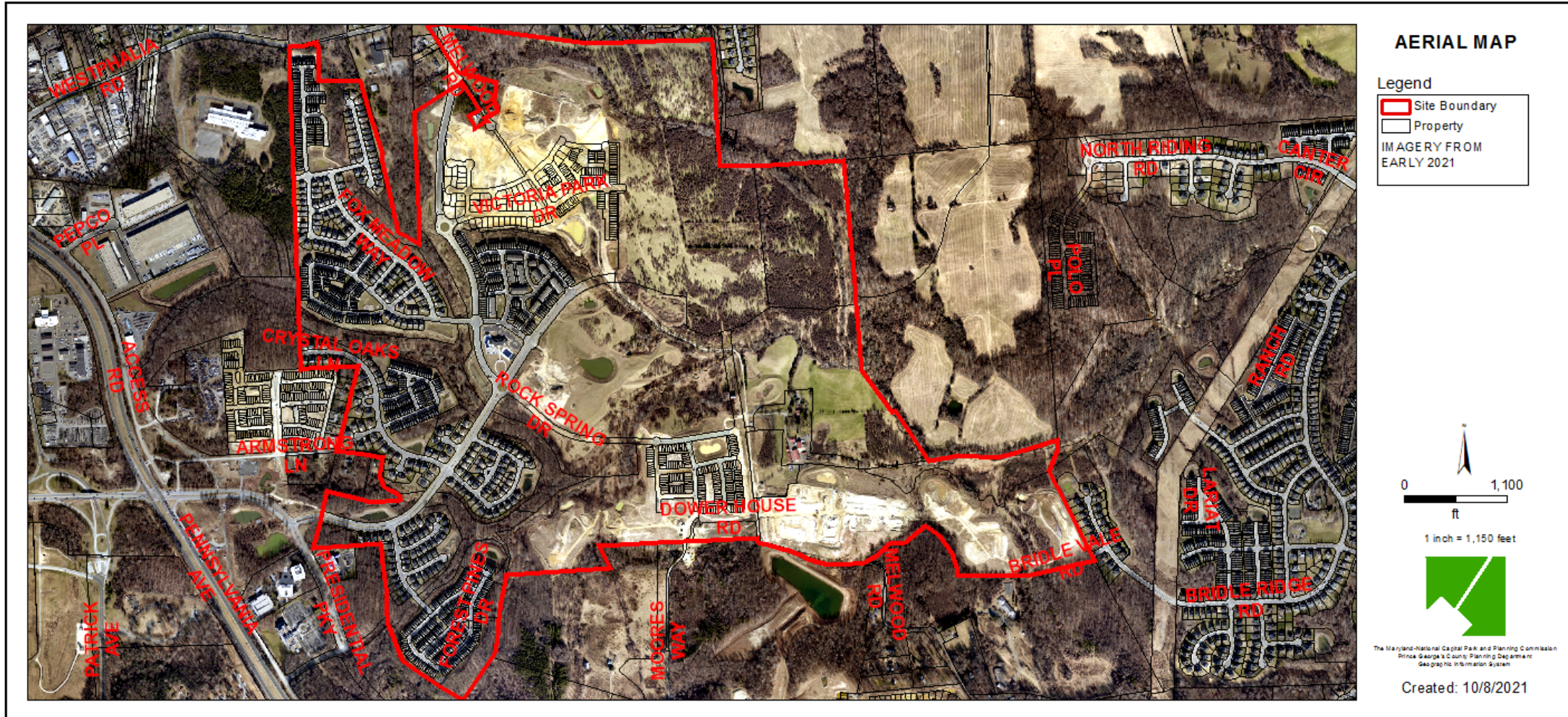
Property Zone: X-#



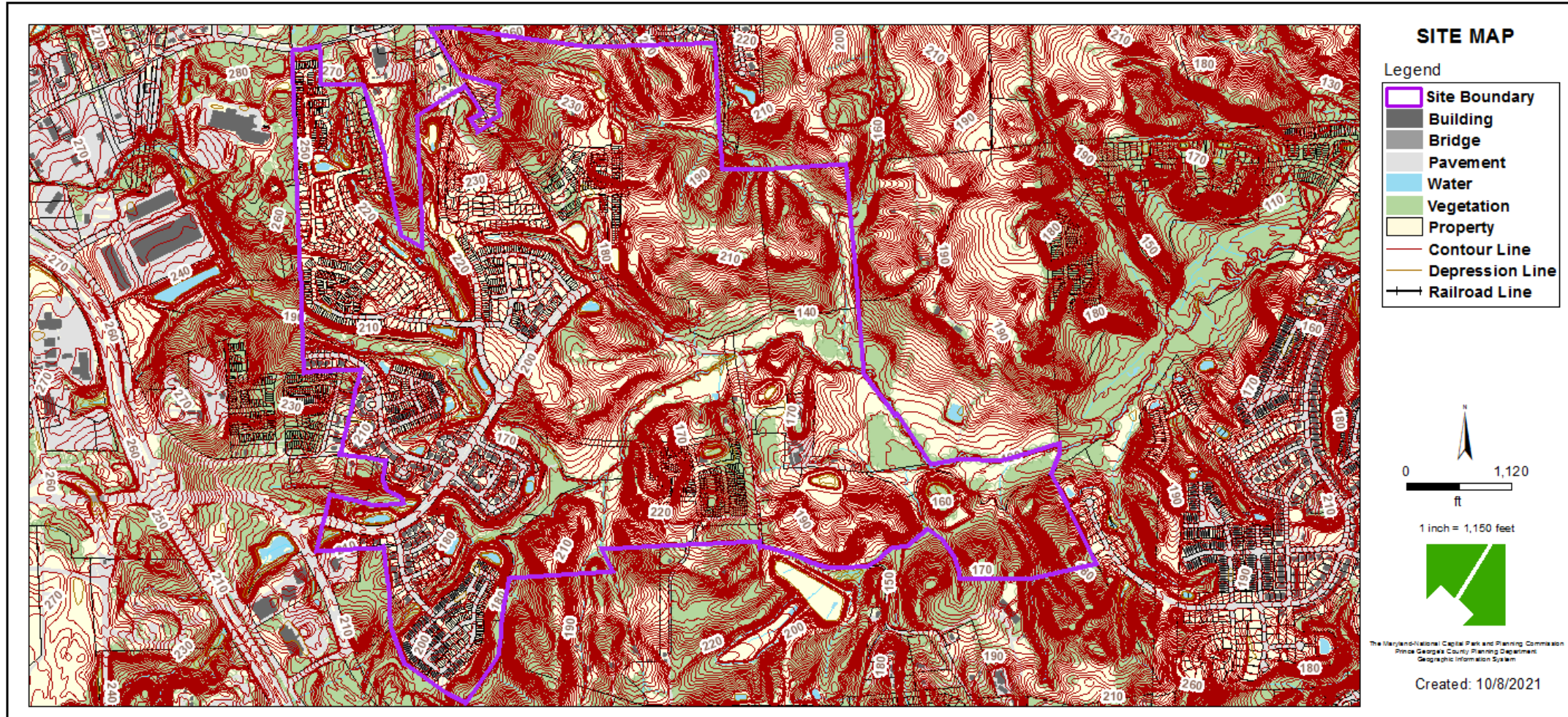
OVERLAY MAP



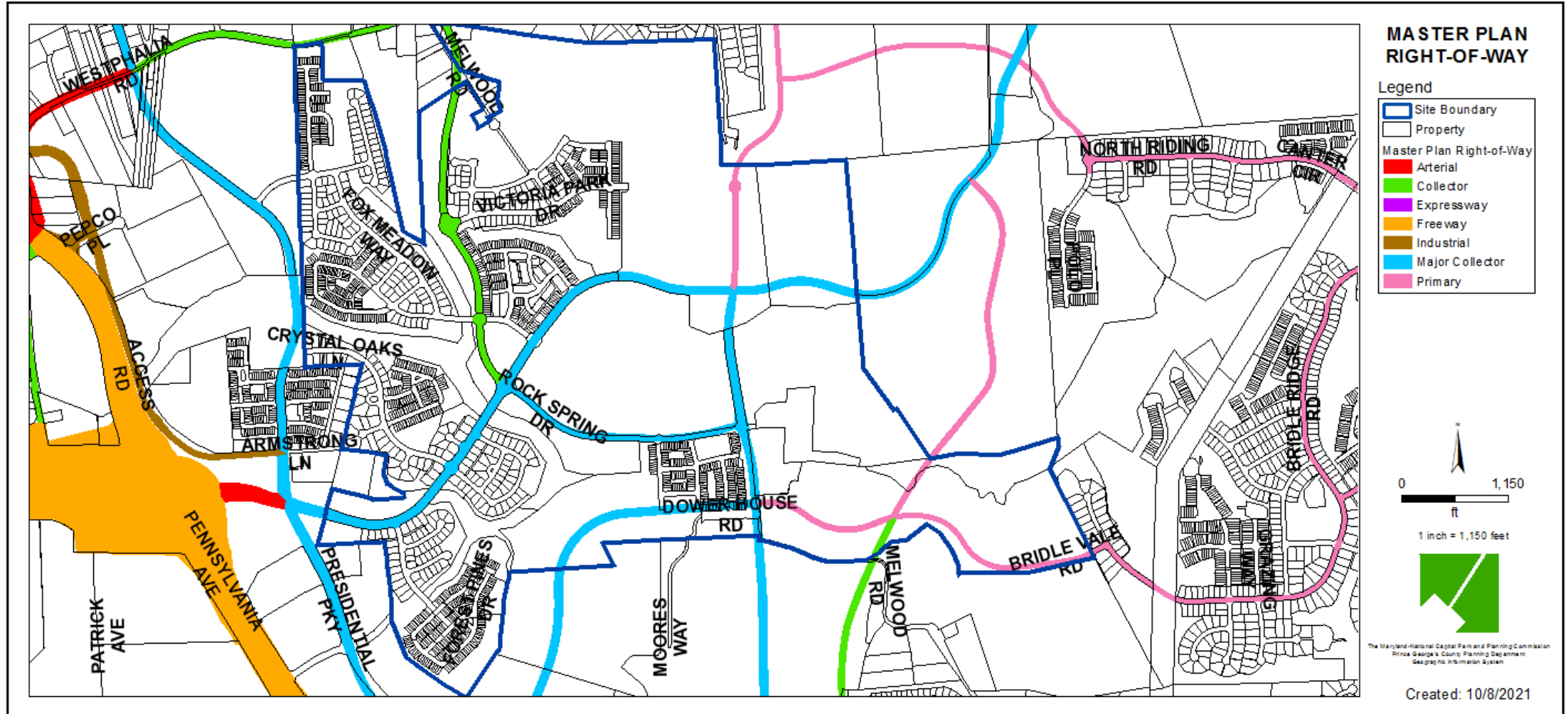
AERIAL MAP



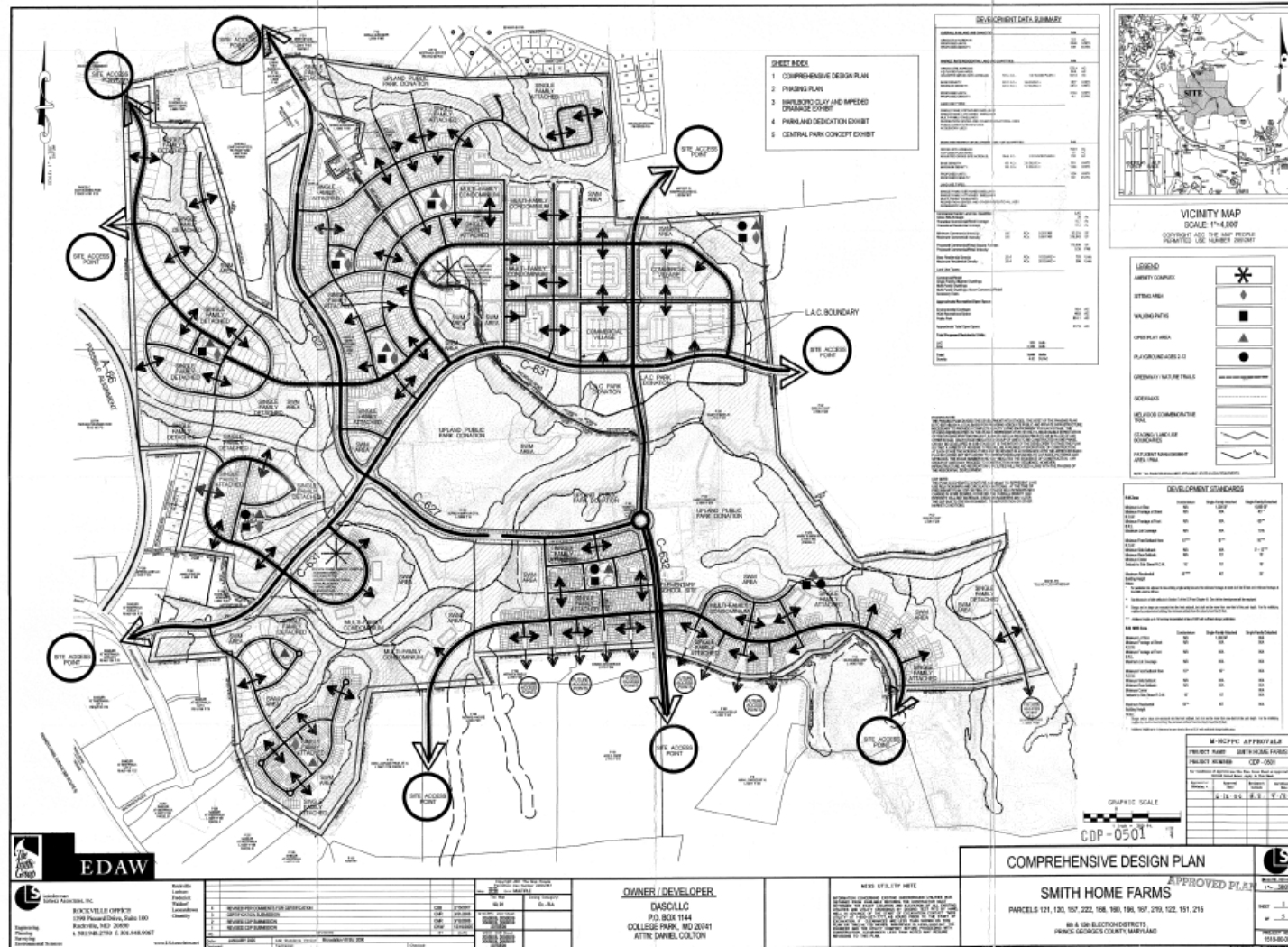
SITE MAP



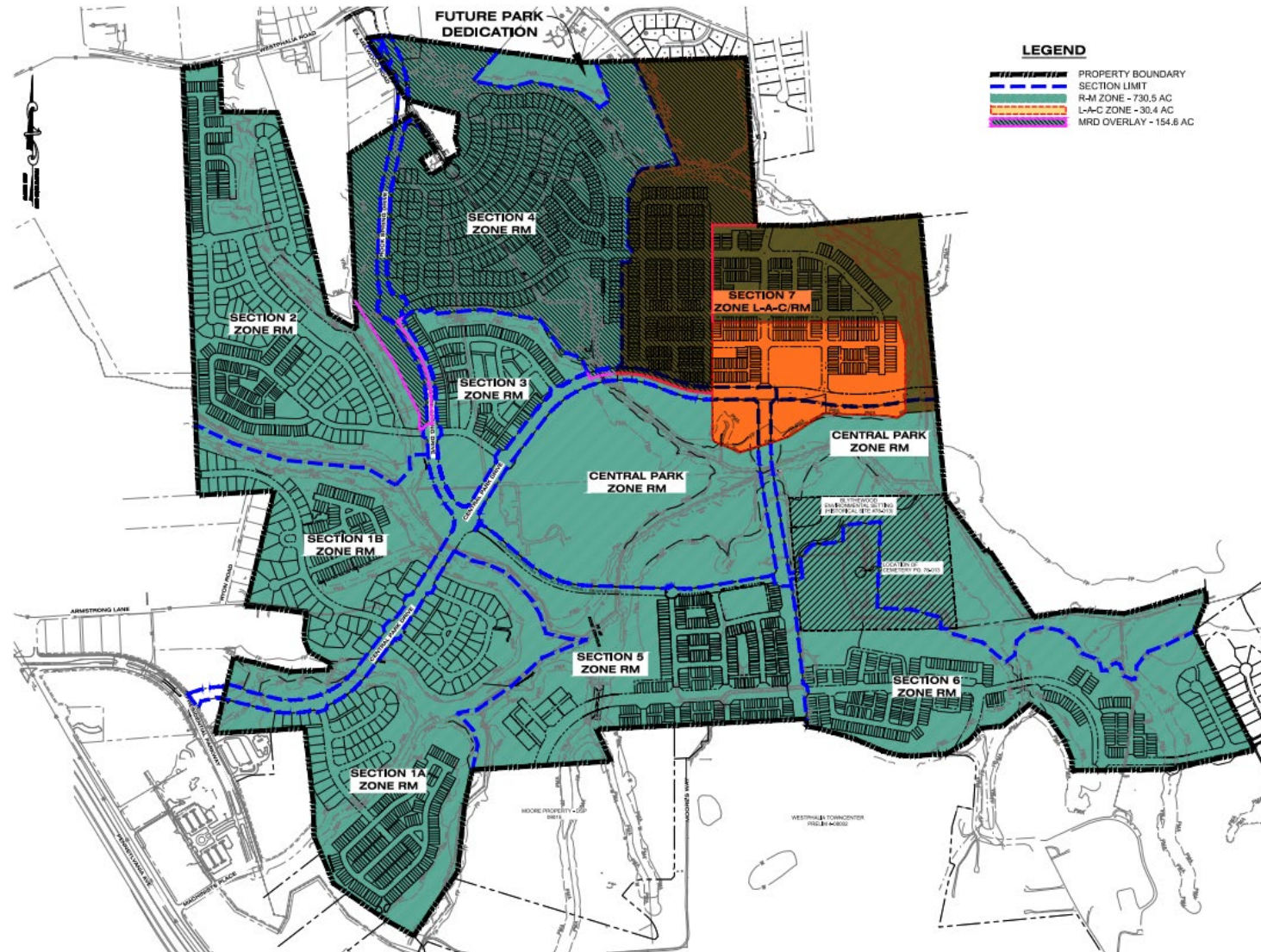
MASTER PLAN RIGHT-OF-WAY MAP



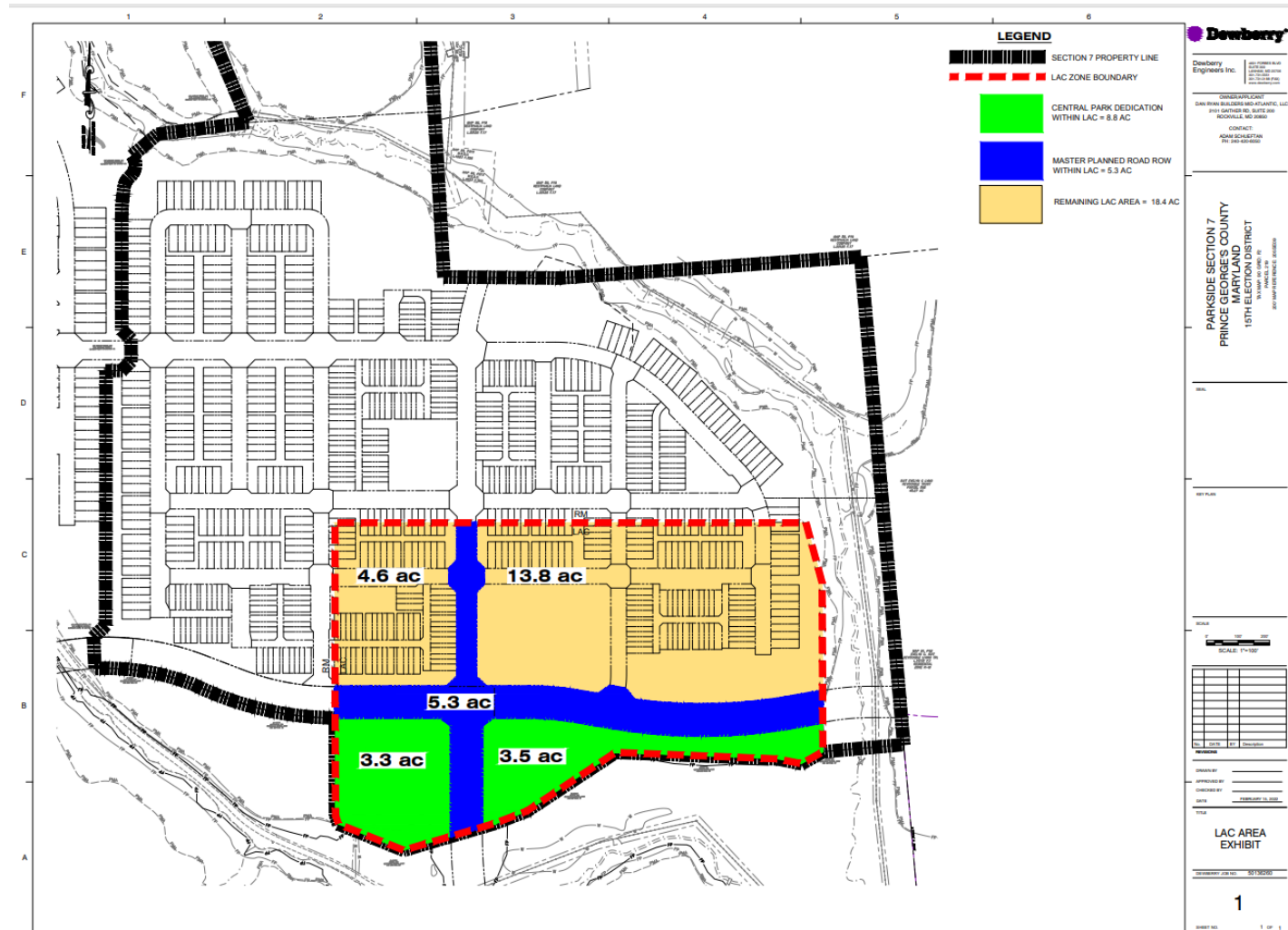
COMPREHENSIVE DESIGN PLAN CDP-0501



SECTION PLAN



• LAC LAND AREA AND DEDICATIONS



STAFF RECOMMENDATION

APPROVAL with

- 5 Conditions

Major Issues:

- No

Applicant Community Engagement:

- On May 5, 2021, Informational Mailing
- On January 4, 2022, sign posting




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

301-952-3972

December 28, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Andrew McCray, Senior Planner, Long-range Planning Section, Community Planning Division AM

SUBJECT: **CDP-0501/03 Parkside**

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the 2007 *Westphalia Approved Sector Plan*.

BACKGROUND

Application Type: Comprehensive Design Plan within the Westphalia Sector.

Location: 4404 Melwood Road, Upper Marlboro, MD 20772

Size: 760.93 acres

Existing Uses:

Proposal: Request to reduce the acreages of the MRD overlay and the commercial component in Section 7 and amend previous conditions of approval.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: Plan 2035 places this application in the Established Communities and the Local Centers. The vision for the Established Communities is to create the most appropriate for context-sensitive infill and low-to medium density development. (P. 20) Westphalia is one of 26 Local Centers. Local Centers are envisioned as supporting walkability, especially in their cores and where transit service is available. (p. 19).

Master Plan: The 2007 *Approved Westphalia Sector Plan* recommends Mixed-Use Area (Activity Center), Low-density residential, and Public/private open space land uses on the subject property. A portion of the property is also located in the Edge of the Westphalia Town Center. Accordingly, Strategy III Town Center Edge states “Develop a medium- to high-density urban pattern surrounding the high-density town center core, including medium-density mixed-use commercial and office, and several interconnected residential neighborhoods that have diverse housing styles and a network of open space land uses on the subject property. (See Map 5 on p. 20 and Illustration 3 on p. 24)

Planning Area: 78

Community: Westphalia & Vicinity

Aviation/MIOZ:

This application is located within the Military Installation Overlay Zone (MIOZ) for both Height and Noise. Pursuant to Section 27-548.54 – Requirements for Height, the applicant must meet the applicable requirements for properties located in Right Runway Area Label: E Conical Surface (20:1) – Pursuant to Section 27-548.55 – Requirements for Noise. The applicant must meet the applicable requirements for Noise Intensity Zone Area Label: 60 db – 74 db

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

MASTER PLAN CONFORMANCE ISSUES:

None

c: Long-range Agenda Notebook


Scott Rowe, AICP, CNU-A, Supervisor, Long-range Planning Section, Community Planning Division

January 10, 2022

MEMORANDUM

TO: Henry Zhang, Urban Design Review Section, Development Review Division
FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division

(WJL)

 Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: CDP-0501-03, Parkside

Proposal:

The subject application is a revision to Comprehensive Design Plan CDP-0501, which was approved for a maximum of 3,648 residential dwelling units and 170,000 square-feet of commercial/retail uses on approximately 757 acres of land. The applicant's proposal would set the overall acreage within the R-M Zone at 730.5-acres with 2,557 proposed dwelling units. Additionally, the applicant's proposal with set the overall acreage within the L-A-C Zone at 30.4 acres with 32,000 square-feet proposed for commercial/retail development, as well as 194 residential units. The subject application does not contain any bicycle or pedestrian improvements.

Prior Conditions of Approval:

The subject site has several prior approvals that include conditions related to pedestrian and bicycle transportation. However, the subject application does not alter the previously approved conditions related to pedestrian and bicycle facilities.

Master Plan Compliance

This development case is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT), which recommends the following facilities:

Planned Side Paths: MC-631

Planned Shared Roadways: Darcy Road, P-616

Hard Surface Trail: Cabin Branch Trail, Central Park Loop Trail, Melwood Legacy Trail

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

This development is subject to *2007 Approved Westphalia Sector Plan and sectional map amendment*. A bicycle/pedestrian trail network is displayed as Map 11 (p.45). This map shows several pedestrian and bicycle facilities which will connect to the subject property upon its development.

Within the *2007 Approved Westphalia Sector Plan and sectional map amendment*, the subject property falls within the Low-Density Residential category per Map 4: Land Use (p.19). Per Policy 5 - Residential Areas - Design Principles (p.31):

Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations, village centers, and local schools.

Comment: The property falls in the developing tier and will require sidewalks on both sides of all new internal roads which will be reviewed and evaluated with later site plan approvals.

Transportation Planning Review:

Based on the findings presented above, staff conclude that the pedestrian and bicycle transportation site access and circulation of this plan is acceptable

December 30, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section
VIA: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*
FROM: Mahsa Vatandoost, Senior Planner, Subdivision Section *MV*
SUBJECT: CDP-0501-03; Parkside

The property considered in this comprehensive design plan amendment (CDP-0501-03) is known as Parcel 219 and part of Parcel 157, and located on Tax Map 90 in Grids D1-D4, E1-E4, F1-F3 and Tax Map 91 in Grids A1-A3 and B3. Parcel 219 is recorded among the Land Records of Prince George's County, Maryland in Liber 44802 at folio 527 and Parcel 157 is recorded in Liber 32755 at folio 221. The property is within the Residential Medium Development (R-M) and the Local Activity Center (L-A-C) Zones and is also subject to Military Installation Overlay (M-I-O) Zone for height. Development on this property was phased under seven sections. This third amendment to CDP-0501 is limited to Section 7 which is located in the northeast portion of the overall 757-acre tract of land being developed under the titles 'Smith Home Farms' and 'Parkside'. This amendment proposes to remove Condition 25 of the PGCPB Resolution No. 2020-12 for CDP-0501-02 which requires construction of a minimum of 70,000 square feet of commercial gross floor area prior to issuance of the 2,113th building permit in the R-M or L-A-C Zones, reduce the number of approved residential dwelling units from 3,648 dwelling units to 2,751 dwelling units (2,273 market rate dwelling units, 284 mixed retirement units and 194 multifamily condominium units), and reduce the area of approved commercial/retail use from 170,000 square feet to 32,000 square feet.

The property is subject to an overall Preliminary Plan of Subdivision (PPS) 4-05080, which was approved for a development titled "Smith Home Farms" by the Prince George's County Planning Board (PGCPB Resolution No. 06-64(A/2)(C)). PPS 4-05080 approved 1,506 lots and 355 parcels for development of 2,143 residential dwelling units and 1,205 mixed retirement units in the R-M-Zone, and 300 multifamily condominium residential units and 140,000 square feet commercial/retail use in the L-A-C-Zone. The proposed change in the type and number of dwelling units and reduction in the quantity of commercial use floor area in this CDP amendment requires a new configuration of lots and parcels for the proposed development and associated private streets and alleys than which was previously approved with PPS 4-05080. This requires a new PPS to establish a new layout of lots and parcels proposed for the revised residential and commercial development.

There are no previous record plats for Section 7, which is the area of property subject to this amendment. Parcels 219 and 157 are acreage parcels described by deeds recorded in Liber 44802 at folio 527 and Liber 32755 at folio 221 respectively. Final plats of subdivision will be required for the proposed lots and parcels pursuant to the new PPS when approved.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All bearings and distances must be clearly shown on the CDP and must be consistent with the legal descriptions of the property. There are no other subdivision issues at this time.

Countywide Planning Division
Environmental Planning Section
301-952-3650

January 7, 2022

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section

VIA: Megan Reiser, Supervisor, Environmental Planning Section *MKR*

FROM: Kim Finch, Master Planner, Environmental Planning Section *KIF*

SUBJECT: **Parkside (Smith Home Farm); CDP-0501-03 and TCPI-038-05-01**

The Environmental Planning Section has reviewed the amended Comprehensive Design Plan, CDP-0501-03, accepted on October 22, 2021. A revised TCPI was submitted on December 23, 2021. The Environmental Planning Section recommends approval of amended Comprehensive Design Plan, CDP-0501-03 and revised TCPI, TCPI-038-05-03 with no conditions.

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 | TCPI-038-05 | District Council | Approved | 3/28/2016 | PGCPB No. 0656 |

| | | | | | |
|-----------------|----------------|--|----------|------------|--------------------|
| Reconsideration | | Affirmation of Planning Board Approval | | | (C)(A) |
| 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) |
| CDP-1501-02 | TCP1-038-05-02 | Planning Board | Approved | 2/20/2020 | PGCPB No. 2020-12 |
| CDP-1501-03 | TCP1-038-05-03 | Planning Board | Pending | Pending | Pending |

Proposed Activity

The applicant is requesting approval of an amended Comprehensive Design Plan (CDP) and a revised Type 1 Tree Conservation Plan (TCP1) for Section 7 of the overall development. The amendment is to eliminate Market-Rate -Development, reduce the amount of commercial space in the L-A-C from 170,000 square-feet to 32 000 square-feet, and to delete Condition 25. The remaining conditions attached to the prior approval of CDP-0501, CDP-0501-01 and CDP-0501-02 (except for Condition 25) remain unchanged and will govern the development of the Parkside project.

Grandfathering

The project is grandfathered under the Woodland Conservation/Tree Preservation Ordinance (1991) and is not subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010, and February 1, 2012.

Site Description

The Parkside development is located south of Westphalia Road (C-626) and on the east and west sides of Melwood Road consisting of 760.93-acres. Section 4, located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, is 96.48- acres gross tract, and is zoned R-M. Streams, wetlands, and floodplains associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property which are delineated as the Primary Management Area (PMA). 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. According to the Natural Resources Conservation Services (NRCS) Digital Soil Survey layer provided on PGATLAS, the principal soils on this site are in the Dodon fine sandy loam, Grosstown gravelly loam, and Marr-Dodon complex. Available GIS layers indicate that Marlboro clay occurs in and around the floodplain for Cabin Branch, a tributary of Western Branch. 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 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, the Established Communities General Plan Growth Policy Area (2035), and the Residential Low Generalized Future Land Use (2035) 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 conditions attached to the prior approval of A-9965-C/A-9966-C; and CDP-0501, CDP-0501-01 and CDP 0501-02 (except for Condition 25) remain unchanged and govern the development of the Parkside project. New preliminary plan and specific design plan applications for the development of Section 7,, and associated tree conservation plans, will not be grandfathered from the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010, and February 1, 2012.

ENVIRONMENTAL REVIEW

Natural Resource Inventory Plan/Existing Features

The application has an approved Natural Resource Inventory NRI-006-05-02 approved on July 25, 2012, which has expired. The revised TCPI and the amended CDP show the required information correctly in conformance with the applicable NRI. A revised NRI will be required with submittal of a new preliminary plan application.

Woodland Conservation

This property is subject to the provisions of the Prince George's County 1991 Woodland Conservation/Tree Preservation Ordinance (WCO). A revised conceptual Type I Tree Conservation Plan (TCPI-038-05-03) was submitted with the amended CDP application. The TCPI will be further refined during review of subsequent development applications. It should be noted that the requirement for a new Preliminary Plan of Subdivision will subject this phase to the current 2010 Woodland and Wildlife Habitat Conservation Ordinance.

The current zoning for this site is the R-M and L-A-C comprehensive design zones. The thresholds for the site are 25 percent for the R-M zone and 15 percent for the L-A-C zone. The worksheet reflects a threshold calculation of 24.53 percent, but the threshold has been reduced to 137.33 acres, which is the quantity of existing woodlands on-site, in accordance with the WCO

This 760.93-acre site has a net tract area of 637.51 acres and a Woodland Conservation Threshold (WCT) of 137.33-acres. There is also a replacement requirement of 96.94 acres for clearing below the threshold, 4.93 acres for clearing in the floodplain, and 9.29 acres for clearing off-site and

within the PMA. The 253.55-acre woodland conservation requirement is proposed to be satisfied by 29.04 acres of on-site preservation, 135.60 acres of afforestation/reforestation, and 88.91 acres of off-site mitigation. The conditions of approval of the Basic Plan state that the threshold, at a minimum, must be met on-site. The TCPI as previously approved proposed 164.64 acres of woodland conservation on-site which exceeds the threshold requirement. No technical corrections are required.

Specimen, Historic and Champion Trees

The project is not currently subject to the regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010, and February 1, 2012, which require approval of a Subtitle 25 variance for the removal of specimen, historic or champion trees. A future preliminary plan application for Section 7 would make the area of the proposed preliminary plan subject to the current Woodland and Wildlife Habitat Conservation Ordinance (2010). NRI-005-15-02, when last revised in 2012, indicated that there were no specimen trees were located on Section 7 of the overall development.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains regulated environmental features. A required finding for the approval of a CDP plan is that "The Plan must demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5)." The previously approved TCP1 proposed impacts for grading, sewer mains, and stormwater management outfalls. The Planning Board made the required findings at the time of CDP-0501, CDP-0501-01 and CDP-0501-02, as stated in the applicable resolutions (PGCPB No.06-56) which was affirmed by the District Council. The current amendment to the CDP is limited to one condition attached to the approval and does not alter any required environmental findings. The development pattern proposed and impacts to regulated environmental features will be further reviewed with future development applications.

SUMMARY OF RECOMMENDATION AND FINDINGS

The Environmental Planning Section recommends approval of amended Comprehensive Design Plan, CDP-0501-03, and revised TCPI, TCPI-038-05-03 based on the following findings:

1. The amended CDP can be found in substantial conformance with revised TCPI-038-05-03, and previously approvals of TCPI-038-05.
2. The amended CDP demonstrates the preservation and restoration of the regulated environmental features to the fullest extent possible consistent with Section 24-130-(b)(5) and prior approvals of CDP-0501.

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



Countywide Planning Division
Special Projects Section

November 12, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section, Development Review Division

VIA: BR Bobby Ray, AICP, Planning Supervisor, Special Projects Section, Countywide Planning Division

FROM: **IRT** Ivy R. Thompson, AICP, Senior Planner, Special Projects Section, Countywide Planning Division

SUBJECT: **CDP-0501-03 Parkside**

Project Summary: Amendment to approved proposal to decrease proposed development to 639 single-family attached residential units and approximately 32,000 square feet of commercial space.

The proposal will be reviewed for adequate public facilities during the Subdivision review of the preliminary plan. The following is provided for informational purposes only:

Capital Improvement Program (CIP)

Title: The Prince George's County FY 2020-2025 Approved CIP
Planning Area: 78 – Westphalia and Vicinity
Projects: Police Training and Administrative Headquarters, Fire Department Headquarters and The Forestville Fire/EMS Station Westphalia

Water and Sewerage Findings

Category: The proposed development is within Water and Sewer Category 3, Community System Adequate for Development Planning.

RESIDENTIAL

Police Facilities

Station/Location: The subject property is served by Police District II, Bowie.
Test: The response time standards established by Section 24-122.01(e) is ten-minutes for emergency calls and 25-minutes for non-emergency calls. The test is applied on the date the application is accepted or within the following three (3) monthly cycles, pursuant to Section 24-122.01(e)(2).

Fire and Rescue

Station/Location: The subject property is served by the Upper Marlboro Fire/EMS Co. 820 located at 14815 Pratt Street, Upper Marlboro, MD and the

Forestville Fire/EMS Co. 823 located at 8321 Old Marlboro Pike, Upper Marlboro, MD.

Test: The response time standard established by Section 24-122.01(e) is a maximum of seven-minutes travel time from the first due station.

Schools: The proposed project is within School Cluster 4, which includes Arrowhead Elementary, Kettering Middle and Dr. Henry A Wise Jr. High School. Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. This per dwelling unit fee is to be paid to Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of issuance of each building permit.

NON-RESIDENTIAL

Police Facilities

Station/Location:

Police District II, Bowie in Bowie.

Test:

Per Section 24-122.01(c)(1)(A) of the Subdivision Regulations, the Planning Board's current test for police adequacy is based on a standard for square footage of police stations relative to the population.

Fire and Rescue

Station/Location:

Brandywine Volunteer Fire/EMS Co. 840 located at 13809 Brandywine Rd, Brandywine, MD 20613

Test:

Per Section 24-122.01(d)(1)(A) of the Subdivision Regulations, a five-minute *total response time* is recognized as the national standard for Fire/EMS response times. The non-residential response time standard is a maximum of four-minute travel time from the first due station.

Schools:

Per Section 24-122.02 of the Prince George's County Code of Ordinances, Subdivision Regulations, Council Resolutions, CR-23-2001 and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, the commercial property is exempt from a review for schools.



Division of Environmental Health/Disease Control

Date: November 8, 2021

To: Henry Zhang, Urban Design, M-NCPPC

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

Re: CDP-0501-03

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

- 1. The applicant should designate retail/commercial space for a food facility that provides healthy food options.***
2. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
3. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Refer to the previous comments/recommendations listed in the review for SDP-1302-03 Parkside, SDP-1601-02, Parkside



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



Division of Environmental Health/Disease Control

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



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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: January 10, 2022

TO: Henry Zhang, Master Planner
Urban Design Section
Development Review Division
Planning Department

VIA: Sonja Ewing, Assistant Division Chief *SME*
Department of Parks and Recreation

FROM: Tom Burke, Planner Coordinator *TB*
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **CDP-0501-03**
Parkside

The Department of Parks and Recreation (DPR) has reviewed and evaluated this conceptual design plan (CDP) amendment application as it pertains to public parks and recreational facilities.

PROPOSAL

This application is a petition for the third amendment to the subject CDP. This CDP amendment seeks to reduce the number of previously approved multifamily dwelling units and eliminate the Mixed Retirement Development (MRD), and to develop the area with single family attached units. This amendment also seeks to reduce the previously approved 170,000 square feet gross floor area (GFA) of commercial development to 32,000 square feet GFA, and to develop the area with single family detached units. The amendment will result in 897 fewer dwelling units and a 138,000 square foot reduction in commercial GFA than previously approved.

BACKGROUND

This 760.9-acre tract consists primarily of residentially developed land, woodland, and active farmland with 730.5 acres in the Residential Medium Development (R-M) Zone, and 30.4 acres in the Local Activity Center (L-A-C) Zone, both designated as comprehensive

design zones. The site is approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue) in Upper Marlboro. The proposed amendment is being filed in accordance with the provisions of the Prince George's County Zoning Ordinance Section 27-521 and Section 27-524 of the Zoning Ordinance, which relate to the initial approval of a CDP and amendments.

Nearby developed facilities include Mellwood Parke Park located approximately 4 miles southeast of the subject property, and Westphalia Park located 3.5 miles to the north. Additionally, Westphalia Community Center is approximately 2.5 miles northwest of the Parkside development.

Master Plan

The applicant developed a master plan for the Westphalia 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. The implementation of the master plan is the joint responsibility of the applicant and M-NCPPC, with the early phases largely being led by the applicant. 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, the DPR staff made the decision to stop the lake design and redesign the central park, with a smaller runoff sourced amenity pond.

Schematic Design Plan

Per Condition 10 (b) of CDP-0501, the applicant, in cooperation with a design team from DPR, the 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 and tennis courts, an amphitheater with a plaza and restroom facility, 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, formal and community gardens, and an extensive network of pedestrian, bicycle and equestrian trails.

REVIEW OF PREVIOUS CONDITIONS OF APPROVAL

Zoning Map Amendments (ZMA) A-9965 and A-9966 proposed a rezoning of the tract from the Residential Agricultural (R-A) Zone, to the R-M Zone with an RMD, and to the L-A-C Zone. On October 26, 2005 the Zoning Hearing Examiner (ZHE) recommended approval of the rezoning request, consolidating all 19 recommended conditions of approval presented by the Planning Board as sub-conditions in two conditions. On March 9, 2006, the Ordinance became effective based on the approval of the ZMA by the District Council.

Conceptual Design Plan CDP-0501 was approved by the Planning Board on February 23, 2006 (PGCPB Res. No. 06-056(C)) with 30 conditions. The District Council adopted the findings of the Planning Board on June 12, 2006, with four additional conditions. Two subsequent amendments to the CDP were approved for various changes to the conditions and development standards.

On March 28, 2016, the District Council approved a reconsideration of CDP-0501, specifically to Conditions and findings associated with the services for the design grading, and construction of the Westphalia Central Park, and to issuance of building permits for development of the site, providing a maximum of 3,648 residential dwelling units and 170,000 square feet of commercial/retail uses. The following conditions relate to DPR in **bold**, including Conditions 10, 11, 24, 31, and 32, which were the subject of the reconsideration, in ***bold italics***:

1. **Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:**
 - 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.**
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 |
| <i>Private Recreation Center Outdoor Recreation Facilities on HOA property</i> | <i>Prior to the issuance of the 200th building permit overall</i> | <i>Complete by 400th building permit overall</i> |
| <i>Pocket Parks (including Playgrounds) within each phase on HOA property</i> | <i>Prior to the issuance of any building permits for that phase</i> | <i>Complete before 50% of the building permits are issued in that phase</i> |
| <i>Trail system within each phase on HOA property</i> | <i>Prior to the issuance of any building permits for</i> | <i>Complete before 50% of the building permits are</i> |

| | <i>that phase</i> | <i>issued in that phase</i> |
|---|-------------------|-----------------------------|
| <p><i>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.</i></p> | | |

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 [standard conditions for conveyance of parkland to M-NCPPC are listed as a. through i. in the decision].**
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.**

The District Council adopted the Westphalia Sector Plan with amendments including establishing the amount of the park club as \$3,500 per residential unit (Amendment 8).

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.~~

2524. 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.

2827. 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.

~~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.~~

3330. 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.

DISCUSSION

The vision for Parkside is to establish a mixed-use town center community with high quality compact areas of commercial, retail, office, and residential development. A multi-agency private/public work group consisting of M-NCPPC staff, County staff, citizens within the sector plan area, and representatives of the developers were assembled to implement this vision. This community is to be defined with core, edge, and fringe areas, all tied together by a central park, a network of sidewalks, trails, and greenways. Approximately 15,000-16,000 proposed residential units anticipated a population of over 38,000 residents, a population larger than many cities, and equivalent to the State capital, Annapolis. The community was presented to the public, including prospective property owners and residents, with the promise of a central park as a unifying community destination and amenity. By paying into a park club (\$3,500 per residential unit in 2006 dollars, which equates to \$4,517.64 in 2021), residents of the community are committed to the development of the park. The club fee funds the park construction by the developers using the timing triggers established in the CDP. The CDP established a maximum responsibility by the developer of \$13,900,000 (adjusted for inflation on an annual basis using the consumer price index, beginning in 2016), which is to be reimbursed to the developer using fees collected through the park club. The Westphalia Sector Plan indicated that a preliminary estimate of the central park development was \$41,000,000, which requires a park contribution from at least 11,715 residential units, using the 2006 dollars.

This amendment to the CDP seeks to reduce the total number of proposed residential units by approximately 25 percent in this section from 3,648, to 2,751 residential units. Using the

CDP-0501-03
Parkside

current value of the park club fees, this reduction of 897 residential units equates to over \$4,000,000 less in contributions to the development of the proposed central park. DPR understands that the original approval of the CDP permitted a *maximum* density for the community with the possibility of developing to a lesser density, and that the applicant must adhere to the market demands for the density and unit type. DPR also understands that the developer is still responsible for the development of the park to the maximum of \$13,900,000, adjusted for inflation, approximately \$15,600,000 in 2021; however, DPR has concerns that the reduction in the number of units with this project, coupled with unit reductions in other projects within the Westphalia Sector Plan will result in a smaller contribution into the park club and may compromise the goals and visions for the development and maintenance of the central park.

DPR is generally supportive of this application provided that the obligation of the applicant to provide the \$13,900,000, adjusted for inflation, is not diminished with future applications.

RECOMMENDATION

The Park Planning & Development Division of DPR recommends approval of the Parkside Comprehensive Design Plan amendment, CDP-0501-03.

cc: Bridget Stesney
 Christian Gabriel



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Countywide Planning Division
Transportation Planning Section


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January 10, 2022

MEMORANDUM

TO: Henry Zhang, Urban Design Review Section, Development Review Division

FROM:  Glen Burton, Transportation Planning Section, Countywide Planning Division

VIA:  William Capers III., PTP, Supervisor, Transportation Planning Section,
Countywide Planning Division

VIA:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: CDP-0501-03, Parkside (Section 7)

Proposal:

This memorandum represents a revision to an approved comprehensive design plan (CDP-0501-03). While the overall CDP represents approximately 2751 dwelling units, this phase of the development focuses on the following two uses:

- 639 Townhouses
- 32,000 square- feet commercial

Prior Conditions of Approval:

- September 29, 2005, the Prince George's County Planning Board recommended approval of Zoning Map Amendments (ZMA) A-9965 and A-9966, which rezoned the subject 757-acre property from the R-A Zone to the Residential Medium Development (R-M, 3.6-5.7) Zone with a mixed-retirement development and to the L-A-C Zone with a mix of residential and retail uses, subject to 19 conditions. Those conditions do not affect this section of the overall site.
- On February 13, 2006, the District Council approved both ZMA applications.
- On February 23, 2006 the Prince George's County Planning Board approved a Comprehensive Design Plan (CDP-0501) for the subject application. Based on information outlined in PGCPB 06-56(C), CDP-0501 was approved with several transportation-related conditions, including the following:

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.*

Status: A traffic impact study (TIS) for the subject application was submitted, and indicated that with the pending CDP application, the original trip cap will be exceeded in the pm peak hour. Details of that TIS will be discussed later in this memorandum.

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.*

Status: On December 1, 2011, the Planning Board approved CDP-0501-01. The purpose of this revision, was to amend three prior conditions including Condition 3 above. Pursuant to PGCPB No. 11-112, CDP-0501-01 amends Condition 2 with the following language:

Prior to issuance of each building permit for the Smith Home Farm, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate or, if determined, the final cost estimate. In no case shall the fee exceed the current or final cost estimate of \$80 million and any overpayment of the fee shall be reimbursed to the applicant.

- On January 30, 2020, the Prince George's County Planning Board approved a Comprehensive Design Plan (CDP-0501-02)) for the subject application. There were no transportation-related conditions associated with this application.

Master Plan Compliance:

The subject property is located in an area where the development policies are governed by the *Approved Westphalia Sector Plan and Sectional Map Amendment, 2007*, as well as the *Approved Countywide Master Plan of Transportation, November 2009*. The Section 7 Phase of the Parkside development fronts on a major collector (MC-631) road. A second master plan road (P-616) which is currently unbuilt, is centrally located within the property. All other aspects of the site regarding access and layout are deemed to be acceptable.

Staff Review and Comments:

Staff reviewed a traffic impact study (TIS) revised November 2021 in conjunction to the subject CDP amendment. This TIS is necessary because the applicant is revising the uses that were originally assigned to Section 7 of the original Smith Home Farm development. These change of uses will result in an increase of the trip cap established by the approval of the original preliminary plan of subdivision (PPS) for the Smith Home Farm (4-05080).

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. 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. Mitigation per Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any TSA subject to meeting the geographical criteria in the "Guidelines".

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

For two-way stop-controlled intersections a three-part process is employed:
(a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "Transportation Review Guidelines - Part 1- 2012". The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions. The following represents the intersections deemed critical for the proposed development:

| EXISTING CONDITIONS | | |
|---|-----------------|-----------------|
| Intersections | AM | PM |
| | (LOS/CLV) delay | (LOS/CLV) delay |
| Ritchie Marlboro Road-White House and Sansbury Road | A/725 | A/864 |
| Westphalia Road @ D'Arcy Road * | 12.5 seconds | 14.4 seconds |
| MD 4 @ Westphalia Road-Old Marlboro Pike | A/892 | C/1246 |
| MD 4 @ Suitland Parkway-Presidential Parkway | B/1059 | E/1503 |
| MD 223 @ Old Marlboro Pike * | 12.2 seconds | 12.4 seconds |
| MD 223 @ MD 4-WB Off Ramp * | 12.3 seconds | 15.4 seconds |
| MD 223 @ MD 4-EB Off Ramp * | 19.1 seconds | 21.2 seconds |
| * Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the "Guidelines", all three tests must fail in order to require a signal warrant study. | | |

The traffic study identified 25 background developments whose impact would affect some or all of the study intersections. Based on the last 10 years of daily traffic along MD 4, it was determined that no growth has occurred. Applying the traffic for those background developments, the following represents the results for the background analyses:

| BACKGROUND CONDITIONS | | |
|---|-----------------|-----------------|
| Intersections | AM | PM |
| | (LOS/CLV) delay | (LOS/CLV) delay |
| Ritchie Marlboro Road-White House and Sansbury Road | C/1282 | E/1536 |
| Westphalia Road @ D'Arcy Road | A.825 | B/1085 |
| MD 4 @ Westphalia Road-Old Marlboro Pike | E/1560 | F/1740 |
| MD 4 @ Suitland Parkway-Presidential Parkway | | |
| MD @ SB Ramps and Suitland Parkway | A/426 | A/318 |
| MD 4 @ NB Ramps and Presidential Parkway | A/571 | A/587 |
| Old Marlboro Pike Ext and Old Marlboro Pike | A/386 | A/484 |
| Old Marlboro Pike @ MD 4-NB Off Ramp | A/136 | A/202 |
| MD 223 @ Melwood Road-Woodyard Road | A/648 | A/711 |
| MD 223 @ MD 4-EB Off Ramp | A/666 | A/747 |

Using the trip rates from the “Guidelines”, as well as the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers - ITE) the study has indicated that the subject application represents the following trip generation:

| Table 1 - Trip Generation | | | | | | | |
|---|------------------------------|----------------|------------|-------------|----------------|------------|-------------|
| | | AM Peak | | | PM Peak | | |
| | | In | Out | Total | In | Out | Total |
| Townhouses | 639 | 89 | 358 | 447 | 332 | 179 | 511 |
| | <i>Less internal capture</i> | -12 | -20 | -32 | -29 | -27 | -56 |
| | Net new trips | 77 | 338 | 415 | 303 | 152 | 455 |
| Retail | 46,000 square feet | 108 | 67 | 175 | 147 | 159 | 306 |
| | <i>Less internal capture</i> | -81 | -50 | -131 | -110 | -119 | -229 |
| | Net new Trips | 27 | 17 | 44 | 37 | 40 | 77 |
| Total new trips (Section 7 only) | | 104 | 355 | 459 | 340 | 192 | 532 |
| Total Trips (All sections) | | 353 | 1376 | 1729 | 1278 | 667 | 1945 |
| Total Trip Cap (PPS) | | 404 | 1443 | 1847 | 1194 | 532 | 1726 |
| Trip difference (Total trips - PPS trip cap) | | | | -118 | | | +219 |

The table above indicates that the development as proposed (Section 7), will be adding 459 AM and 532 PM net new peak trips. A third analysis depicting total traffic conditions was done, yielding the following results:

| TOTAL CONDITIONS | | |
|--|------------------|-------------------------|
| Intersections | AM | PM |
| | (LOS/CLV) delay | (LOS/CLV) delay |
| Ritchie Marlboro Road-White House and Sansbury Road <i>With improvement</i> | D/1335 C/1149 | E/1596 D/1445 |
| Westphalia Road @ D’Arcy Road | A/914 | B/1133 |
| MD 4 @ Westphalia Road-Old Marlboro Pike * | F/1606 | F/1806 |
| MD 4 @ Suitland Parkway-Presidential Parkway | | |
| MD @ SB Ramps and Suitland Parkway | A/547 | A/641 |
| MD 4 @ NB Ramps and Presidential Parkway | A/584 | A/594 |
| Old Marlboro Pike Ext and Old Marlboro Pike | A/392 | A/504 |
| Old Marlboro Pike @ MD 4-NB Off Ramp | A/136 | A/202 |
| MD 223 @ Melwood Road-Woodyard Road | A/717 | A/773 |
| MD 223 @ MD 4-EB Off Ramp | A/714 | A/803 |
| * Subject to PFFIP participation. | | |

The results under total traffic conditions show that the intersections will all operate adequately, with the exception of Ritchie Marlboro Road-White House and Sansbury Road. The applicant has proffered the followings improvements:

Ritchie Marlboro Pike- White House Road & Sansbury Road

- Restripe the northbound right lane along Sansbury Road to a shared right and left turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.
- Design and prepare Traffic Signal Modification Plans.

These improvements will result in adequate levels of service at the intersection. Regarding the intersection of MD 4 @ Westphalia Road-Old Marlboro Pike, while inadequate levels of service is projected for this intersection, pursuant to the provisions of County Council approved CR-66-2010, the applicant will be required to contribute to the Westphalia Public Facilities Financing and Implementation Program (PFFIP) District. The amount of the contribution will be determined at the time of preliminary plan of subdivision.

It should be noted that the analysis assumed 46,000 square feet of retail, which is greater than the 30,000 square feet identified on some of the site plans. The precise density for the site will be further evaluated at the time of preliminary plan of subdivision, where a trip cap will be established.

Transportation Staff Conclusions

The Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Prince George's County Code if the application is approved with the following conditions:

1. Total development within the subject property shall be limited to uses which generate no more than 1,729 AM peak hour trips and 1,945 PM peak hour 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.
2. At the time of preliminary plan, the applicant shall be conditioned to dedicate all rights-of-way for MC-631 and P-616 as identified by the Planning Department.
3. At the time of preliminary plan, the applicant shall be conditioned to contribute to the Public Facilities Financing and Implementation Program PFFIP. The exact amount will be determined based on the density approved for the preliminary plan.

- 4 Prior to the approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

Ritchie Marlboro Pike- White House Road & Sansbury Road

- Restripe the northbound right lane along Sansbury Road to a shared right and left turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.
- Design and prepare Traffic Signal Modification Plans.

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

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 expenses 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 |
| <p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p> | | |

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

R-M Zone

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

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

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

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

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

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

R-M MRD

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

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

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

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

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”
21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, 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:

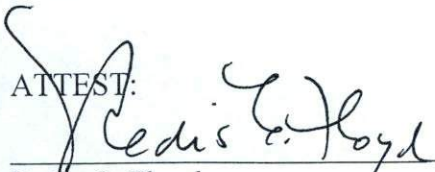
Abstained:

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

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:

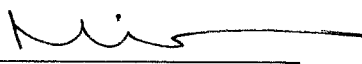
This is to advise you that on **January 5, 2012** the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

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.

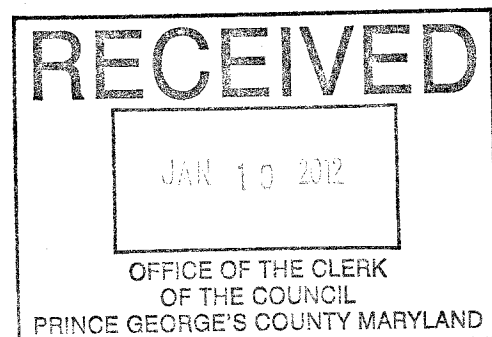
Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the Council, at the above address.

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





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

PGCPB No. 11-112

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) | R-M & L-A-C | R-M & L-A-C |
| Use(s) | Residential, Commercial/Retail | 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

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

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**

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

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.**

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

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

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.**

*****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**

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):

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

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;**

- (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

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.

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

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

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.

- b. Remove vehicular connections to surrounding properties. Label and clarify the legend for the additional "arrow" connections.
 - c. Remove the single-family dwelling unit development pod which is located along the east side of the easternmost access along D'Arcy Road, consistent with the approved preliminary plan of subdivision.
2. The following three conditions attached to previously approved Comprehensive Design Plan CDP-0501 shall be revised as follows (underlined text is added/changed):
3. **Prior to issuance of each building permit for the Smith Home Farm, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate or, if determined, the final cost estimate. In no case shall the fee exceed the current or final cost estimate of \$80 million and any overpayment of the fee shall be reimbursed to the applicant.**
 7. **Prior to acceptance of the applicable SDPs:**
 - a. **The following shall be shown on or submitted with the plans:**
 - (1) **The community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
 - (2) **The swimming pool shall be a 25-meter, 8-lane competition pool, and a minimum of 4,000-square-foot wading/activity pool.**

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

R-M ZONE

| | 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

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.

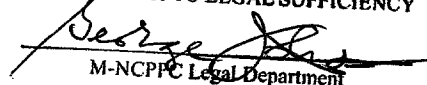
Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:arj

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 12/13/11



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

March 14, 2020



SHF Project Owner, LLC
1999 Avenue of The Stars, Suite 2850
Los Angeles, VA

Re: Notification of Planning Board Action on
Comprehensive Design Plan – CDP-0501-02
Northgate

Dear Applicant:

Enclosed please find a Corrected Resolution for the above referenced case. The purpose of this Corrected Resolution is to correct a minor administrative error in the subject decision. The mail out of this Corrected Resolution does not change the action of the Planning Board, nor does it affect notice and appellate rights.

Please direct any future communication or inquiries regarding this matter to the Development Review Division at (301) 952-3530.

Very truly yours,

Retha Pompey-Green
Development Review Division

Enclosure: PGCPB No. 2020-12(C)

cc: Persons of Record

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, in consideration of evidence presented at a public hearing on January 30, 2020, regarding Comprehensive Design Plan CDP-0501-02 for Parkside, the Planning Board finds:

1. **Request:** The application is a request to amend Condition 25 of the Prince George’s County District Council’s Order of approving Comprehensive Design Plan CDP-0501, as it relates to the timing for commercial development in the Local Activity Center (L-A-C) zoned portion of the property. This condition, with the initially requested amendment, reads as follows:

25. **Prior to issuance of the ~~2,000th~~ 2,500th building permit in the R-M or L-A-C zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.**

The remaining conditions attached to the prior approval of CDP-0501, as amended with CDP-0501-01, remain unchanged, valid, and will govern development of the Parkside project.

2. **Development Data Summary:**

| | PREVIOUSLY APPROVED | APPROVED |
|---|--------------------------------|--------------------------------|
| Zone(s) | R-M & L-A-C | R-M & L-A-C |
| Use(s) | Residential, Commercial/Retail | 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 that originally consisted of wooded, undeveloped land and active farm land, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 757 acres, within Planning Area 78, Council District 6.
4. **Surrounding Uses:** The site is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Commercial Miscellaneous

(C-M), Commercial Office (C-O), and Townhouse (R-T) Zones; to the east by a large residential subdivision known as Marlboro Ridge (formerly Village of Claggett Farm) and scattered undeveloped land in the R-R and R-A Zones; to the south by a planned large development known as Westphalia Town Center in the Mixed Use-Transportation Oriented (M-X-T) Zone, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the Light Industrial (I-1) Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and M-X-T Zones. Most of the property is also covered by the Military Installation Overlay Zone, as it is located in the vicinity of Joint Base Andrews.

5. **Previous Approvals:** On September 29, 2005, the Prince George's County Planning Board approved Zoning Map Amendments (ZMA) A-9965 and A-9966, which rezoned the subject 757-acre property from the R-A Zone to the Residential Medium Development (R-M, 3.6-5.7) Zone with a mixed-retirement development and to the L-A-C Zone with a residential component, subject to 19 conditions. On October 7, 2005, the Prince George's County Zoning Hearing Examiner (ZHE) heard ZMA A-9965 and A-9966. On October 26, 2005, the ZHE approved ZMA A-9965 and A-9966 with two conditions, which included all of the conditions of approval of the Planning Board as subconditions. On the same date, the ZHE's decisions on A-9965 and A-9966 were also filed with the District Council. The District Council finally approved both ZMA applications on February 13, 2006, and the approving Ordinances became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved CDP-0501 (PGCPB Resolution No. 06-56(C)) for the entire Smith Home Farm project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On May 12, 2012, the District Council affirmed the Planning Board's decision on CDP-0501-01 (PGCPB Resolution No. 11-112) to amend Condition 3 regarding construction of the MD 4/Westphalia Road interchange; to amend Condition 7 regarding the location and size of the proposed community center and pool; and to amend Condition 16 regarding the size of the market-rate, single-family, attached lots in the R-M Zone, with five conditions. On March 28, 2016, the District Council approved a reconsideration of approved CDP-0501 specifically related to Conditions 10, 11, 24, 31, and 32; to findings related to services for the design, grading, and constriction of the Westphalia Central Park; and to issuance of building permits for development of the subject property, with 31 conditions.

In addition to the prior approvals for the site, two later actions by the District Council have revised several conditions of CDP-0501. 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 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 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 a specific design plan (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 timely provision of adequate public facilities for larger projects such as Westphalia.

6. **Design Features:** This revision to previously approved CDP-0501 is limited to Condition 25 only, with no impact to the remaining conditions of the prior approval, which are still valid and governing the development of the entire property.

Ownership of the property changed since the original approval in 2005. The subject applicant purchased approximately 646 acres of the R-M-zoned portion in 2011 from the original applicant, DASC, LLC. CDP-0501 approved a total of 3,648 residential units, of which 300 units are in the L-A-C Zone, which is still owned by DASC, LLC, or its successors and/or assigns. In addition, there are 170,000 square feet of commercial/retail uses included in the L-A-C Zone. The applicant-owned portion of the property includes up to 2,112 residential units. As of the resolution, 848 residential permits have been issued for single-family detached and attached houses in the development. The requested revision of the timing trigger from the previously approved 2,000 residential building permits to 2,500, would allow DASC, LLC, or its successors and/or assigns to construct 388 units, in addition to the total 2,112 units to be completed by the applicant so that a critical mass can be achieved to support the commercial development in the L-A-C-zoned portion of the development.

At the public hearing before the Planning Board on January 30, 2020, Stan Brown, Esq, the People's Zoning Counsel, inquired as to whether the applicant's proposal to modify Condition 25 in the manner requested could occur without DASC, LLC, its successors and/or assigns, being added as an "applicant" to CDP-0501-02. An increase in the permit trigger to 2,500 building permits would grant DASC, LLC, its successors and/or assigns, the ability to construct an additional 388 units on its portions of the site before the 70,000 square feet of commercial space in the L-A-C zoned portion of the project was required to be constructed. The applicant (i.e., SHF Project Owner, LLC) controls Sections 1A, 1B, 2, 3, 4, 5, and 6 of Parkside totaling approximately 646 acres of the entire 757-acre project. The applicant purchased its portion of Parkside from DASC, LLC, and has the right to construct 2,112 units on its portion of the project. DASC, LLC, its successors and/or assigns, own Section 7 and the L-A-C zoned portion of the project. The applicant does not own the L-A-C zoned portion of the development and cannot control the construction of any of the commercial space within Parkside. The applicant's attorney, Robert J. Antonetti, Jr., Esq., stated at the public hearing before the Planning Board that the applicant was willing to modify its requested revision to Condition 25 to alter the timing trigger from the previously approved 2,000th residential building permit to the 2,113th residential permit. This change would ensure that Condition 25 was amended in a manner that directly

impacts the applicant's ability to develop 2,112 residential units on its portions of the Parkside development. Further, the 2,112 units to be completed by the applicant will help create the critical mass needed to support the commercial development in the L-A-C-zoned portion of the development. The Planning Board and the People's Zoning Counsel had no objection to the modification proffered by the applicant. After discussion, the Planning Board agreed to alter the timing trigger in Condition 25 from the previously approved 2,000th residential building permit to the 2,113th residential permit.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments (Basic Plans) A-9965 and A-9966:** The District Council heard the ZMA applications on January 23, 2006 and affirmed the ZHE'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 CDP-0501 approval. This application is a revision to one specific condition, Condition 25, attached to the previously approved CDP and does not impact the previous findings for conformance with both A-9965 and A-9966.
8. **Prince George's County Zoning Ordinance:** The requirements of the Zoning Ordinance governing development in the R-M and the L-A-C Zones are discussed, as follows:
 - 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 CDP-0501 for the entire Parkside development. This application proposes to revise Condition 25 of the District Council's Order only. The remaining development standards, as approved in CDP-0501, remain valid and will govern the development of the site.
 - c. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the Zoning Ordinance requires the Planning Board to find conformance with the following findings for approval of a CDP:
 - (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**
 - (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;
- (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 Type 1 Tree Conservation Plan;

The Planning Board made the above findings at the time of CDP-0501 approval, as stated in the resolution (PGCPB No. 06-56), which was affirmed by the District Council. This amendment is limited to one condition attached to the approval and does not alter any required findings. Therefore, the subject application is in conformance with 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 in accordance with the requirement of Subtitle 24-130-(b)(5);

This application does not change the previous findings regarding this requirement.

(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) of the Zoning Ordinance is the District Council procedure for approving a comprehensive design zone application as part of an SMA. This provision is not applicable to the subject application because the property was rezoned through two basic plan applications, not through an SMA.

(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 Parkside is not a regional urban community.

9. Comprehensive Design Plan CDP-0501 and its amendment: The District Council approved both the original CDP-0501 and CDP-0501-01 with 34 and 5 conditions, respectively. The District Council also approved a reconsideration of conditions in 2016, as discussed in detail in Finding 5 above. This application has not altered any previous findings and is limited to the revision of Condition 25, as stated in the District Council Order, as it relates to the timing for development of a certain amount of commercial/retail gross floor area. As discussed above, all previous findings and conditions, except Condition 25 as modified in this application, are still valid and govern the development under this application.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance: Since this application is limited to the revision of Condition 25, as it relates to the timing for development of a certain amount of commercial/retail gross floor area, there is no impact on previous findings regarding the site's

conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance.

11. Further Planning Board Findings and Comments from Other Entities: Given the limited scope of the request, the subject application was referred to only a few concerned agencies and divisions. The referral comments are included herein by reference, and major findings are summarized, as follows:

- a. **Transportation Planning**—The Planning Board reviewed a comprehensive discussion of the background and prior approvals governing this application, and concluded that this amendment will not result in any additional traffic impact. Consequently, this change will have no impact on the transportation adequacy of the overall development.
- b. **Special Projects**—The Planning Board found that the subject application does not require a finding of adequacy due to its limited scope.
- c. **Subdivision and Zoning**—The Planning Board concluded that there are no subdivision issues with this request.
- d. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated November 27, 2019 (Giles to Zhang), DPIE had no objection to the proposed revision to Condition 25.
- e. **Westphalia Sector Development Review Committee (WSDRC)**—WSDRC did not respond to the referral request.

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 Comprehensive Design Plan CDP-0501-02 for the above described land, subject to the following condition. This approval does not affect the remaining conditions of CDP 0501 and CDP-0501-01, all of which remain in full force and effect.

- 25. Prior to issuance of the 2,113th 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.

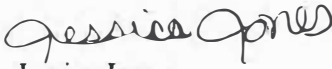
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

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, Doerner and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, January 30, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of February 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 3/3/2020

**STATEMENT OF JUSTIFICATION
COMPREHENSIVE DESIGN PLAN CDP-0501-03 PARKSIDE**

The Applicant, Dan Ryan Builders Mid-Atlantic, L.L.C., is requesting to revise certain aspects of the Comprehensive Design Plan ("CDP") to facilitate their proposal to develop what is known as Section 7. This is filed pursuant to Section 27-521 and 27-524 of the Zoning Ordinance as relates to initial approval of a CDP and an Amendment.

EVALUATION CRITERIA

- a. The applicable requirements of Zoning Map Amendments (Basic Plans) A-9965 and A-9966.
- b. The requirements of the Prince George's County Zoning Ordinance governing development in the Residential Medium Development (R-M) Zone and the Local Activity Center (L-A-C) Zone.
- c. The requirements of Comprehensive Design Plan CDP-0501 and its amendments (01 and 02).
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Applicant recommends the following findings in order to justify the request for CDP-0501-03:

1. Summary of Requests

- A. The applicant is not proposing any MRD development within Section 7, so it will be developed as R-M and L-A-C only. The new proposed acreages are as follows:

| RM Market Rate Acreage | ½ Floodplain | Adjusted RM Acreage | # Units Proposed | Proposed Density |
|------------------------|--------------|----------------------|--------------------------------|------------------|
| 575.9 | 52.4 | 523.5 | 2273 | 4.34 |
| MRD Overlay Acreage | ½ Floodplain | Adjusted MRD Acreage | # Units Approved (SDP-1601/03) | Proposed Density |
| 154.6 | 1.6 | 153.0 | 284 | 1.86 |

- B. Density proposed for Section 7:

639 SFA total units
194 L-A-C
445 R-M

- C. The L-A-C commercial is proposed to be revised to 32,000 SF from 170,000 SF as the nature of the retail has significantly changed. Due to the nature of the current state of commercial development and the changes to the development patterns in the Westphalia Sector, there are no longer enough anticipated trips through the site to support the originally proposed commercial development. The new proposed commercial acreages are as follows:

| | | |
|----------------------------------|-------------------------|--------------------|
| LAC Commercial Acreage Proposed | Square Footage Proposed | Proposed Intensity |
| 3.1 | +/- 32,000 | 0.24 FAR |
| LAC Residential Acreage Proposed | # Units Proposed | Proposed Density |
| 27.3 | 194 | 7.11 |

D. Delete Condition 25 which states as follows:

“Prior to issuance of the 2113th 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.”

E. The following PPS and DSP’s will address in much greater detail the development proposed in this amendment proposal.

F. The enclosed “Section 7 Proposed Unit Mix” plan indicates the reduction of the commercial area to 3.1 acres and the conceptual unit mix subject to further review and refinement at preliminary plan of subdivision, DSP, and final plat.

G. The approved CDP as to the plan is not proposed to be revised but refined at preliminary plan of subdivision, DSP, and final plan as in other recent CDP revisions.

H. **Response:** In 2006, the then Applicant filed Preliminary Plan 4-05080, which included a Transportation Impact Analysis (TIA). On February 16, 2021, Applicant’s traffic consultant completed an updated Traffic Study based on a Scoping Agreement, which was approved by the Transportation Planning Division. While the Study indicated that the proposed development exceeded current trip caps, it also confirmed that there was capacity to increase those caps. The Study also set forth proposed traffic improvements, which would accommodate the proposed increase. A copy of the approved Scoping Agreement is included in this submission package. The updated TIA, including the proposed improvements, will be included in the Preliminary Plan of Subdivision 4-21029 submission. The requested tracking chart will also be included in PPS 4-21029.

I. The remaining conditions attached to the prior approval of CDP-0501, CDP-0501-01 and CDP-0501-02 (except for Condition 25) remain unchanged, valid, and will govern development of the Parkside project.

2. **Development Data Summary:**

| | PREVIOUSLY APPROVED | PROPOSED |
|---|--------------------------------|--------------------------------|
| Zone(s) | R-M & L-A-C | R-M & L-A-C |
| Use(s) | Residential, Commercial/Retail | Residential, Commercial/Retail |
| Acreage* | 757 | 760.9 [757] |
| Dwelling units | 3,648 | 2,751 [3,648] |
| of which R-M Zone Residential | 2,124 | 2,273 [2,124] |
| R-M Zone Mixed Retirement Development | 1,224 | 284 [1,224] |
| L-A-C Zone Multifamily condominium | 300 | 194** [300] |
| Commercial/retail uses (GFA in square feet) | 170,000 | 32,000 [170,000] |

***Acreage has been adjusted per actual boundary surveys prepared since initial CDP**

****L-A-C Zone units are proposed to be Single Family Attached**

3. **Location:** The subject property is a large tract of land that originally consisted of wooded, undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 757 acres, within Planning Area 78, Council District 6.
4. **Surrounding Uses:** The site is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Commercial Miscellaneous (C-M), Commercial Office (C-O), and Townhouse (R-T) Zones; to the east by a large residential subdivision known as Marlboro Ridge (formerly Village of Claggett Farm) and scattered undeveloped land in the R-R and R-A Zones; to the south by a planned large development known as Westphalia Town Center in the Mixed Use-Transportation Oriented (M-X-T) Zone, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the Light Industrial (I-1) Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and M-X-T Zones. Most of the property is also covered by the Military Installation Overlay Zone, as it is located in the vicinity of Joint Base Andrews.
5. **Previous Approvals:** On September 29, 2005, the Prince George's County Planning Board recommended approval of Zoning Map Amendments (ZMA) A-9965 and A-9966, which rezoned the subject 757-acre property from the R-A Zone to the Residential Medium Development (R-M, 3.6-5.7) Zone with a mixed-retirement development and to the L-A-C Zone with a residential component, subject to 19 conditions. On October 7, 2005, the Prince George's County Zoning Hearing Examiner (ZHE) heard ZMA A-9965 and A-9966. On October 26, 2005, the ZHE recommended approval of ZMA 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 A-9965 and A-9966 were also filed with the District Council. The District Council finally approved both ZMA applications on February 13, 2006, and the approving Ordinances became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved CDP-0501 (PGCPB Resolution No. 06-56(C)) for the entire Smith Home Farm project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On May 12, 2012, the District Council affirmed the Planning Board's decision

on CDP-0501-01 (PGCPB Resolution No. 11-112) to amend Condition 3 regarding construction of the MD 4/Westphalia Road interchange; to amend Condition 7 regarding the location and size of the proposed community center and pool; and to amend Condition 16 regarding the size of the market-rate, single-family, attached lots in the R-M Zone, with five conditions. On March 28, 2016, the District Council approved a reconsideration of approved CDP-0501 specifically related to Conditions 10, 11, 24, 31, and 32; to findings related to services for the design, grading, and constriction of the Westphalia Central Park; and to issuance of building permits for development of the subject property, with 31 conditions. On February 20, 2020, the Planning Board approved CDP-0501-02 and the District Council affirmed the decision.

In addition to the prior approvals for the site, two later actions by the District Council have revised several conditions of CDP-0501. 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 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 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 a specific design plan (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 timely provision of adequate public facilities for larger projects such as Westphalia.

6. **Design Features:** This revision to previously approved CDP-0501 is limited to the deletion of Condition 25; a reduction of the commercial area to 3.1 acres; to allow for market-rate development in the R-M Zone rather than the optional M-R-D; with no impact to the remaining conditions of the prior approval which are still valid and governing the development of the entire property.

In addition, there are 170,000 square feet of commercial/retail uses included in the L-A-C Zone (proposed to be revised with this application). The SHF owned portion of the property includes up to 2,112 residential units. The requested revision to delete the timing trigger from the previously approved 2,113, would allow Dan Ryan Builders Mid-Atlantic, LLC to construct approximately 639 units, in addition to 2,112 units to be completed by SHF Project Owner, LLC (well under the 3,648 units cap) so that a critical mass can be achieved to support the commercial development in the L-A-C-zoned portion of the development. Due to the nature of the evolution of the road network and the market, the size of the L-A-C commercial is justified to be reduced. In the Applicant's opinion, a trigger is not needed as the market and absorption will dictate the pace of the viability of the commercial uses which will provide ancillary and supplemental uses for the immediate residential areas. There is a large retail component planned at Woodyard Road and MD 4 which will also serve Parkside. It is unwise to force construction of retail until it is fully viable and that is dependent on the "rooftops" to support it.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments (Basic Plans) A-9965 and A-9966:** The District Council heard the ZMA applications on January 23, 2006 and affirmed the ZHE'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 CDP-0501 approval. This application is a limited revision as to one condition and does not impact the previous findings for conformance with both A-9965 and A-9966 as the development pattern is flexible in the Comprehensive Design Zone subject to the zoning and other conditions. Again, this is a CDP to be followed by a PPS and DSP(s).
8. **Prince George's County Zoning Ordinance:** The requirements of the Zoning Ordinance governing development in the R-M and the L-A-C Zones are discussed, as follows:

- a. **Density Increments:** The subject application proposes a small increase to the previously proposed density for the project. However, the proposed density is still within the overall density ranges established in CDP-0501 and also within the density increments approved at the time of approval for CDP-0501.

| R-M ZONE MARKET RATE RESIDENTIAL UNITS | |
|---|--------------------|
| Base Density (3.6 DU/AC) = | 1,885 Units |
| Maximum Density (5.7 DU/AC) = | 2,984 Units |
| Density Requested (4.34 DU/AC) = | 2,273 Units |
| Density Increment Requested (20.6%) = | 388 Units |

Section 27-509(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting density increments. This project was previously approved for a density increment of 282 units, or 15%, in the original CDP-0501 approval utilizing factors # 4 (Recreational Development of Open Space) and #6 (Creating Activity Centers). For purposes of this application, an additional density increment of 106 units, or 5.6%, is requested in order to meet the total 388 units (20.6%) needed. The following increments are proposed:

(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).

The applicant proposes to construct a total of 2,273 units which, per the above, requires 79.6 acres of open space in order to meet the requirements for increment factor # 4 ($2,273 \text{ du} / 100 = 22.7 \text{ du} * 3.5 \text{ ac/du} = 79.6 \text{ ac}$). Throughout the property there are over 280 acres of HOA open space proposed, of which over 180 acres is PMA, and thus includes the natural features of which this increment factor targets. Since the quantity of open space proposed far exceeds the amount required for the full density increment credit, the credit should be granted. Also, since no density increments are needed for the MRD, stream restoration will not be required.

- b. **Development Standards:** A comprehensive set of development standards has been approved with CDP-0501 for the entire Parkside development. This application proposes to revise Condition 25 of the District Council's Order only as well as the

development pattern as discussed herein. The remaining development standards, as approved in CDP-0501, remain valid and will govern the development of the site unless amended by a subsequent PPS and DSP(s).

- c. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the Zoning Ordinance requires the Planning Board to find conformance with the following findings for approval of a CDP:

- (1) The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

Comment: The proposal does not exceed the densities approved in the Basic Plan. Rather it is less intense and reflects the market currently. The M-R-D component remains on-site, however, for Section 7, the applicant will pursue a market-rate development in the R-M Zone and L-A-C Zones in conformance with the approved density for each zone and the applicable development standards to be shown at PPS and DSP.

- (2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

Comment: The flexibility inherent in the R-M and L-A-C zones allows the applicant to produce a much better environment than in a Euclidean development. The Unit Mix is in substantial conformance with the approved Basic Plan and CDP. Again, we will submit a PPS and DSP(s) to show how this finding is met and as required by Footnote 1.

- (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: The Applicant concurs and as the revision does not disturb the approved layout in a substantial manner, the original finding should stand.

- (4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;**

Comment: The Applicant concurs and as the revision does not disturb the approved layout in a substantial manner, the original finding should stand.

- (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 Applicant concurs and as the revision does not disturb the approved layout in a substantial manner, the original finding should stand.

- (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**

Comment: As to Findings 6, 7, 8 and 9 above, the Applicant concurs and as the revision does not disturb the approved layout in a substantial manner, the original finding(s) should stand.

(10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;

Comment: The Planning Board made the above findings at the time of CDP-0501, CDP-0501-01 and CDP-0501-02, as stated in the applicable resolutions (PGCPB No. 06-56), which were affirmed by the District Council. This amendment is limited to one condition attached to the approval and does not alter any required findings. The development pattern will be reviewed in detail later in the process. Therefore, the subject application is in substantial conformance with 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 in accordance with the requirement of Subtitle 24-130-(b)(5);

Comment: This application does not change the previous findings regarding this requirement.

- (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**

Comment: Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a comprehensive design zone application as part of an SMA. This provision is not applicable to the subject application because the property was rezoned through two basic plan applications, not through an SMA.

- (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.**

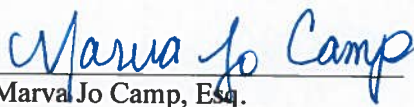
Comment: This provision is not applicable to the subject application because Parkside is not a regional urban community.

- 9. Comprehensive Design Plan CDP-0501 and its amendments:** The District Council approved both the original CDP-0501 and CDP-0501-01 with 34 and 5 conditions, respectively. CDP-0501-2 which amended Condition 25 was also affirmed. The District Council also approved a reconsideration of conditions in 2016, as discussed in detail in Finding 5 above. This application has not altered any previous findings and is limited to the deletion of Condition 25, as stated in the District Council Order, as it relates to the timing for development of a certain amount of commercial/retail gross floor area and the development pattern. As discussed above, all previous findings and conditions, except Condition 25 as modified in this application, are still valid and govern the development under this application.
- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance:** Since this application is limited to the revision of Condition 25, as it relates to the timing for development of a certain amount of commercial/retail gross floor area, there is no impact on previous findings regarding the site's conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance. The subsequent PPS and DSP(s) must meet the applicable criteria at that time.
- 11.** As required, the informational mailings were sent and any inquiries received from the community will be responded to.

CONCLUSION

In sum, the applicant respectfully requests a recommendation of approval for this CDP revision. This application is only for Section 7 and has no impact to the Parkside development as approved.

Respectfully Submitted,


Marva Jo Camp, Esq.


Norman D. Rivera, Esq.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

June 5, 2006

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

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, a copy of the Revised Zoning Ordinance No. 5 - 2006 granting preliminary conditional zoning approval of A-9966-C Smith Home Farms, is attached.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on August 21, 2006.

CERTIFICATE OF SERVICE

This is to certify that on June 5, 2006, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

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

Redis C. Floyd
Clerk of the Council

(5/99)

Case No.: A-9966-C

Applicant: DASC (Smith Home Farms)

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

REVISED ZONING ORDINANCE NO. 5 - 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-9966-C was filed for property described as approximately 30 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 L-A-C 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 filed with and considered by the District Council; and

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

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

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

WHEREAS, in approving Zoning Ordinance No. 4-2006 and Zoning Ordinance No 5-2006, the District Council inadvertently referred to both properties as including approximately "757" acres of land, when A-9965 has about 727 acres and A-9966 has 30 acres, and that error should be corrected, in a revised Ordinance; and

WHEREAS, after the District Council approved Application No. A-9966-C, the applicant discovered, in review of a proposed comprehensive design plan with M-NCPPC staff, that the location of a right-of-way in Westphalia planning documents had been shifted, so that the L-A-C boundary within the 757-acre property (for both A-9965 and A-9966) is out of place, and must be relocated southward; and

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:

SECTION 1. Zoning Ordinance No. 4-2006, approved on February 13, 2006, is hereby revised, and, as revised, approved, and the Zoning Map is hereby amended, to show a rezoning of the property which is the subject of Application No. A-9966-C from the R-A Zone to the L-A-C Zone, with the accompanying basic plans, as described in the amendment to the application filed on March 22, 2006, and transmitted to the Technical Staff.

SECTION 2. The basic plan for Application No. A-9966-C, as amended on or about March 22, 2006, is hereby approved, subject to the following conditions:

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

A. Land use types and quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

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

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

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

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

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

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

B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).

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

5. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 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 parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.
- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia "Park Club." The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.
- G. The public recreational facilities shall be constructed in accordance with the standards outlined in the Parks and Recreational Facilities Guidelines. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.
- H. At the time of the first Specific Design Plan, the Applicant shall:
1. Provide a comprehensive trail and sidewalk map for the entire site.
 2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.
- I. At time of Comprehensive Design Plan, the Transportation Planning staff shall make recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision.
- K. At time of preliminary plan of subdivision,
1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.
 2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole

1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

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

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

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

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 2.

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:

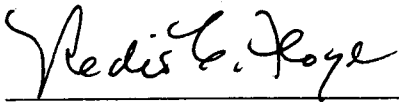
Absent: Council Members Bland and Hendershot

Vote: 7-0

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

BY: 
Thomas E. Dernoga, Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 20, 2006

RE: A-9966-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. 5 – 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". The signature is written over a horizontal line.

Redis C. Floyd
Clerk of the Council

(10/97)

Case No.: A-9966-C

Applicant: DASC (Smith Home Farms)

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9966-C, to rezone the subject property from the R-A Zone to the L-A-C Zone, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

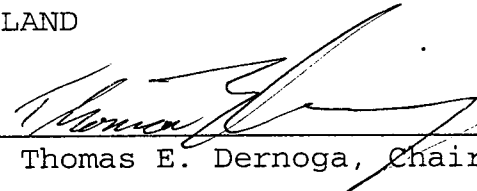
SECTION 1. Final conditional zoning approval of Application No. A-9966-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally

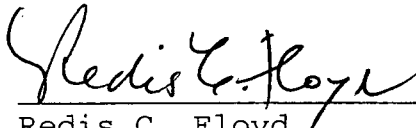
reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved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

SECTION 3. This Ordinance is effective on 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



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". The signature is written in black ink and is positioned above a horizontal line.

Redis C. Floyd
Clerk of the Council

(10/97)

Case No.: A-9965-C

Applicant: DASC (Smith Home Farms)

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9965-C, to rezone the subject property from the R-A Zone to the R-M Zone, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9965-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

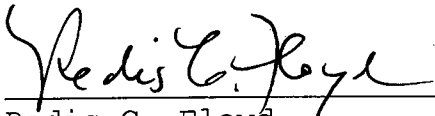
SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds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

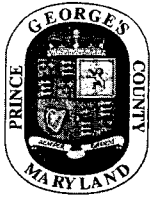
SECTION 3. This Ordinance is effective on August 18, 2006, the date of receipt of the applicant's acceptance of the conditions imposed.

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



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Henry

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

June 5, 2006

***DISTRICT COUNCIL PRELIMINARY NOTICE OF
CONDITIONAL ZONING APPROVAL***

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, a copy of the Revised Zoning Ordinance No. 4 - 2006 granting preliminary conditional zoning approval of A-9965-C Smith Home Farms, is attached.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on August 21, 2006.

CERTIFICATE OF SERVICE

This is to certify that on June 5, 2006, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

Redis C. Floyd
Clerk of the Council

(5/99)

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

filed with and considered by the District Council; and

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

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

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

WHEREAS, in approving Zoning Ordinance No. 4-2006 and Zoning Ordinance No 5-2006, the District Council inadvertently referred to both properties as including approximately "757" acres of land, when A-9965 has about 727 acres and A-9966 has 30 acres, and that error should be corrected, in a revised Ordinance; and

WHEREAS, after the District Council approved Application No. A-9965, the applicant discovered, in review of a proposed comprehensive design plan with M-NCPCC staff, that the location of a right-of-way in Westphalia planning documents had been shifted, so that the L-A-C boundary within the 757-acre property (for both A-9965 and A-9966) is out of place, and must be relocated southward; and

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:

SECTION 1. Zoning Ordinance No. 4-2006, approved on February 13, 2006, is hereby revised, and, as revised, approved, and the Zoning Map is hereby amended, to show a rezoning of the property which is the subject of Application No. A-9965 from the R-A Zone to the R-M Zone, with the accompanying basic plans, as described in the amendment to the application filed on March 22, 2006, and transmitted to the Technical Staff.

SECTION 2. The Basic Plan for Application No. A-9965, as amended on or about March 22, 2006, is hereby approved, subject to the following conditions:

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

A. Land use types and quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

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

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

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

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

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

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

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

- D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.
 - E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.
2. The following conditions of approval shall be printed on the face of the Basic Plan:
- A. At time of Comprehensive Design Plan, the Applicant shall:
 - 1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.
 - 2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.
 - 3. If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:
 - (a) A fire station site
 - (b) A middle school site
 - (c) A library site
 - (d) A police office complex site
 - 4. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
 - 5. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 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 parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.
- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia "Park Club." The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.
- G. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.

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

- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.
- N. All Tree Conservation Plans shall have the following note:

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

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

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

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

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 2.

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

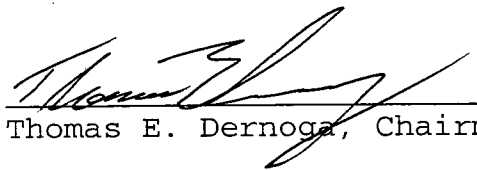
Opposed:

Abstained:

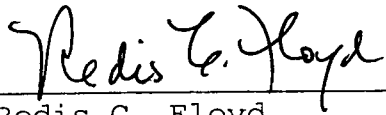
Absent: Council Members Bland and Hendershot

Vote: 7-0

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

BY: 
Thomas E. Dernoga, Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

Additional Back-up

For

**CDP-0501-03
Parkside, Section 7**

CDP-0501-03
Parkside Section 7
Proposed Revisions to Conditions
For March 10, 2022 Hearing

Condition 1

- ~~1. Prior to certification of this comprehensive design and prior to submission of any specific design plan for Section 7, the applicant shall:~~
 - ~~a. Provide a total of 551 mixed retirement dwelling units (additional 267 units) in the Residential Medium Development Zone.~~