

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on May 30, 2013, regarding Specific Design Plan SDP-1003-01 for Smith Home Farm, Section 1A, the Planning Board finds:

1. **Request:** The subject application requests approval of a revision to a specific design plan (SDP) to add townhouse architecture, widen some townhouse lots to 22 feet wide, and reorient six groups of townhouses in the Residential-Medium (R-M) Zone in Section 1A of the Smith Home Farm project.

An additional request for revisions to previously approved Type II Tree Conservation Plans, TCPII-008-12, TCPII-009-12, TCPII-010-12, and TCPII-011-12, to redistribute the provision of required off-site woodland conservation credits between sections within the development has been included with this application along with revisions to TCPII-008-12 to change the limit of disturbance resulting from the realignment of water and sewer lines in Section 1A (Lots 9–13, Block D; TCPII-008-12, Sheets 12 and 13) in response to design review comments by the Washington Suburban Sanitary Commission (WSSC).

2. **Development Data Summary:**

	<b>Existing</b>	<b>Approved</b>
<b>Zones</b>	R-M	R-M
<b>Uses</b>	Vacant	Residential
<b>Acreage (in Section 1A)</b>	76.44	76.44
<b>Townhouse Lots</b>	0	212

3. **Location:** Smith Home Farm is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6. Sections 1A, 1B, 2, and 3, totaling 265 acres, are located in the western portion of the larger Smith Home Farm development. Section 1A, totaling 76.44 acres, is located in the southwestern corner, south of the proposed Central Park Drive.
4. **Surrounding Uses:** The larger Smith Home Farm project is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Miscellaneous Commercial (C-M), Commercial Office (C-O), and Townhouse (R-T) Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing

development, such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the Light Industrial (I-1) Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and Mixed Use–Transportation Oriented (M-X-T) Zones. Section 1A is bounded to the north by the proposed right-of-way of Central Park Drive, with Section 1B beyond; to the east by other portions of the Smith Home Farm development; to the south by existing development, such as the German Orphan Home and single-family detached houses, and undeveloped land in the R-A Zone; to the west by existing development (Mirant Center) in the I-1 Zone, and 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:** The larger Smith Home Farm development measures 757 gross acres, including 727 acres in the Residential Medium Development (R-M) Zone and 30 acres in the Local Activity Center (L-A-C) Zone, which was rezoned from the R-A Zone through Zoning Map Amendments A-9965-C and A-9966-C for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. Zoning Map Amendments A-9965-C and A-9966-C were approved by the District Council on February 13, 2006 (Zoning Ordinance Nos. 4-2006 and 5-2006), subject to three conditions. On May 22, 2006, the District Council amended this zoning approval once, to move the L-A-C line further south about 500 feet, retaining the same acreage in the L-A-C Zone.

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

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

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

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

Specific Design Plan SDP-1003 for infrastructure for Sections 1A, 1B, 2 and 3 was approved by the Planning Board on March 12, 2012, as formalized in PGCPB Resolution No. 12-21. Subsequently, the District Council reviewed the case on July 24, 2012 and affirmed the Planning Board's resolution, with two additional conditions.

Lastly, the project is subject to approved Stormwater Management Concept Plan 24819-2006-01 dated July 26, 2011 and valid until May 4, 2013, and Stormwater Management Concept Plan 36059-2005-02 dated June 22, 2011 and valid until May 14, 2013.

6. **Design Features:** The subject application proposes lot revisions within the single-family attached, townhouse, area of Section 1A of the overall Smith Home Farm development, which includes the removal of four townhouse lots. Additionally, the application proposes two Dan Ryan Builders townhouse architectural models, the Carlyle II and Chestnut II, for proposed Lots 62–114, 151–175, and 182–212 in Block B, Section 1A only. The proposed lot revisions change the lot numbering, so the following discussion refers to the original lot numbers, which are based on the certified plans for SDP-1003, and proposed lot numbers, which are based on the subject SDP-1003-01 application.

The first part of the revision request is to widen proposed Lots 62–114, 151–175, and 182–212 in Block B, Section 1A from 20 feet wide to 22 feet wide to fit the builder's preferred townhouse model. This results in an increase in lot size and some minor adjustments to spacing between sticks of townhomes, none of which creates any noticeable plan changes, except for the removal of four lots overall. The Planning Board approves this portion of the lot revision.

The second part of the revision request involves the rotation of original Lots 1–4, 117–120, 141–146, and 155–160, a total of 20 lots, to change them from rear, alley-loaded garage units to front-loaded garage units. These lots, the only rear-loaded lots approved in this townhouse section, originally fronted on the main entry road into the area, Imperial Oaks Lane, and the central homeowners association green space within the section, original Parcel B3. As originally approved, having the lots fronting on these major features at the entrance to this townhouse area was critical to creating a sense of identity for this enclave in line with the recommendations of the applicable 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The subject application now proposes to rotate these lots such that side elevations of units will face onto the main entry road, Imperial Oaks Lane, and onto the central green space feature, and will at the same time eliminate the rear-loaded townhouse unit type from the plan. However, at the hearing, the applicant provided exhibits proffering that the side elevations of the lots facing Imperial Oaks Lane and the central green space would be designed as front elevations with front doors, shutters, stairs, enhanced roof treatments and full brick facades. Additionally, the exhibits showed an attractive, minimum five-foot-high brick wall being provided to screen the rear yards of the townhomes from the road and green space. The Planning Board finds this to be an acceptable design to help create the sense of identity for the community along these highly visible areas. A condition requiring the plan to be revised to match the proffered exhibits is included in this approval.

The proposed lot revisions on the subject application, with the reduction of four townhouse lots, will not increase the subject development's traffic impacts, does not change proposed recreational facilities or trails requirements, and will not change any permit-related conditions of the previous approvals.

The proposed Carlyle II townhouse type is a three-story, maximum 35-foot-high, 22-foot-wide unit with a base finished square footage of 1,717 square feet. It includes 12 different front elevations, all of which include a front-load one-car garage and main entry door, with covered porch, on the lowest level. The units feature gabled roofs with varied cross-gable or dormer features, high-quality detailing such as brick jack arch and keystone treatments above windows, and front entries defined with pilasters and a covered porch. The proposed front façades offer optional finishes including vinyl siding, brick, or stone, and cedar shakes on some features. Many units feature multiple optional side elevation features, including partial or full brick.

The proposed Chestnut II townhouse type is a three-story, maximum 35-foot-high, 22-foot-wide unit with a base finished square footage of 1,834 square feet. It includes nine different front elevations, all of which include a front-load one-car garage and main entry door on the lowest level. The units feature gabled roofs with varied cross-gable or dormer features, high-quality detailing such as brick jack arch and keystone treatments above windows, and front entries defined with pilasters, overhangs, and/or transom windows. The proposed front façades offer optional finishes including vinyl siding, brick, or stone, and cedar shakes on some features. Many units feature multiple optional side elevation features, including partial or full brick finishing.

The Planning Board finds that a minimum of 50 percent of the single-family attached units be built with a brick or other masonry front façade and that no two units directly adjacent or across the street from each other have identical front elevations to ensure a diverse mix of building materials throughout the development. A brick/masonry front façade tracking chart should be provided on the plans. A minimum of two standard architectural features should be shown on all side elevations and a minimum of three such features should be shown on all highly-visible side elevations.

Additionally, subsequent to the approval of the Arlington lighting fixtures shown on the landscaping plan for SDP-1003, DPW&T disapproved the selected street lighting. The disapproval was based on the unavailability of the Arlington lighting fixtures through PEPCO and a determination that private lighting could not be placed on public residential streets in the Smith Home Farm development. DPW&T provided the Applicant with two PEPCO lighting fixture alternatives. A condition requiring the revision of the proposed lighting is included in this approval.

7. **Zoning Map Amendments A-9965-C and A-9966-C:** On August 18, 2006, the District Council approved Zoning Map Amendment A-9965-C to rezone 757 acres of the subject property from the R-A Zone to the R-M Zone, and Zoning Map Amendment A-9966-C to rezone 30 acres of the subject property from the R-A Zone to the L-A-C Zone, both subject to three conditions. Of the

considerations and conditions attached to the approval of A-9965-C and A-9966-C, the following is applicable to the review of this SDP:

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

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

This condition has been carried forward in subsequent applications and has also been carried forward as a condition of approval of this application.

8. **Comprehensive Design Plans CDP-0501 and CDP-0501-01:** On February 23, 2006, Comprehensive Design Plan CDP-0501 for the Smith Home Farm site was approved by the Planning Board, subject to 30 conditions. The District Council finally approved the comprehensive design plan on May 22, 2006. On December 1, 2011, CDP-0501-01 was approved by the Planning Board, subject to four conditions, modifying Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01. Each relevant condition of the CDP approval is included in **boldface** type below and is followed by comments:

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

**n. Revise the Type I Tree Conservation Plan (TCPI) 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;**

This condition of approval establishes the woodland conservation requirements for the Smith Home Farm development project, which are more stringent than required by the ordinance, and were correctly addressed in the approved TCPI-038-05.

A revision to Natural Resources Inventory NRI-006-05 was submitted with CDP-0501 and approved on August 29, 2005. The NRI was resubmitted for a '01' revision to revise the area of existing woodland on the site. This revision was signed on November 11, 2006.

The Prince George's County Woodland Conservation and Tree Preservation Ordinance establishes a 20 percent woodland conservation threshold requirement in the R-M Zone. The District Council approved the above condition, raising the woodland conservation threshold requirement to 25 percent. At the time of TCPI approval, in conjunction with CDP-0501 (TCPI-038-05), the woodland conservation threshold for the site, based on a 25 percent threshold,

was determined to be 159.52 acres, but there were only 145.84 acres of existing forest on the net tract. As a result, the woodland conservation threshold was reduced to the total amount of existing woodlands on the net tract, from 159.53 to 145.84, a reduction of 13.68 acres. As a result, the woodland conservation threshold was reduced to 22.50 percent of the net tract area and a minimum woodland conservation threshold (established at 145.84 acres) was required to be provided on-site based on the amount of existing trees.

Because the amount of existing woodlands on the property was established as the threshold, all woodland clearing falls below the woodland conservation threshold, and is therefore subject to replacement at a rate of two acres of woodland conservation for each acre of woodland cleared.

The conditions of the District Council Final Decision for CDP-0501 and subsequent revisions shall remain in full force and effect, specifically this condition, Condition 1.n. which requires that the TCPI show the threshold for the R-M portion of the property 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. The individual TCPIs for the site shall be found to be in conformance with TCPI-038-05 or subsequent revisions.

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

At the April 18, 2013 hearing for SDP-1205, Smith Home Farm, Umbrella Architecture, the applicant proffered revised language to this condition based on the executed Public Facilities Financing and Implementation Plan (PFFIP) agreement. The proffered condition was further revised through discussion and found to be acceptable by the Planning Board. Therefore, the condition, has been carried forward as a condition of approval of this SDP.

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

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

The subject revision involves an area of the site in the far southwestern corner that is not visible from the central park.

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

The subject revision involves an area of the site in the far southwestern corner that is not adjacent to existing single-family detached houses.

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

The specified tabulation is not shown on the submitted SDP; therefore, a condition has been included in this approval requiring this to be added prior to certification.

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

**R-M ZONE**

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

**Notes:**

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

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

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

†No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be

**less than 16 feet with varied lot width ranging from 16–28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.**

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

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

This requirement was carried forward as a condition of subsequent approvals and has been included as a condition of this approval.

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

This condition does not apply as the subject Section 1A townhouse area is not adjacent to existing single-family detached houses.

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

The townhouse architecture submitted with the subject application proposes a maximum height of 35 feet, which is within the limit of 40 feet that was established with the original SDP-1003 approval.

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

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

The subject application is proposed for lots within approved Type II Tree Conservation Plan TCPII-008-12, which will be revised to reflect the current layout. Additionally, the applicant submitted other TCPII revisions which are discussed in Findings 13 and 15 below.

**10. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the**



**design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.**

This requirement has been carried forward as a condition of approval of this SDP.

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

The submitted tree conservation plan does not show woodland conservation on any single-family detached or attached lot.

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

This requirement has been included as a condition of approval of this SDP.

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

- 5. Prior to issuance of each residential building permit for construction of a unit within the 65 dBA Ldn line, plans for that building shall be certified by an acoustical engineer stating that internal noise levels shall be 45 dBA Ldn or less.**

This condition remains valid and has been carried forward as a condition of approval of this SDP.

- 9. At the time of approval of an umbrella architecture specific design plan for the subject project, the individual single-family detached units shall be dimensioned on a template sheet. Also in that application, set back requirements shall be established for additions, such as decks.**

The subject SDP revision only includes architecture for townhouses, and is not the umbrella architecture SDP for single-family detached units.

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

The specified tabulation is not shown on the submitted SDP; therefore, a condition has been included in this approval requiring this to be added prior to certification.

11. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:

a. The subject SDP is consistent with Sections 27-274(a)(7), 27-507, 27-508, and 27-509 of the Zoning Ordinance governing development in the Residential Medium Development (R-M) Zone.

b. Section 27-528 requires the following findings for approval of a specific design plan:

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

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

The subject SDP has been evaluated for conformance with approved CDP-0501 and CDP-0501-01 as discussed above in Finding 8. The relevant conditions of approval have been carried forward to ensure conformance with the CDPs. The revisions proposed with this SDP will have no effect on the previously approved specific design plans' conformance to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

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

Findings for adequate public facilities including fire, rescue, police, and transportation have been made in conjunction with the preliminary plans of subdivision and subsequent specific design plans for infrastructure. The subject revision application will have no effect on previous findings of adequacy made in conjunction with the preliminary plans of subdivision and specific design plans.

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

The proposed revisions will have no effect on findings that adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties, which have been made for Section 1A with the previously approved SDP-1003.

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

The applicable previously approved Type II Tree Conservation Plan, TCPII-008-12, is proposed to be revised to reflect the lot changes. Therefore, it may be said that the subject project conforms to the requirements of the Prince George's County Woodland Conservation Ordinance. This is discussed further in Finding 13 below.

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

Specific design plans for grading, development, and tree conservation have been approved separately and contain findings regarding regulated environmental features. The subject revision application will have no impact of any kind on regulated environmental features or on the preservation of those features.

12. **The Prince George's County Landscape Manual:** The approval of minor lot revisions and architectural models has no impact on the previous findings of conformance to the 2010 Prince George's County Landscape Manual made in conjunction with the approval of previous SDPs for site infrastructure.
13. **Prince George's County Woodland Conservation Ordinance:** The subject application is grandfathered from the requirements in Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan. The project is also grandfathered from most requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved tree conservation plan. It is not grandfathered from Section 25-122(b)(6) regarding the location of off-site woodland conservation because no off-site location was previously identified, and the off-site location is generally identified at the time of grading permit.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. The Planning Board reviewed the following summarized discussion of the revisions to approved Type II Tree Conservation Plans, TCPII-008-12, TCPII-009-12, TCPII-010-12, and TCPII-011-12 proposed under the current application:

The common revision to all four TCPII plans is a proposal to revise the sequence for providing required woodland conservation for the project. The applicant proposes that no off-site woodland conservation be provided with Sections 1A or 1B, and that the off-site woodland conservation requirements previously "assigned" to Sections 1A and 1B be redistributed to Sections 5 and 6 of the development. This revision is proposed in the overall woodland conservation worksheet for Smith Home Farm, provided on each TCPII associated with SDP-1003, and is also reflected in

the individual woodland conservation worksheets for Sections 1A, 1B, 2, and 3, which are found on Sheet 2 of each TCPII plan set.

Because of the extensive amount of off-site woodland conservation required for this site, the sequence for the provision of the necessary off-site woodland conservation was a significant topic of discussion and subject to the following conditions of approval of SDP-1003:

- 15. Prior to certificate approval of the SDP, the TCPs shall be revised to include a corrected overall woodland conservation worksheet as follows:**
  - a. Demonstrate that the worksheet accurately reflects the woodland conservation areas proposed on-site for Phases 1A, 1B, 2, and 3 after technical revisions are made to the TCP2s, and confirm how much woodland conservation is being provided on individual phases in the overall worksheet.**
  - b. Eliminate any woodland conservation outside the 100-year floodplain on land to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the central park area.**
  - c. Eliminate any off-site woodland conservation requirement on land to be dedicated to M NCPPC for the central park area. The total off-site woodland conservation requirement for the Smith Home Farm development shall be distributed proportionally based on the net tract area between all of the sections of the development which will not be dedicated to M NCPPC, with the exception of the TCPIIs for Infrastructure 1 (TCPII 057-06) and Infrastructure 2.**

Prior to signature approval of the TCPIIs, a determination of the total off-site woodland conservation requirement for the overall site was calculated and was distributed over all sections of the project in proportion to the net section area and the amount of on-site woodland conservation that could be provided in individual sections. The applicant requested that none of the off-site woodland conservation requirements for the site be provided with the SDPs for Infrastructure 1 and Infrastructure 2, which are for the construction of roadways. The applicant further requested that no off-site woodland conservation be assigned to Section 4 due to an arrangement reached between the applicant and a potential purchaser. Both of these requests were included in the approved distribution.

The Planning Board required that no off-site woodland conservation requirement be assigned to the 124.63-acre "Park" section, because 38.32 acres of afforestation/reforestation for the overall project were previously approved on the Park section by the Planning Board with the approval of SDP-1003.

The overall woodland conservation worksheet appears to assume that the project development was going to occur in chronological sequence, but that is not the case. The applicant previously indicated that they will not be developing using a “phased” approach but intend to develop using a “section” approach as opportunities arise. Any section of the project could be initiated at any point in the development once access roadways are in place and other requirements are addressed.

As a result of the applicant’s intention to develop the site without phasing, the Planning Board required that the term “phase” was changed to “section” with the approval of SDP-1003. The fact that this is a “sectional” project, instead of a “phased project,” affects how the evaluation of the timing for provision of the woodland conservation requirement for the overall site and for individual TCPIIs.

The Planning Board reviewed the applicant’s current proposal and compared it to the previously approved off-site woodland conservation requirement distribution for the overall project. It was assumed that existing trees on-site could be used to meet the woodland conservation requirement until such time as sufficient clearing had occurred to initiate an off-site requirement.

Because of the limited amount of woodlands on this site, all clearing occurring on the site is below the woodland conservation threshold, which requires two to one replacement for clearing. As a result, almost any clearing on the site initiates an off-site woodland conservation requirement. In addition, because Infrastructure 1 and 2, Section 4, and the Park are assigned no portion of the off-site woodland conservation requirement for the overall site, the total off-site requirement was distributed over six sections of the Smith Home Farm development, minus the 3.54 acres of off-site woodland conservation that will be fulfilled by the “Retained” portion of the site, which is fixed.

Because of the significant amount of clearing associated with Sections 1A and 1B (46.32 acres), the applicant’s proposal to defer the provision of off-site woodland conservation with Sections 1A and 1B results in a deficit of woodland conservation provided under all of the four TCPIIs associated with this SDP. The following potential problems were identified with respect to the proposed redistribution:

- a. The woodland conservation threshold for this site has already been reduced from the 25 percent requirement (159.52 acres) conditioned by the District Council for this site to 21.18 (137.33 acres), a total reduction of 22.19 acres before any on-site clearing occurs.
- b. Deferring the provision of the off-site woodland conservation requirements for this site until long after clearing for development has occurred is contrary to the Woodland Conservation Ordinance. The Woodland Conservation Ordinance is written to require the provision of any off-site requirements prior to issuance of grading permits, so that the replacement of the woodland lost to clearing occurs concurrently with the clearing activity to maintain the associated eco-services benefits.
- c. Placing a large disproportional quantity of off-site woodland conservation requirements on Sections 5 and 6 is a burden on the future development of those sites. There is no

assurance that the current applicant will be the eventual developer of those sections, after the requirements have been shifted to those sections, and the current developer has received the benefit of shifting the off-site requirement to those sections.

In response to the applicant's previous request, the provision of off-site woodland conservation was specifically removed from three sections of the overall development. As a result, the burden has been shifted onto six sections of the property. The applicant is now requesting that the off-site woodland conservation burden now be distributed disproportionately between four sections of the overall development. As a result, with the total amount of clearing and woodland conservation provided with four TCPIIs associated with the current SDP, there will be a woodland conservation deficit of 96.02 acres. Therefore, the Planning Board did not support the revision as proposed.

An alternative proposal was offered by the applicant that afforestation/ reforestation in Sections 5 and 6, where there is no approved SDP or TCP2 at this time, be carried out and credited to fulfill the woodland conservation requirements, and that off-site woodland conservation would be provided or bonded when on-site woodlands plus afforestation no longer were sufficient to satisfy the cumulative woodland conservation requirement. The Planning Board finds this acceptable if:

the afforestation/reforestation is carried out in conformance with an approved TCPII, is placed in a Woodland and Wildlife Habitat Conservation Easement, and is bonded prior to the release of grading permits; and any shortage of required off-site woodland conservation be bonded with the section in which the requirement was incurred. Conditions regarding these issues have been included in this approval.

Bonding of any shortage shall be reduced as additional on-site and off-site woodland conservation is achieved. If the applicant purchases an off-site property to be used as a tree bank/afforestation to satisfy the anticipated off-site requirement, that area shall be bonded in accordance with the rate established in Subtitle 32, Water Resources Protection and Grading Code.

The subject property is located within the Cabin Branch and Western Branch watersheds of the Patuxent River basin. The woodland conservation requirement for the overall Smith Home Farm site is proposed to be partially met under the most current overall worksheet with 103.19 acres of off-site mitigation, which will be proportionately distributed between the various phases of the project. Each phase requesting grading permits will be required to provide evidence that off-site woodland conservation credits have been obtained and recorded in the land records prior to issuance of grading permits. The credits must be purchased based on the priorities of location indicated in the ordinance. The following condition should be brought forward from the approval of SDP-1003 and all associated TCPIIs:

"Prior to the issuance of grading permits for any phases of the Smith Home Farm site, the applicant must demonstrate how the woodland conservation requirements will be implemented by bonding of afforestation/reforestation requirements, and/or submitting recorded transfer certificates for off-site woodland conservation requirements. The

location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6): within the same eight-digit sub-watershed (Cabin Branch), within the same watershed (Western Branch), within the same river basin (Patuxent), within the same growth policy tier (Developing), or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out appropriate location opportunities for off-site woodland.”

In order to facilitate the orderly development of the site, it was determined that it is appropriate to approve TCPIIs with the approval of Specific Design Plan SDP-1003 for each proposed section of the site.

TCPII numbers were assigned to the sections as follows:

Section 1A, TCPII-008- 12  
Section 1B, TCPII-009- 12  
Section 2, TCPII-010- 12  
Section 3, TCPII-011- 12

A condition to clarify this has been included in this approval.

14. **Prince George's County Tree Canopy Coverage Ordinance:** Approval of minor lot revisions and architectural models has no impact on the previous findings of compliance with the requirements of the Tree Canopy Coverage Ordinance made in conjunction with the approval of previous SDPs for site infrastructure.

15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The *Prince George's County Approved General Plan* designates the portion of Pennsylvania Avenue (MD 4) as a corridor recommended for more intensive development and redevelopment and the town center in Westphalia as a regional center. Regional centers are locations for regionally-marketed development with the potential for high-density residential development as an option.

This application to amend the approved SDP conforms with the land use policy in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan) for locating townhomes in relation to the town center, but it does not conform to the sector plan in the alignment of townhomes away from the public road and the removal of alleyways and rear-loaded garages.

The approved R-M Zone was based on a comprehensive planning study, the Westphalia Comprehensive Concept Plan (WCCP), that further examined the recommendations of the 1994 Approved Master Plan and Sectional Map Amendment for

Melwood-Westphalia and the 2002 General Plan for this area. This study was in large part promoted by various developers in the sector plan area as a means to promote and advocate for a unified vision for the sector plan area which would include residential use of various densities, a mixed-use retail center, and a central park on the subject site that serves the entire Westphalia area. Subsequently, this vision was further refined in the Westphalia Sector Plan by the District Council's approval of County Council Bill CB-2-2001 (DR-2) in February 2007 which amended the General Plan to designate Westphalia as a regional center.

The community vision for the Westphalia Sector Plan area is to provide for new residential neighborhoods with a range of housing types and densities, a network of attractive roads that unifies the community and meets projected traffic needs, clustered development, and incremental increases in densities up to a high-density urban core at the center (page 1). The application does not meet the plan's intent concerning increased density towards the core or a road network that connects and unifies the community. The following comments follow through the sector plan by addressing specific issues by chapter. Most of the issues cited are addressed in multiple chapters in the sector plan.

#### **Policy 5—Residential Areas**

- Principal 1 promotes creating varied architecture to avoid flat façades by using bays, balconies, porches, stoops and other projecting features, and that the front door dominates the front façade. This principal requires that garages are hidden or clearly subordinate to the main structure and that driveways are arranged so that cars are parked to the side or rear of the house and are hidden from the street. Rear alleys are to be promoted to have access to parking and garages for residences that are sited back to back.

The elevations for the townhouses provided all have front-loaded garages and the garage door dominates the front façade. No examples of rear-loaded garages are provided. This design is in direct conflict with the vision and design guidelines for the residential areas described in the approved Westphalia plan. However, the Planning Board finds the design acceptable given the surrounding environmental features.

- Principal 3 promotes designing an efficient, safe and interconnected residential street system to “Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid environmental resources” (page 31).

The redesign of the approved grid of streets and alleys has created a neighborhood of culs-de-sac and townhouses on typical suburban non-grid development. This new lotting pattern does not conform to a character defining goal of the sector plan which is to link neighborhoods, but instead isolates neighborhoods within themselves.



- Principal 4 promotes creating a system of open space and parks by clustering residences around shared amenities to form distinct neighborhoods with a sense of identity. The green space of this open space will help define and divide clusters (page 31).

Large open areas in all of the phases has been eliminated and filled with dwelling units. Open space should be reintroduced into the plan to meet this design standard. This issue was resolved with the original SDP-1003 approval and the subject application proposes no changes to open space.

The Planning Board hereby finds it is necessary to include conditions in this approval regarding architectural elevation design in order to address the aforementioned issues.

- b. **Subdivision Review**—The Planning Board reviewed an analysis of Preliminary Plan of Subdivision 4-05080. The conditions that are relevant have been incorporated into Finding 9 above as necessary. They also reviewed the following summarized comments:

The applicant proposes to remove the alley and reorient townhouse lots from fronting on a homeowner association open green space parcel, to fronting the street. The approved preliminary plan shows alleys and 24 townhouse lots facing Parcel 24, a 33,643-square-foot open green space. The vision of the approved preliminary plan is for the open green space to serve as a focal point for the lots as envisioned by the 2006 Westphalia Sector Plan and SMA. The concept of the preliminary plan was to orient the land bay around a common open space that will provide a central feature for the townhouses. The somewhat isolated development pod is accessed from an extension of Imperial Oaks Lane. The open space element which is centrally located will provide a sense of place for this townhouse community and should be provided. The proposed reorientation of the townhouses away from the open green space will diminish the feature as the focal point for the townhouses and is not consistent with the vision of the approved preliminary plan and the Westphalia Sector Plan and SMA. However, the Planning Board finds the applicant's proffered design of the side elevations an acceptable alternative that will not diminish the open space.

Specific Design Plan SDP-1003-01 is in substantial conformance with approved Preliminary Plan 4-05080 if the above comments are addressed. Failure of the site plan and record plat to match will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

A condition has been included in this approval regarding the design of the townhouse lots fronting on the central open green space.

- c. **Permit Review**—Permit Review comments have either been addressed by revisions to the plan or in the conditions of this approval.

- d. **Environmental Planning**—The Planning Board reviewed an analysis of various issues with the subject application which have been discussed in Finding 13 above. They also reviewed the following discussion:

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area Preservation Area is defined in Section 24-101(b)(22) of the Subdivision Regulations as an area to be preserved in its natural state to the fullest extent possible. Impacts to the primary management area (PMA) for the Smith Home Farm development were approved with Preliminary Plan 4-05080. The PMA impacts approved with SDP-1003 were found to be consistent with those approved at the time of preliminary plan.

Specific Design Plan SDP-1003 and Type II Tree Conservation Plan TCPII-008-12-01 indicate the clearing of 0.07 acre of additional woodlands located in the PMA as part of the current revision application. Revisions to on-site clearing and on-site woodland conservation provided on TCPII-008-12 are proposed by the applicant because of a change to the limit of disturbance resulting from the realignment of water and sewer lines in Section 1A (Lots 9–13, Block D; TCPII-008-12, Sheets 12 and 13). These changes were made in response to design review comments from the Washington Suburban Sanitary Commission (WSSC) and are necessary for the installation of site utilities in accordance with design standards.

The proposed revisions are technical in nature, resulting in the clearing of 0.07 acre of additional 100-year floodplain. To mitigate the additional impacts to the PMA, additional afforestation/reforestation of 0.27 acre is proposed. The Planning Board finds that the impacts proposed are necessary and consistent with previously approved PMA impacts for the site. The revised TCPII-008-12 submitted with the current application accurately reflects the additional clearing and mitigation proposed with the proposed PMA impacts. Therefore, the PMA on the subject SDP has been preserved to the fullest extent possible.

- e. **Department of Public Works and Transportation (DPW&T)**—DPW&T did not provide comments on the subject application.
- f. **Westphalia Sector Development Review Council (WSDRC)**—WSDRC did not provide comments on the subject application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-008-12-01, TCPII-009-12-01, TCPII-010-12-01, and TCPII-011-12-01), and further APPROVED Specific Design Plan SDP-1003-01 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant and the applicant's heirs, successors, and/or assigns shall:
  - a. Revise the plans to show Lots 1 and 114 with the sides facing Imperial Oaks Lane designed as front elevations and Lots 138, 139, 151, and 175 with the sides facing the central open green space, on Parcel B2, designed as front elevations, per the applicant's exhibit. The rear yards on Lots 1, 114, 138, 139, 151, and 175 shall be screened from the road or central green space with a minimum five-foot-high brick wall and/or enhanced landscaping to be reviewed by the Urban Design Section as designee of the Planning Board.
  - b. Include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing unit approved, the SDP number, and the Planning Board resolution number.
  - c. Revise the SDP coversheet to include the required building setbacks pursuant to Comprehensive Design Plan CDP-0501-01 and include a provision that decks or patios may encroach into the rear setback, but not by more than one-third of the yard depth.
  - d. Include a brick /masonry front façade tracking chart for the single-family attached lots on the plan set.
  - e. Provide the dimensions of the front porches (covered and not covered) on the template sheet.
  - f. Provide the dimension of all townhouse driveways and a note regarding driveway material on the site plan, in conformance with Sections 27-558(a) and 27-554 of the Zoning Ordinance, respectively.
  - g. Provide all townhouse building setbacks, including front yard, rear yard, and side of each stick, and yard area calculations on the site plan.
  - h. The applicant shall indicate the highly-visible lots within the townhouse portion of Section 1A on the coversheet, subject to review and approval of the Urban Design Section as designee of the Planning Board.
  - i. Revise the architectural elevations as follows:
    - (1) All garage doors shall have a carriage-style appearance.
    - (2) Provide an M-NCPPC approval block on all architectural elevations for certification.
    - (3) Revise the plans to show a minimum of two standard architectural features, such as windows, doors, or fireplace chimneys, arranged in a reasonably balanced

design, on all side elevations, and a minimum of three such features on all highly-visible side elevations.

- (4) Revise the Chestnut II front elevations 1, 2, 4, 6, 7, 8, and 9 to provide paneled shutters on all non-specialty windows, where spacing allows.
  - (5) Revise the Carlyle II front elevations 2, 7, and 9 to provide paneled shutters on all non-specialty windows, where spacing allows.
- j. The overall woodland conservation worksheet for Smith Home Farm shall be revised as follows and included on each of the associated Type II tree conservation plans (TCPIIs):
- (1) Demonstrate how the entire woodland conservation requirement for the Smith Home Farm development as delineated on TCPI-038-05/01 shall be met.
  - (2) The overall woodland conservation worksheet for the Smith Home Farm project shall:
    - (a) Retain the previously approved distribution of off-site woodland conservation requirement for the site as approved with SDP-1003; or
    - (b) The applicant shall demonstrate how the total woodland conservation requirement incurred for Infrastructure 1, Section 1A, 1B, 2, and 3 are fulfilled with the revised approval of TCPII-008-12-01, TCPII-009-12-01, TCPII-010-12-01 and TCPII-011-12-01.
  - (3) The overall woodland conservation table shall correctly reference “sections” instead of “phases.”
  - (4) The supplemental information contained in the table headings shall be completed with regards to TCPII revision number, status, date of approval, and date of certification.
- k. The individual woodland conservation worksheet on each of the associated TCPIIs shall be revised as follows and included on each of the associated Type II Tree conservation plans (TCPIIs):
- (a) Accurately reflect the woodland conservation areas proposed on-site for Sections 1A, 1B, 2, and 3 after any technical revisions are made to the TCPIIs, and confirm how much woodland conservation is being provided on individual phases.
  - (b) Accurately reflect the distribution of the off-site woodland conservation requirements for the site based on the approved overall woodland conservation worksheet for the Smith Home Farm development.

2. Prior to issuance of each building permit for Smith Home Farm, the applicant and the applicant's heirs, successors, and/or assigns shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD 4/Westphalia interchange and interim improvements or, if determined through the IAPA process, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farm, the applicant, its heirs, successors, and/or assignees exceed the current cost of \$1,660.29 per dwelling unit multiplied by the Engineering News Record (ENR) construction cost index at the time of payment divided by the ENR construction cost index for fourth quarter 2010. The above amount is subject to the provisions of CR-66-2010 and the Memorandum of Understanding between Prince George's County, Maryland and SHF Project Owner, LLC and Blythewood, LLC recorded on April 8, 2013.
3. Prior to issuance of each residential building permit for construction of a unit within the 65 dBA Ldn line, plans for that building shall be certified by an acoustical engineer stating that internal noise levels shall be 45 dBA Ldn or less.
4. Fifty percent of the single-family attached homes shall feature a full brick or other masonry front façade.
5. No two units directly adjacent to or across the street from each other may have identical front elevations.
6. The following number of dwelling units in any horizontal, continuous, attached group of townhouse dwellings shall have a roof feature containing either a reverse gable or dormer window(s):
  - a. Four dwelling units in any building group containing five or six units; or
  - b. Three dwelling units in any building group containing four units; or
  - c. Two dwelling units in any building group containing three units.
7. The options for fulfilling the woodland conservation requirement with the SDP and associated grading permit include afforestation/reforestation in future Sections not currently part of an approved SDP and TCPII, subject to the following requirements:
  - a. Any afforestation/reforestation credited in a future section of the Smith Home Farm project shall be shown on an approved TCPII, placed into recorded Woodland and Wildlife Habitat Conservation Easements and fully bonded prior to issuance of the first grading permit for this SDP.
  - b. Any afforestation/reforestation credited in a future section of the Smith Home Farm project associated with this SDP shall be planted in the first planting season after the issuance of the associated grading permit, as defined in the Environmental Technical Manual based on the size of plant materials, and prior to the issuance of any building permits for the Section for which the afforestation is credited.

- c. Certification of afforestation/reforestation plantings in future sections of the Smith Home Farm project shall be submitted to the Environmental Planning Section prior to the issuance of the first building permit for the section for which the afforestation/reforestation is credited.
8. Prior to the issuance of grading permits for any section of the Smith Home Farm site, the applicant must demonstrate how the woodland conservation requirements for the subject section will be implemented through bonding of credited afforestation/reforestation areas, submitting recorded transfer certificates for off-site woodland conservation requirements, and/or by bonding of any unfulfilled woodland conservation requirement incurred with the requested permit.

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

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

9. The location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6) of the Subdivision Regulations: within the same eight-digit sub-watershed (Cabin Branch), within the same watershed (Western Branch), within the same river basin (Patuxent), within the same growth policy tier (Developing), or within Prince George's County. The applicant shall demonstrate to the Planning Director or its designee due diligence in seeking out appropriate location opportunities for off-site woodland.
10. Condition 15.c. of the original SDP-1003 approval (PGCPB No. 12-21) shall be revised to read as follows:  

“Eliminate any off-site woodland conservation requirement on land to be dedicated to M-NCPPC for the central park area.”
11. Revise the landscape plan to replace the Arlington lighting fixtures with the Acorn lighting fixtures provided by PEPCO.

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 Shoaff, with Commissioners Washington, Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 30, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20<sup>th</sup> day of June 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:arj