



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

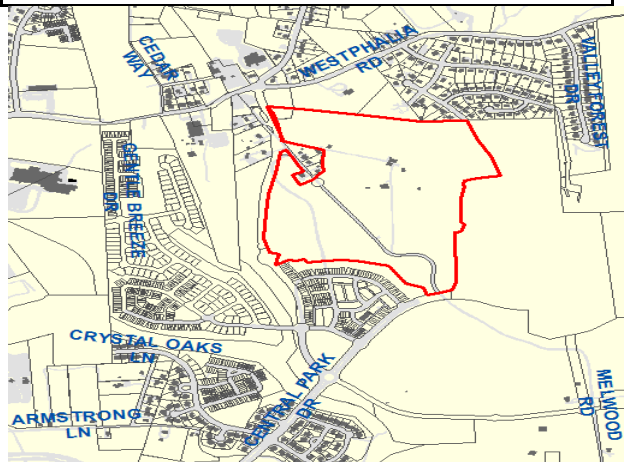
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Specific Design Plan Parkside, Section 4

SDP-1601-03

REQUEST	STAFF RECOMMENDATION
Construction of 188 single-family detached and 96 single-family attached (townhouse) dwelling units, modification of the development standards and layout previously approved with SDP-1601-02, including the addition of seven architectural models.	APPROVAL with conditions

Location: On the east and west sides of Melwood Road, approximately 314 feet south of Westphalia Road.	
Gross Acreage:	96.49
Zone:	R-M/M-I-O
Dwelling Units:	284
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	205SE08
Applicant/Address: SHF Project Owner, LCC 1999 Avenue of the Stars, Suite 2850 Los Angeles, CA 90067	
Staff Reviewer: N. Andrew Bishop Phone Number: 301-952-4897 Email: Andrew.Bishop@ppd.mncppc.org	



Planning Board Date:	07/09/2020
Planning Board Action Limit:	07/10/2020
Staff Report Date:	06/24/2020
Date Accepted:	05/01/2020
Informational Mailing:	10/30/2019
Acceptance Mailing:	04/28/2020
Sign Posting Deadline:	06/09/2020

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: Specific Design Plan SDP-1601-03
 Type II Tree Conservation Plan TCPII-014-2016-03
 Parkside, Section 4

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

EVALUATION CRITERIA

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

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

FINDINGS

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

1. **Request:** The subject specific design plan (SDP) requests approval of a mixed retirement development (MRD) consisting of 188 single-family detached and 96 single-family attached dwelling units, for Parkside, Section 4, which is part of the larger Parkside development.

Specifically, this SDP amendment proposes to slightly modify the development standards and layout previously approved with SDP-1601-02 and includes the location and design of the public roadways and private alleys, the lot and parcel layout, on-street parking, landscaping, utility location, fencing, and sidewalks within the development. In addition, this SDP is also seeking the approval of the architectural models for both the attached and detached units within Section 4.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-M/M-I-O	R-M/M-I-O
Use	Residential	Residential
Gross Acreage	96.49	96.49
Flood Plain Acreage	2.49	2.49
Net Acreage	94	94
Total Lots	0	284
Single-family Detached	-	188
Single-family Attached	-	96
Total Parcels	2	17

OTHER DEVELOPMENT DATA

Parking Requirements

	Required	Provided
Section 4		
Single-Family Detached 2.0 x 188	376	376
Single-Family Attached at 2.04 x 96	196	192
Standard Visitor Parking Spaces	-	28
Parallel Visitor Parking Spaces	-	4
Total Parking:	572	600*

Note: *There are additional unmarked on-street parking spaces that have not been included in the parking schedule and are available for residents and guests on public roadways such as Victoria Park Drive, Elizabeth River Drive, and Mary Stream Road. Two parking spaces for the physically handicapped should be provided for visitor parking spaces. Of the two spaces, one should be van-accessible and the other one should be regular space. A condition has been included in the Recommendation section of this report.

Architectural Model:

Model Name	Based Finished Square Footage (BFSF)	Height	Garage
Single-family detached			
Adventurer	2,016 sq. ft.	24 ft.	2-car
Curator	1,733 sq. ft.	24 ft.	2-car
Enthusiast	2,016 sq. ft.	24 ft.	2-car
Virtuoso	1,810 sq. ft.	24 ft.	2-car
Single-family attached (Townhouse)			
Awaken	1,697sq. ft.	25 ft.	1-car (2-car opt)
Connect	1,991 sq. ft.	19 ft.	2-car
Flow	1,200 sq. ft.	19 ft.	2-car

3. **Location:** The larger Parkside subdivision (formerly Smith Home Farm) is a 757-acre tract of land consisting of wooded and partially developed land, approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), in Planning Area 78 and Council District 6. The subject property, Section 4 of the Parkside development, is located in the north-central portion of the development, north of Central Park Drive at the terminus of Melwood Road, approximately 1,570 feet south of its intersection with Westphalia Road.
4. **Surrounding Uses:** The subject site is bounded to the north by vacant land and single-family detached residential units in the Rural Residential (R-R) and Open Space Zones; to the east by Section 7 of the Parkside development, which is currently undeveloped and in the Local Activity Center (L-A-C) and Residential Medium Development (R-M) Zones; to the south by Section 3 of the Parkside development, Central Park Drive, and the proposed Westphalia Central Park; and to the west by the proposed Rock Spring Drive, with Section 2 of the Parkside development in the R-M Zone and some scattered existing development in the Commercial Shopping Center, Commercial Office, Commercial Miscellaneous, and R-R Zones beyond.
5. **Previous Approvals:** The subject application is for Section 4 of a multiphase larger project currently known as Parkside, formerly known as Smith Home Farm, which is comprised of 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the L-A-C Zone. The larger Parkside project was rezoned from the Residential-Agricultural Zone to the R-M (3.6–5.7 dwelling units per acre) and L-A-C Zone with a residential component, including a mixed retirement component, for a total of 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space, through Zoning Map Amendment Applications A-9965 and A-9966. The Prince George’s County District Council approved both zoning map amendment

applications on February 13, 2006, and the Orders of Approval became effective on March 9, 2006.

On February 23, 2006, the Prince George's County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 (via PGCPB Resolution No. 06-56(C)) for the entire Parkside project, with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501, with 34 conditions.

On July 20, 2011, an amendment to CDP-0501 (CDP-0501-01) was filed to modify Condition 3 regarding construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112), with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision, with five conditions.

On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On January 30, 2020, the Planning Board approved a second amendment to CDP-0501 (CDP-0501-02) and the resolution (PGCPB Resolution No. 20-12) was adopted on February 20, 2020, to revise Condition 25 to change the number of building permits from 2,000 to 2,500 for construction of commercial space in the L-A-C Zone. No condition was attached to the approval.

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

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

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

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of CDP-0501 that govern the development of the entire Parkside project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet in Amendment 1 and, further in the resolution, established a minimum lot size for single-family attached dwellings in the R-M Zone (Market Rate) to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2,006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10–23 in CDP-0501 for Smith Home Farm, to require submission of an SDP for the Central Park following approval of the Westphalia Sector Plan and SMA, and not as the second SDP as stated in the original Condition 23 of CDP-0501.

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

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

SDP-1601-02 for Section 4 was approved by the Planning Board on May 16, 2019, subject to 9 conditions, (PGCPB Resolution No. 19-51) for 168 single-family detached residential lots and 127 single-family attached residential lots and the design of the public roadways and private alleys, the lot and parcel layout, on-street parking, landscaping, utility location, fencing, and sidewalks, but excluded architecture.

In addition, it is noted that this SDP is subject to SWM Concept Plan 14846-2006-03, for Sections 4, 5, and 6 of the Parkside development, which was approved on March 19, 2019 and was valid until May 25, 2020. Therefore, a new SWM concept plan will need to be provided prior to certification and is conditioned to be provided herein.

6. **Design Features:** The subject application proposes to slightly modify the layout previously approved with SDP-1601-02 and includes the location and design of the roadways, recreational facilities, landscaping, parcel layout, parking, utility locations, fencing, sidewalks, and architecture, which includes front loaded single-family attached and single-family detached units accessed from public and private roadways and are arranged in a grid pattern. The Melwood Legacy trail, a 10-foot-wide hiker-biker trail, runs through the middle of Section 4, forming the spine of the community and links to Sections 5 and 6, south of the subject site. Stormwater is being accommodated within existing ponds within the overall boundary, and supplemented by additional on-site infiltration, including bioretention facilities and submerged gravel wetlands.

The submitted site plan shows public and private rights-of-way at 50 to 60 feet wide to accommodate parallel parking and travel lanes that are generally 26 to 36 feet in width. Victoria Park Drive is the primary roadway in the development and is proposed with a 60-foot-wide right-of-way and 36 feet of pavement. The roadway runs along the southern portion of the site and forms the spine road of the community, connecting Rock Spring Drive with Section 7 of the Parkside development, east of the subject site.

Architecture

A mix of single-family attached and detached options are proposed with this application. These units are designed with master-down options and are being marketed to appeal to the senior population. The dwelling units proposed include four front-loaded two-car garage options for the 188 single-family detached dwelling units proposed in Section 4. The models include Adventurer, Curator, Enthusiast, and Virtuoso for the single-family detached units. Each unit has multiple front elevation options and a variety of exterior finishes and roof designs, including shutters, balanced fenestration, enhanced window and door trim, and roofed porches over the front doors with decorative columns, cross gables, and dormers and architectural finishes. The buildings have been designed to incorporate a variety of materials including brick, stone, and siding, creating a clean and contemporary design, which will complement the surrounding uses. The base size of the Adventurer, Enthusiast, and Virtuoso units are 40 feet wide, while the Curator is 31 feet in width. The dwelling units proposed a variety of depths the Adventurer measuring 66 feet deep, and the Curator measures 47 feet deep, the Enthusiast measures 62 feet deep, and the Virtuoso measures 56 feet deep. The height of the single-family detached models is approximately 24 feet in height while the finish areas vary from Model to model. The base finished area of the four models ranges from 1,733 – 2,016 square feet. The base finished area for both the Adventurer and Enthusiast is 2,016 square feet, for the Curator is 1,733 square feet, and for the Virtuoso is 1,810 square feet.

Three front-loaded models with two-car garage are proposed for the 96 single-family attached units including Flow, Awaken, and Connect. Each model has multiple front elevation options and a variety of exterior finishes and roof designs, including shutters, balanced fenestration, enhanced window and door trim, and roofed porches over the front doors. The buildings have been designed to incorporate materials such as brick, and siding, creating a clean and contemporary design, which will complement the surrounding uses. The base size of and height of these models is consistent with a 30 feet wide dwelling unit width, and a building height of approximately 19 feet. The units vary in depth and finished area. The Flow measures 61 feet deep, the Awaken measures 66 feet deep, and the Connect measures 58 feet in depth. The base finished area also varies from 1,697 to 2,130 square feet and proposes a finished area for the Flow at approximately 2,130 square feet, the Awaken at 1,697 square feet, and the Connect at approximately 1,991 square feet.

All models propose architectural shingles on the roof and offer a variety of window treatments and architectural finishes including a mix of high-quality building materials on the façades, such as vinyl, brick, stone, and masonry. Options are available for outdoor patios, dormers, bay windows, and sunrooms.

It is noted that highly visible side elevations are not shown on the submitted building elevations and labels have not been included on the site plan showing which units will require additional end wall features and should be shown for clarification. The highly visible units should include a minimum of three standard features, in addition to the use of

brick, stone, or masonry along the water table of the building for the single-family attached and detached homes. The plan should be revised to label all the specified lots or units as highly visible. Conditions have been included in the Recommendation section of this report requiring the applicant to do so prior to certification.



Figure 1: Proposed Architectural Elevations – Single Family Detached Units



Figure 2: Proposed Architectural Elevations – Single Family Detached Units



Figure 3: Proposed Architectural Elevations – Single Family Attached Units

Security in a compact townhouse development is important, and doorbell cameras may improve the security of individual units and help to create a safer neighborhood. The entry to the single-family attached units proposed is set back and should allow for the installation of third-party doorbell cameras and external entryways are wide enough to allow such cameras broad peripheral coverage. The applicant should consider townhouse model designs where the general area around the front door allows for the installation these types of devices and recommends that security options be made available in the model selection at the time of purchase or as a possible rough-in to facilitate a homeowner's future installation.

Recreational Facilities

A comprehensive trail network is located throughout the site and connects a number of recreational facilities in the open spaces onsite, including a picnic pavilion, exercise stations, a butterfly garden, a dog park, bocce ball court, and a sitting area with an octagon pavilion. The location and number of facilities proposed is acceptable for Section 4.

Generally, the proposed facilities include enlargements and the details and specifications of what is proposed with this application, but it is noted that not all of the recreational facilities have been shown or labeled on the site plan. Details of all the facilities should be provided for clarification, and a condition has been included in the Recommendation section of this report requiring the applicant to show and label the facilities on the site plan and provide the appropriate details, in support of what is proposed.

Condition 11 of the CDP provides a general guideline for the timing, construction, and installation of the proposed recreational facilities on the site but does not include a specific timing for each type of facility. The timing and construction of these facilities has been included in the Recommendation section of this report.

Lighting

The photometric plan indicates the use of a decorative light-emitting diode fixture on a 14-foot-high black pole. Details of the proposed lighting fixture and photometrics are provided on the SDP and show appropriate lighting levels on the site's roads with minimal spillover onto the adjacent properties. All lighting fixtures should be full cut-off type.

Signage

The SDP proposes two freestanding monument signs at the intersection of Rock Spring Drive and Victoria Park Drive at the primary western entrance to the development. The monument signs are approximately 6 feet high and 20 feet wide. The sign is constructed with stone veneer and includes 7-foot-high columns on each end with a central concrete plaque for the community's name. The sign is externally illuminated using up-lighting. The sign appears to be generally acceptable, and landscaping is proposed along the base and behind the sign. Staff recommends that attractive year-round landscaping be proposed at the base of the sign to enhance the proposed signage, as conditioned herein. In addition, staff notes that a schedule has not been provided listing the square footage of the proposed sign. Therefore, a condition has been included in the Recommendation section of this report requiring that a signage area calculation be provided.

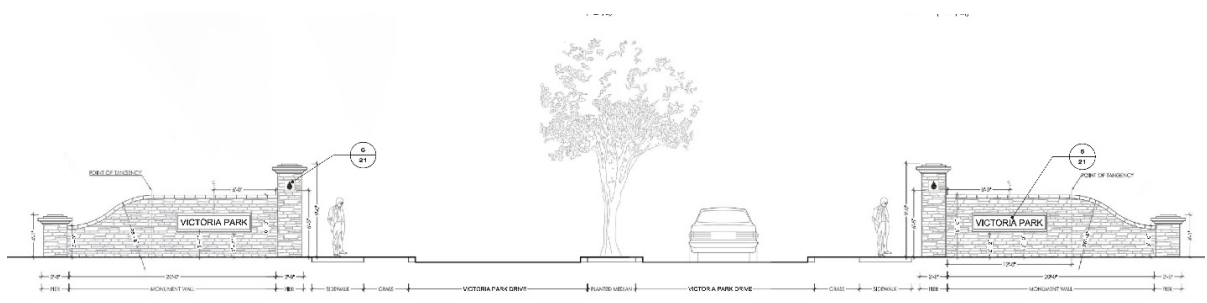


Figure 4: Proposed Freestanding Sign

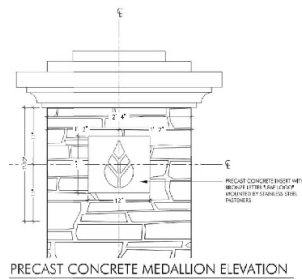


Figure 5: Concrete Pillar Detail

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to conditions that are relevant to this application. Conformance with these requirements was found with SDP-1601 and its amendments. The subject SDP for the 284 dwelling units proposed with this application does not change those findings and has been found in conformance with this approval.
8. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance in the R-M and Military Installation Overlay (M-I-O) Zones, as follows:
 - a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the R-M Zone, as demonstrated in prior approvals.

An MRD is defined in the Zoning Ordinance as a residential community for retirement-aged persons developed under a uniform scheme of development containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two types of dwelling units. This use is permitted in the R-M Zone, subject to Footnote 28 of Section 27-515(b), which reads as follows:

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

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

- b. **Military Installation Overlay Zone:** A portion of the project is also located within the Noise Impact Zone (60–74 dBA noise contour) of the M-I-O Zone. Noise levels of the residential homes within this portion of the development are required to be

mitigated to an interior noise level of 45 dBA Ldn or less. Condition 62 of PPS 4 05080 reinforced this requirement and is discussed below in Finding 10.

The eastern portion of the property is located within Height Zone D and the rest of the property is located within Height Zone E. The maximum building height limits are approximately 234 to 360 feet. The proposed single-family detached and attached buildings that will be constructed with this application measure approximately 28 feet in height, below the maximum building height limits.

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

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

The subject application was found in conformance with the approved CDP. While the current SDP application proposes increased density in Section 4, it was found that the application is in general conformance with CDP-0501. Specifically, the approved CDP for the project shows that the area of Section 4 is to be developed with various residential uses consistent with the MRD classification. Further this application's desired development is consistent with the location and number of residential units approved in the PPS for Parkside, and establishes the lots and parcels of the development and includes architecture and site details such as landscaping, lighting and recreational amenities.

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

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

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

In accordance with the review by the Special Projects Section (Thompson to Bishop, dated June 8, 2020), conformance to Section 24-124(a)(8) of the Prince George's County Subdivision Regulations was found with the approval of PPS 4-05080, and this application will not change those prior findings. Therefore, it is determined that the development will be adequately served within a reasonable period of time with existing or programmed public facilities.

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

The application has an approved SWM Concept Plan, 14846-2006-03 (for Sections 4, 5, and 6) and, is consistent with that approval. Therefore, adequate provisions have been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

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

The Environmental Planning Section stated, in a memorandum dated June 15, 2020 (Finch to Bishop), that the subject project is in conformance with TCPII-014-2016-02.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The Environmental Planning Section stated, in a memorandum dated June 15, 2020 (Finch to Bishop), that the regulated environmental features are preserved and/or restored to the fullest extent possible, in accordance with the requirements of Section 24-130 (b)(5) of the Subdivision Regulations. The impacts proposed to the regulated environmental features on this site are generally consistent with those approved with PPS 4-05080, and TCPI-038-05-01. Therefore, it is noted that the regulated environmental features are preserved and/or restored to the fullest extent.

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

Further it is noted that 284 dwelling units approved in combination with the dwelling units approved through other related SDPs are still within the unit count for the entire Parkside development and is approximately 2,098, which is within the 3,648 dwelling unit limit established with the CDP.

Conformance with the requirements of the CDP was found with SDP-1601 and its amendments. The subject SDP for the 284 dwelling units proposed with this application does not change those findings and has been found to be in general conformance with this approval. However, the following conditions warrant discussion in relation to the review of the subject SDP:

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

In accordance with the review by the Trails Section (Smith to Bishop, dated June 8, 2020), conformance to the prior approvals was reviewed, and staff determined the previous conditions of approval related to pedestrian, bicycle, and transit transportation have been addressed. The subject application does not change conformance to the conditions related to the alignment or widths of the required trail, bicycle, and transit facilities, and the trails network is consistent with the prior approvals.

- 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.**

The subject application for Section 4 includes a total of 94.69 acres of land within the R-M-zoned property. The required table has been shown on this application reflecting the overall density of the development. This is needed for tracking purposes, for conformance with the requirements of A-9965-C, the CDP, the PPS, and prior SDP approvals relative to the final density of the overall site. However, updates and revisions are needed, as additional SDP approvals are completed. A condition has been included in the Recommendation section of this report, requiring this to be completed.

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

This condition will be addressed at the time of permit as conditioned by the PPS.

- 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.**

The number of building permits released for the overall development of the project is still less than 2,000, and no commercial floor area has yet been constructed in Parkside. On January 30, 2020, the Planning Board approved a second amendment to CDP-0501 (CDP-0501-02) to change the number of building permits in this condition from 2,000 to 2,500. No condition was attached to the approval.

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

The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and a discussion of the application's conformance to Section 4.7, Buffering Incompatible Uses, is contained in Finding 14 below.

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

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

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

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

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.

This condition allows for Planning Board approval of variations to the design standards on a case-by-case basis. A variation to these standards was done as part of SDP-1601/02 through the addition of single-family detached standards for the MRD in Section 4. These standards applied to the single-family detached units in the MRD which are the subject of this application. The variations to these conditions are further discussed in detail, in Finding 13 below.

On January 30, 2020, the Planning Board approved a second amendment to CDP-0501 (CDP-0501-02) to revise Condition 25 to change the number of building permits from 2,000 to 2,500 for construction of commercial space in the L-A-C Zone. No condition was attached to the approval.

- 10. Preliminary Plan of Subdivision 4-05080:** The Planning Board approved PPS 4-05080 for the entire Parkside development (formerly Smith Home Farm) on March 9, 2006. PGCPB Resolution No. 06-64 was adopted on March 16, 2006, formalizing that approval. The approval was reconsidered several times, including on April 6, 2006 (PGCPB Resolution No. 06-64(A) and adopted on September 7, 2006); on July 27, 2006 (PGCPB Resolution No. 06-64(A/1)(C) and adopted on September 7, 2006); and, most recently, on May 24, 2012 (PGCPB Resolution No. 06-64(A/2)(C) and adopted on June 14, 2012), with 77 conditions. The conditions that are applicable to the review of this SDP are discussed below.

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

A TCPII has been submitted with this application, and the Environmental Planning Section has recommended approval, with no conditions. Should the TCPII be approved, the project would be in conformance with this requirement.

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

In a memorandum dated June 15, 2020 (Finch to Bishop), the Environmental Planning Section stated that the subject project is in conformance with approved SWM Concept Plan 14846-2006-03, as required by this condition.

- 16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

In a memorandum dated June 8, 2020 (Smith to Bishop), the trails reviewer indicated that the SDP proposes five-foot sidewalks along both side of internal roadways, as required by this condition. However, additional pedestrian improvements are still recommended and have been included in the Recommendation section of this report.

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

In a memorandum dated June 8, 2020 (Burton to Bishop), the transportation reviewer indicated that the proposed development occupies approximately 97 acres of the original Smith Home Farm PPS area. Because the PPS was approved with a trip cap (Condition 50), and the overall property is being developed under several specific development plans, the applicant has provided staff with a summary of trips that are being assigned to various SDPs. Table 1 below illustrates that summary.

Table 1			
Previous Approvals	Dwelling Units	Peak Hour Trips	
		AM	PM
SDP-1003	1129	740	598
SDP-1302/02	159	103	82
<i>SDP-1601/03 (Pending) – Senior Adult Housing</i>	<i>284</i>	<i>54</i>	<i>66</i>
PPS 4-16001	527	341	273
Total	2099	1238	1019
Original Trip Cap (4-05080)		1847	1726
Remaining (Unused) Trip Cap		609	707

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

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

The limited SDP for stream restoration shall:

- a. **Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.**
- b. **Consider the stormwater management facilities proposed.**

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

This condition has been addressed for Section 4. The required limited SDP for stream restoration, SDP-1002, was approved by the Planning Board on January 26, 2012, subject to conditions contained in PGCPB No. 12-07. Section 4, which is currently under review, includes the stream restoration for Reach 6-2.

- 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.**

Modifications will be needed on specific dwelling units requiring alternative building products and exterior wall treatments, such as noise reducing windows, sliding doors, and enhanced wall construction techniques, to maintain noise levels below the interior limit of 45 dBA Ldn on-site. This condition will be enforced at time of the permit.

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

A phased worksheet, as well as an individual TCPII worksheet, has been provided on TCPII-014-2016-03. The sheet layout of the TCPII matches the layout of the SDP for Section 4.

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

This condition is evaluated in the Environmental Review section of this memorandum and will be confirmed at time of final plat when the primary management area (PMA), except for areas of approved impacts, will be placed into a conservation easement.

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

The plans show the Melwood Legacy Trail within Section 4, and the associated grading.

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

SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. No condition was attached to the approval.

SDP-0506-02, was approved by the Planning Board on March 29, 2012 (PGCPB Resolution No. 12-14), subject to five conditions, none of which is applicable to the review of this SDP.

SDP-0506-03, to add entrance features, fencing, and landscaping along Central Park Drive (MC-631) and Rock Spring Drive (C-627), was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to two conditions. None of the conditions are relevant to the review of this SDP.

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

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

efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until such time as the required minimum expenditure is met.

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

Only two projects are identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). The conceptual cost estimate was \$266, 125 in 2012, for 950 linear feet of stream restoration. Detailed cost estimates for these two projects now total \$554,185.60, significantly higher than originally estimated. Final construction costs are not yet available.

The remainder of the required minimum expenditure available for the four remaining projects located in Section 7 has not yet been determined. The conceptual cost estimate for priority projects in Section 7 was \$511, 924, and addressed 3,189 linear feet of stream restoration. It is now anticipated that the remaining four priority projects will exceed the remaining funds available.

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

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

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

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

over the stream and allows free flowing of water under the conveyance structure within the 100-year floodplain.

The SDP and TCPII reflect the location of the master-planned trails. The detailed stream restoration plan presented on the SDP and TCPII includes a pedestrian bridge, and a note that indicates that the roadbed and culvert are to be removed and dry passage over the stream shall be provided. Staff notes that a detail of the bridge has not been provided and recommends that it be shown on the SDP for clarification. Therefore, a condition is included in the Recommendation section of this report, to provide the details and specification of the bridge design prior to certification.

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

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

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

This condition was addressed during the review and approval of SDP-1601/02. All obligations of the applicant pertaining to stream restoration have been specifically identified and approved for the Parkside project.

SDP-1601-01 was approved on December 19, 2017 by the Planning Director for infrastructure, including rough grading and detailed engineering for restoration of stream Reach 6-2, and did not include any conditions. The current application includes the approved stream restoration work, which has not yet been implemented.

SDP-1601-02 was approved by the Planning Board on May 16, 2019 (PGCPB Resolution No. 19-51), with 9 conditions for the location and design of the public roadways and private alleys, the lot and parcel layout, on-street parking, landscaping, utility location, fencing, and sidewalks, but excluded architecture. The development that is proposed with the subject application does not exceed the number of lots/units reflected in Section 4 in the approved PPS (4-05080). The conditions relevant to the subject application are as follows:

- 2. Prior to final plat of subdivision within Specific Design Plan SDP-1601, the applicant shall enter into a public recreational facilities agreement for construction of the 8-foot-wide asphalt hiker/biker trail on the property to be conveyed to The Maryland-National Capital Park and Planning Commission.**

3. **Prior to issuance of the first building permit, the applicant shall provide the text, images, and details of the interpretive signage for archeological Site 18PR766. The wording and placement of the interpretive signage shall be reviewed and approved by the Historic Preservation Section.**
4. **Prior to issuance of building permits for Lots 22 and 23, Block B, construct the 8-foot-wide asphalt hiker/biker trail. The final alignment shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation prior to construction.**
5. **Prior to approval of the 148th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the interpretive sign for archeological Site 18PR766. The details and specifications for the sign shall be reviewed and approved by the Historic Preservation Section prior to installation.**
6. **Long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner.**
7. **Monitoring and reporting on the Reach 6-2 stream restoration project shall be in accordance with conditions established by permits issued by the Maryland Department of the Environment (MDE) for projects proposed to occur in stream and wetland areas. Copies of the periodic monitoring and reporting information required by MDE shall be submitted to the Environmental Planning Section during the required 3 -year monitoring period.**

The applicant agrees with Conditions 2, 3, 4, 5, 6, and 7. However, it is noted that the lot numbers in Conditions 3 and 4 will need to be updated to correspond with the current SDP revision.

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

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

Notes:

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

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

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

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

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

The above condition allows the Planning Board to approve variations at the time of SDP if circumstances are warranted. The applicant is proposing variations from this condition to accommodate the specific architectural models that are proposed with this application. Specifically, standards for single-family detached units which are proposed as senior housing dwelling units.

The applicant states that there is a growing need for this type of housing and that these units are typically smaller and more compact than traditional single-family homes, to limit maintenance and upkeep. In addition, the applicant has indicated that these smaller units will be more affordable and reduce the construction and site development costs such as road construction, site grading, and SWM, improving the affordability of residential units. The proposed revisions to development standards have been requested, staff is in support of these changes, and a condition has been included herein to revise these standards.

R-M Zone – MRD Overlay			
	Condominiums	Single-family Attached	Single-family Detached
Minimum Lot size:	N/A	1,300 sq. ft.†	5,000 sq. ft.
Minimum frontage at	N/A	N/A	45*
Minimum frontage at Front B.R.L.	N/A	N/A	50***
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'-10'***
Minimum rear setback:	N/A	10'	10'
Minimum corner setback to side street R.O.W.	10'	10'	10'
Maximum residential building height:	50'****	40'	35'

Notes:

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

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

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

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

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

14. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. The proposed residential development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan, demonstrating conformance with these sections with the exception of 4.7, which has not been provided and is conditioned to be provided, requiring the applicant to show conformance to Section 4.7 of the Landscape Manual prior to certification.
15. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This property is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, but is subject to the provisions of the 1993 Prince George's County Woodland Conservation Ordinance because it is grandfathered due to the previously approved Type I Tree Conservation Plan, that was approved prior to September 2010. The gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and a Type I Tree Conservation Plan, TCPI-38-05-01, was approved for the site with PPS 4-05080.
- a. The most current plan, Natural Resources Inventory NRI-006-05-03, approved on March 7, 2018, was submitted with the review package for the current application. The NRI indicates that streams, wetlands, 100-year floodplain, and areas of steep slopes are found within the limits of the SDP and comprise the PMA. The information on the NRI is correctly shown on the current SDP and TCPII submittals.
 - b. The total woodland conservation requirement for the overall development is 253.52 acres, which is distributed proportionally over the development sections. The TCPII associated with Section 4 is TCPII-014-2016, and the -03 revision to TCPII-014-2016 is associated with the current application. The Individual Woodland Conservation Worksheet for Section 4 indicates that the woodland conservation requirement is 22.68 acres. The woodland conservation requirement is being satisfied in this section with 6.10 acres of on-site preservation and 16.58 acres of on-site afforestation, which fulfills the requirement of this section, and the overall requirement for the Parkside development.
16. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading, or building permit for more than 5,000 square feet of disturbance. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject application provides the required TCC schedule, demonstrating conformance to this ordinance.
17. **Referral Comments:** The subject case was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
- a. **Historic Preservation**—In a memorandum dated June 4, 2020 (Stabler to Bishop), incorporated herein by reference, the Historic Preservation Section noted that a Phase I archeological survey was conducted on the subject property in 2005. Four

archeological sites were identified within the area included in the subject application: 18PR766, 18PR767, 18PR770, and 18PR772. A Phase II investigation was conducted on Site 18PR766. It was determined that significant information was gained from this excavation, and no further work was required on the other three archeological sites.

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

In addition, it was noted that the subject application includes a portion of the Melwood Legacy Trail, and during the review of SDP-1601-02, it was determined that Interpretive signage should be placed along the trail to provide information on significant findings of the archeological investigations that were conducted near the trail. Conditions regarding the design and installation of this signage were established and have not been satisfied and remain in effect.

It was determined that the subject application will not affect any historic sites, or resources and no additional conditions have been recommended.

- b. **Community Planning**—In a memorandum dated June 5, 2020 (Gravitz to Bishop), incorporated herein by reference, the Community Planning Division noted that the Westphalia Sector Plan and SMA retained the subject property in the R-M Zone and provided an in-depth discussion of the SDPs conformance with the 2014 *Plan Prince George's 2035 Approved General Plan*, and conformance with the applicable zoning regulations.
- c. **Transportation Planning**—In a memorandum dated June 8, 2020 (Burton to Bishop), incorporated herein by reference, the Transportation Planning Section provided an analysis of the relevant previous conditions of approval that are incorporated into the findings above. The site plan was revised to show the proposed Victoria Park Drive with a 60-foot-wide roadway terminating at the property line, separating Sections 7 and 4, and this is acceptable. Overall, from the standpoint of transportation, staff finds that this plan is acceptable and meets the findings required for an SDP.
- d. **Trails**—In a memorandum dated February 1, 2019 (Smith to Bishop), incorporated herein by reference, the Transportation Planning Section reviewed the SDP application for conformance with all applicable conditions attached to prior approvals. The relevant comments have been included in the above findings. The Transportation Planning Section recommends approval of this SDP, with conditions regarding sidewalk connections and interpretive and wayfinding signage which have been included in the Recommendation section of this report, as appropriate.
- e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated June 8, 2020 (Asan to Bishop), incorporated herein by reference, DPR recommended approval of this SDP, with one condition, that has been included in the Recommendation section of this report.

- f. **Environmental Planning**—In a memorandum dated June 15, 2020 (Finch to Bishop), incorporated herein by reference, the Environmental Planning Section provided a comprehensive analysis of the SDPs conformance with all applicable environmental-related conditions attached to previous approvals that have been included in above findings. Additional comments are as follows:

Stream Restoration

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

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

Maryland-National Capital Park and Planning Commission staff supported the concept as approved, except for the retention of the existing crossing of the Melwood Legacy Trail over the roadbed, and the continued channeling of stream flow through the culvert, which appears to work against the success of the project. Staff recommended the roadbed and culvert be removed and replaced with a boardwalk or bridge which allows for the free flowing of water from the upstream wetlands, and provides dry passage across the stream, if needed. Removal of this constriction would eliminate an existing impact to wetland and wetland buffers and allow for the restoration of impacted PMA. DPIE has agreed to this revision, to be incorporated into the final technical design of Reach 6-2 if required permitting is obtained from the Maryland Department of the Environment. The removal of the culvert is not included on the current plan.

Protection of Regulated Environmental Features

Prior to approving an SDP for infrastructure, the Planning Board shall find that the plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirements of Subtitle 24-130 (b)(5). There have been minor changes to the layout of Section 4 since approval of the preliminary plan, and minor additional impacts. The impacts proposed to the regulated environmental features on this site are generally consistent with those previously approved with PPS 4-05080 and with prior SDP and TCPII approvals for Section 4.

Stormwater Management

The site has a revised SWM concept letter (14846-2006-03), which was approved on March 19, 2019 and expired on May 25, 2020. The plan was found in conformance with Subtitle 32 Water Resources Protection and Grading Code by DPIE. The plan is consistent with the previous SWM Concept Plan for

Sections 4, 5, and 6, which moved forward to implementation prior to May 4, 2017, under grandfathering provisions. SWM structures in Section 4 include three existing extended detention ponds, which are already constructed.

- g. **Special Projects**—In a memorandum dated June 8, 2020 (Thompson to Bishop), incorporated herein by reference, the Special Projects Section provided a comprehensive analysis of the SDPs conformance with the adequate public facilities, as follows:

Water and Sewer

Section 24-122.01(b)(1) of the Prince George's County Code of Ordinances, Subdivision Regulations states "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2018 *Water and Sewer Plan* placed this property in the 2018 *Water and Sewer Plan* placed this property in the Water and Sewer Category 3, Community System.

Capital Improvement Program (CIP)

The Prince George's County FY 2020-2025 Approved CIP identifies three public safety facilities in Planning Area 78-Westphalia & Vicinity: Police Training /Administrative Headquarters, the Fire-EMS Department Headquarters, and the Forestville Fire/EMS Station Westphalia.

Police Facilities

This SDP was reviewed for adequacy of police services, in accordance with Section 24-122.01(c) of the Subdivision Regulations. The subject property is in Police District II, Bowie, located at 601 Crain Highway, in Upper Marlboro, Maryland. 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). The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on May 1, 2020.

Reporting Cycle	Effective 12 Month Cycle	Priority	Non-Priority
Acceptance Date <i>May 1, 2020</i>		9	6
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met in the first monthly cycle following acceptance. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in Prince George's County Council Bill CB-56-2005.

Fire and Rescue

This SDP was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven-minutes travel time from the first due station. Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of May 28, 2020, the proposed project appears to pass the seven-minute travel time standard from Station 823, Forestville, located at 8321 Old Marlboro Pike in Upper Marlboro. There may be some lots that fail the seven-minute travel time, which can be re-evaluated at the time of the preliminary plan review.

Schools

This SDP was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Prince George's County Code of Ordinances, Subdivision Regulations, and CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. This property is located outside the I-495 Beltway. Staff conducted an analysis and the results are as follows:

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Total Proposed Dwelling Units (DU)	338 DU	338 DU	338 DU
Single-Family Detached DU	283	283	283
Pupil Yield Factor	0.158	0.098	0.127
Total [PYF*DU]	45	28	36
Total Future Subdivision Enrollment	45	28	36
Adjusted Student Enrollment 9/30/2019	12,927	9,220	7,782
Total Future Enrollment [TFE]	12,972	9,248	7,818
State Rated Capacity [SRC]	15,769	9,763	8,829
Percent Capacity [TFE/SRC]	82%	95%	89%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 per dwelling if the building is included within a Basic Plan, or Conceptual Site Plan that abuts an existing, or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This fee is to be paid to Prince George's County at the time of issuance of each building permit.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this technical staff report, DPIE did not provide comments on the subject project.
- i. **Prince George's County Police Department**—As of the writing of this technical staff report, the Police Department did not provide comments on the subject project.
- j. **Prince George's County Health Department**—As of the writing of this technical staff report, the Prince George's County Health Department did not offer any comments, however, standard conditions have been included in the Recommendation section of this report, to require noise and dust control during the demolition and construction phases of the development.
- k. **Prince George's County Fire/EMS Department**—As of the writing of this technical staff report, the Fire/EMS Department did not provide comments on the subject project.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1601-03 and Type II Tree Conservation Plan TCPH-014-2016-03 for Parkside, Section 4, subject to the following conditions:

1. Prior to certification of this specific design plan, the applicant shall provide the specified information or make the following revisions to the plans:
 - a. Provide attractive year-round landscaping at the base of the entrance sign to enhance the proposed signage and provide seasonal interest.
 - b. Provide a signage area calculation for the entrance monument listing the required and provided square footage of the proposed sign.
 - c. Provide standard crosswalks at the intersection of Victoria Park Drive and Elizabeth River Drive
 - d. Provide an exhibit displaying temporary signage at a 150-foot interval along the proposed Melwood Legacy Trail and the 8-foot hiker/biker trail indicating the location of the trail.
 - e. Include details of the sign, including the materials, color, text, and the height of its posting at each location. Signs shall be clearly visible and directed towards the lots and roadway nearest to each sign.

- f. Add the following general plan notes:
- (1) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Conformance to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, is required.
 - (2) During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code, is required.
- g. Provide the details and specifications for the bridge design on The Melwood Legacy Trail crossing tributary 4 of Cabin Branch.
- h. Provide landscape schedules showing conformance to Section 4.7 of the Prince George's County Landscape Manual.
- i. Provide a valid, approved Stormwater Management Concept Plan.
- j. Provide two parking spaces for the physically handicapped in the parking spaces for visitors, and update the parking and loading schedule to reflect this revision. Of the two spaces, one parking space shall be van-accessible and the other parking space shall be a standard parking space.
- k. Revise the architecture of the single-family attached and detached dwelling units to provide a minimum of two standard end wall features on all side elevations and three end wall features on all highly visible side elevations in addition to the use of brick, stone, or masonry along the water table of the building for the single-family attached and detached homes.
- l. Indicate on the architectural elevations which additional feature will be standard for the highly visible units. Such choice shall be approved by the Urban Design Section, as designee of the Prince George's County Planning Board.
- m. Include a general note on the plans stating that the following buildings are deemed highly visible and shall receive the highly visible treatments, and be labeled as "HV" on the site plan:
- Block A, Lots 1, 4, 6, 7, 9, 12, 14, 15, 19, 22
 - Block B, Lots 1,3,4,27,28,33, 34,45
 - Block C, Lots 1,3,4,6
 - Block D, Lots 1,3,8,9,12,21,22
 - Block E, Lots 1,4,20,22,28,29,33,34,43
 - Block F, Lots 1,4,6,7, 18,21,34,38
 - Block G, Lots 1,10,11,24
 - Block H, Lots 1,5,6,17,18, 30
 - Block J, Lots 1,17,18,22,23,41

- n. Update and correct the density chart for tracking purposes, to demonstrate full conformance with the previously approved comprehensive design plan, the preliminary plan, and specific design plans for the overall site, in accordance with Condition 12 of Comprehensive Design Plan CDP-0501.
 - o. Show, label, and provide full details of all proposed private recreational facilities on the plan.
- 2. Prior to the approval of building permits for Lots 27 and 28, the applicant and the applicant's heirs, successors, and/or assignees shall construct the portion of the 8-foot-wide hiker/biker trail adjacent to the lots.
- 3. Prior to issuance of the 142nd building permit, the applicant and the applicant's heirs, successors, and/or assignees shall construct the Melwood Legacy Trail in its entirety.
- 4. Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the "future trail" signs along the trail alignment.
- 5. At the time of final plat of subdivision, the applicant shall provide a Public Use Trail Easement to the Maryland-National Capital Park and Planning Commission, to allow public access to Melwood Legacy Trail.
- 6. The proposed private recreational facilities shall be constructed in accordance with the following schedule, which shall be incorporated into the recreational facilities agreement:
 - a. Construct wayfinding and pedestrian crossing signage, a picnic pavilion, picnic tables, benches, trash receptacles, bocceball court, and a butterfly garden on Parcel D1 by the 95th building permit.
 - b. Construct the sitting areas, octagon pavilion and exercise stations on Parcel H1 by the 175th building permit.
 - c. Construct the Bike rack on Parcel J1, and the dog park on Parcel E2 with, trash receptacles, and seating area the 225th permit.

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction become available. Phasing of the recreational facilities may be adjusted by written permission of the Prince George's County Planning Board, or its designee under certain circumstances, such as the need to modify construction sequence due to engineering necessity. An increase in the number of permits allowed to be released prior to construction of any given facility shall not exceed 10 percent over the number originally approved by Planning Board.

7. The following standards shall apply to the development. (Variation 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 – MRD Overlay			
	Condominiums	Single-family Attached	Single-family Detached
Minimum Lot size:	N/A	1,300 sq. ft.†	5,000 sq. ft.
Minimum frontage at street	N/A	N/A	45*
Minimum frontage at Front	N/A	N/A	50**
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'-10'***
Minimum rear setback:	N/A	10'	10'
Minimum corner setback to side street R.O.W.	10'	10'	10'
Maximum residential building height:	50'****	40'	35'

Notes:

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

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

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

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

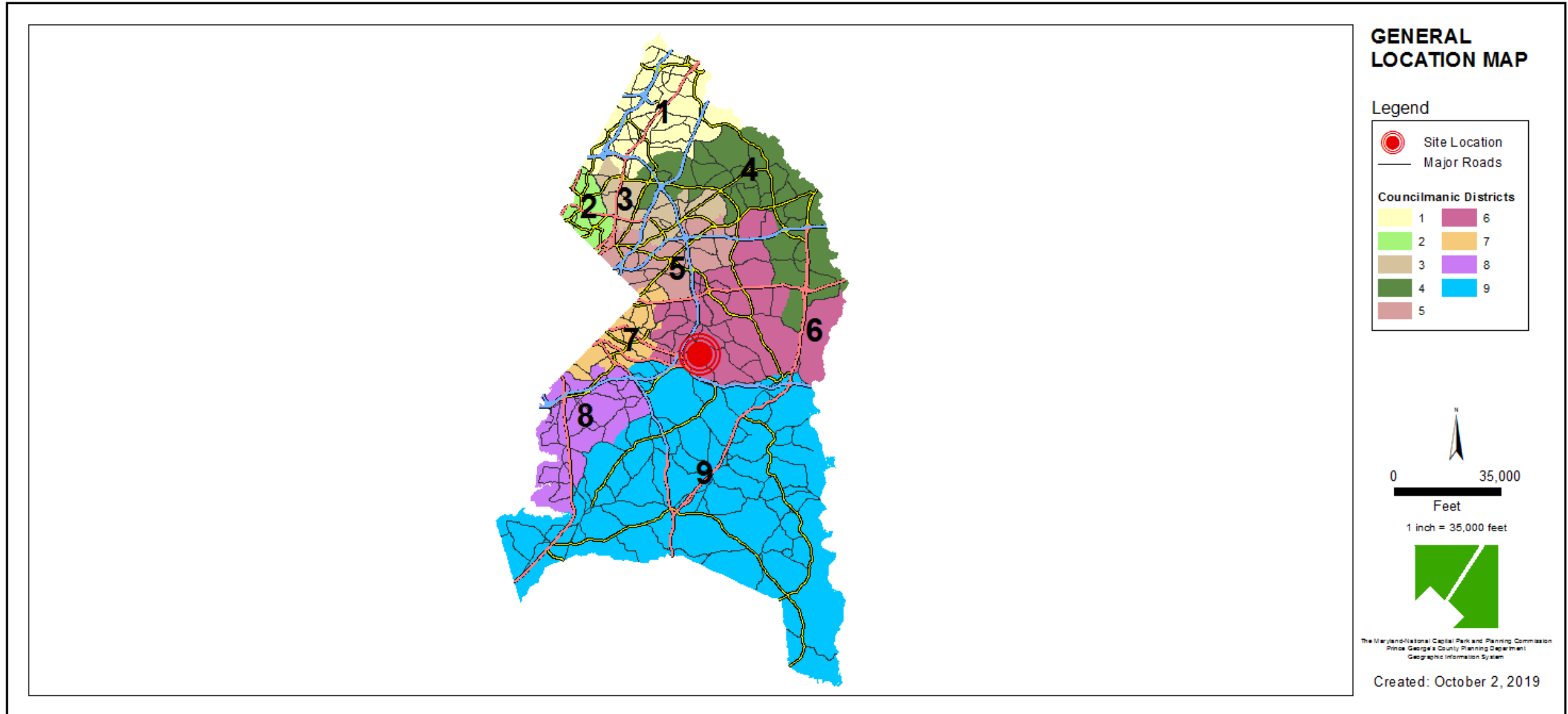
† No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet, with varied lot width ranging from 16–28 feet. The 50 percent limit can be modified by the Planning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

ITEM: 8

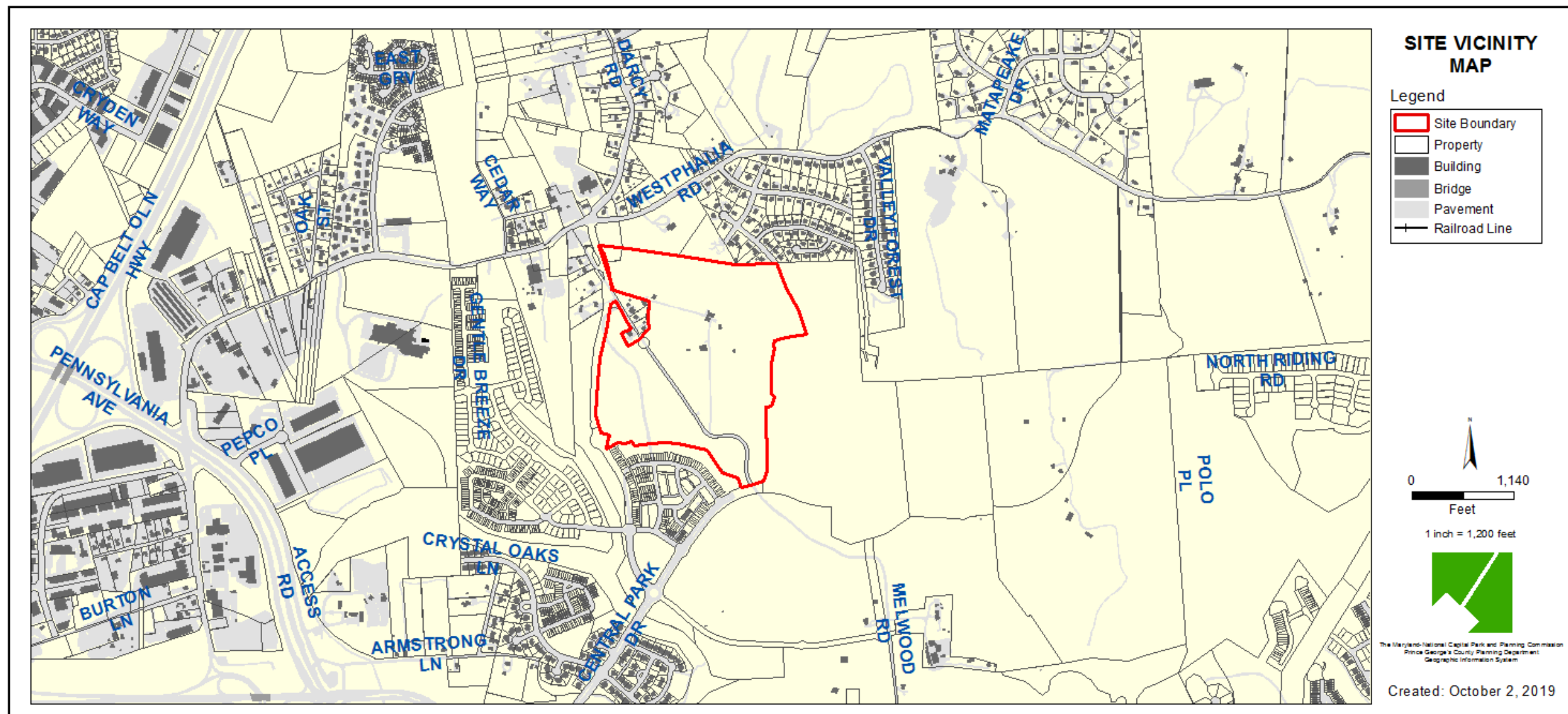
CASE: SDP-1601-03

PARKSIDE, SECTION 4

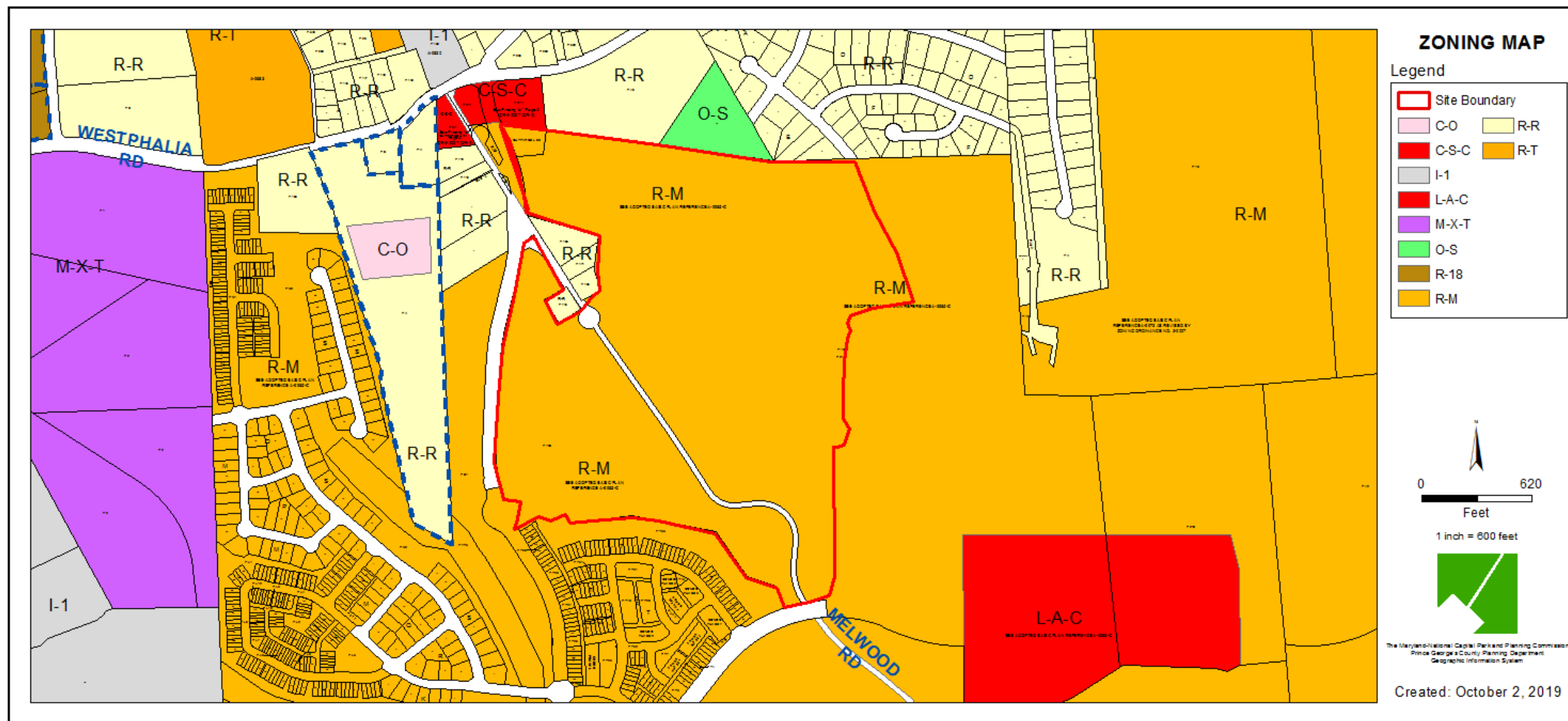
GENERAL LOCATION MAP



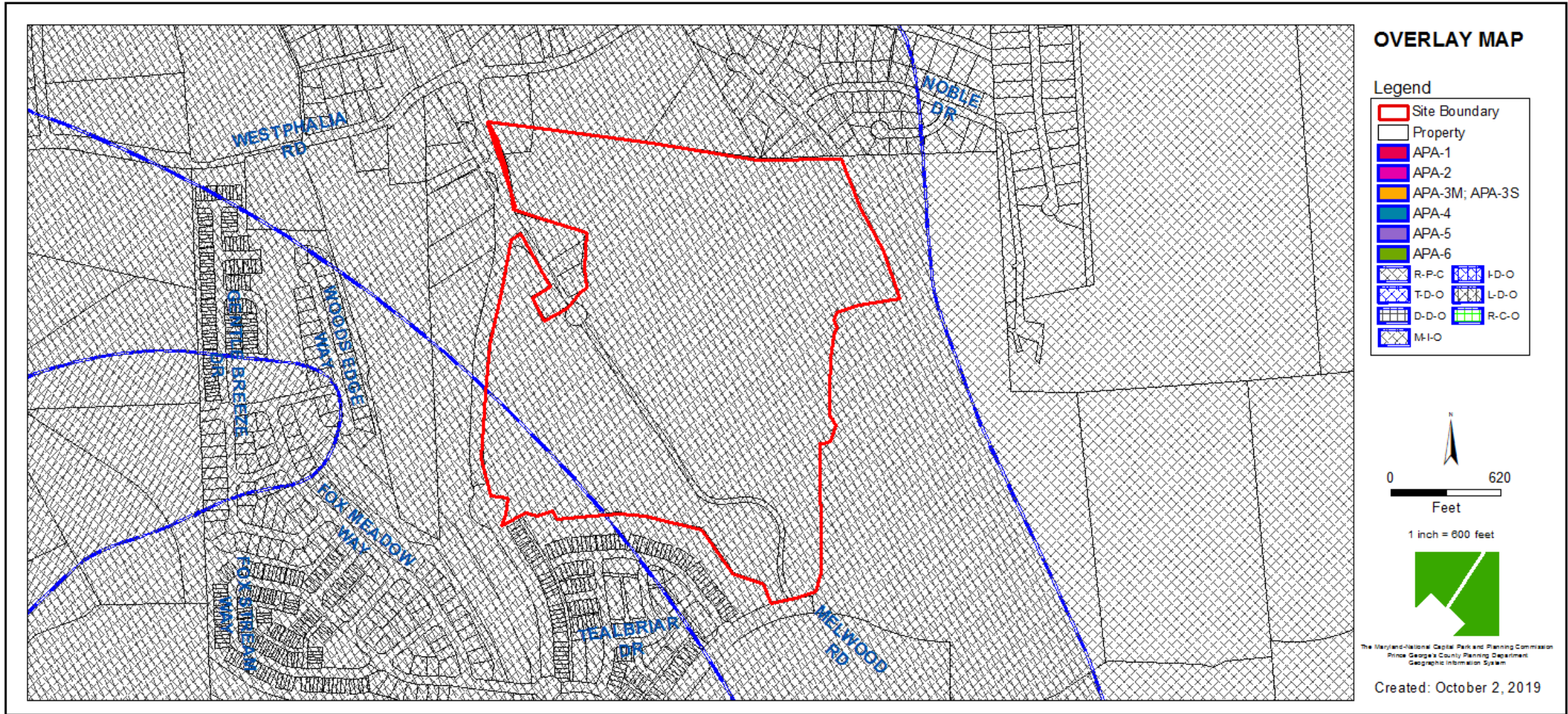
SITE VICINITY



ZONING MAP



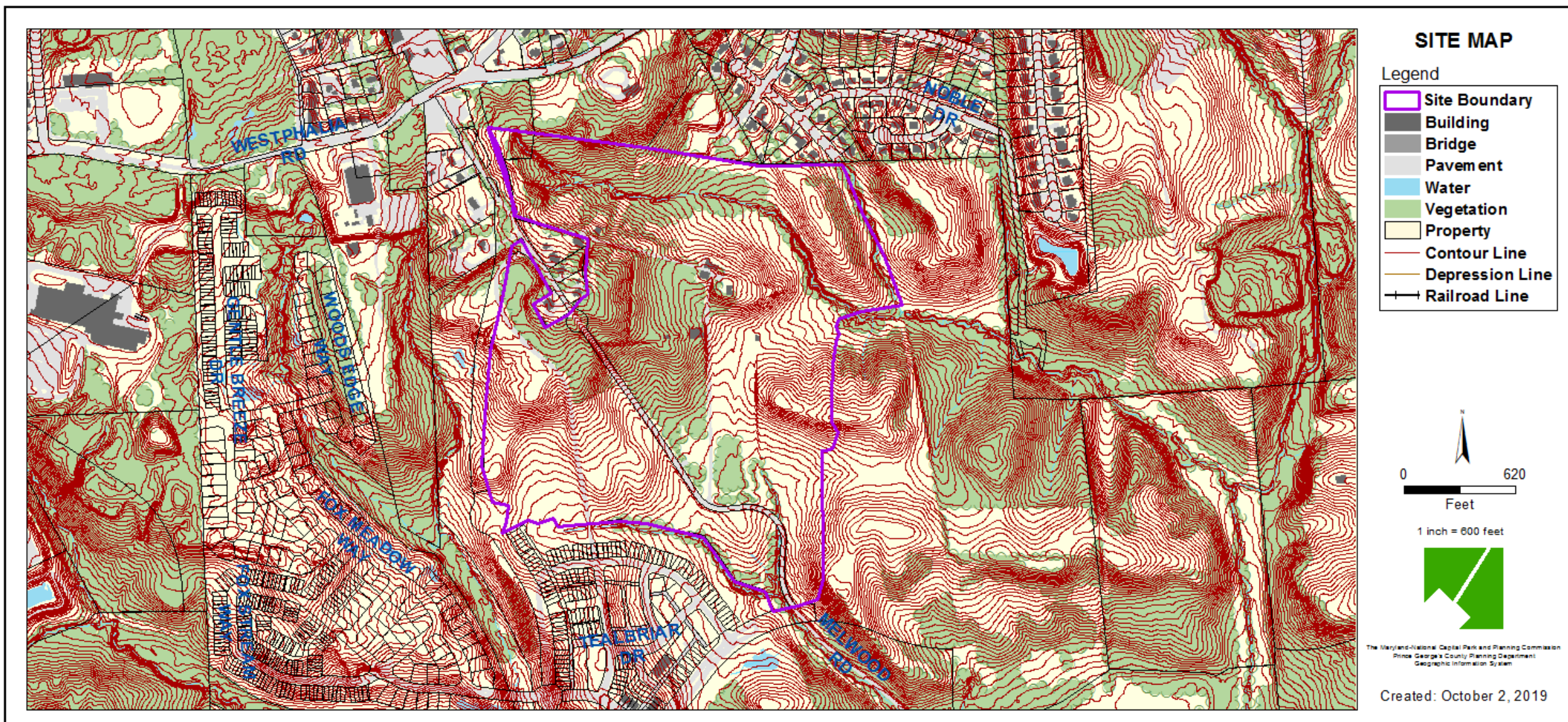
OVERLAY MAP



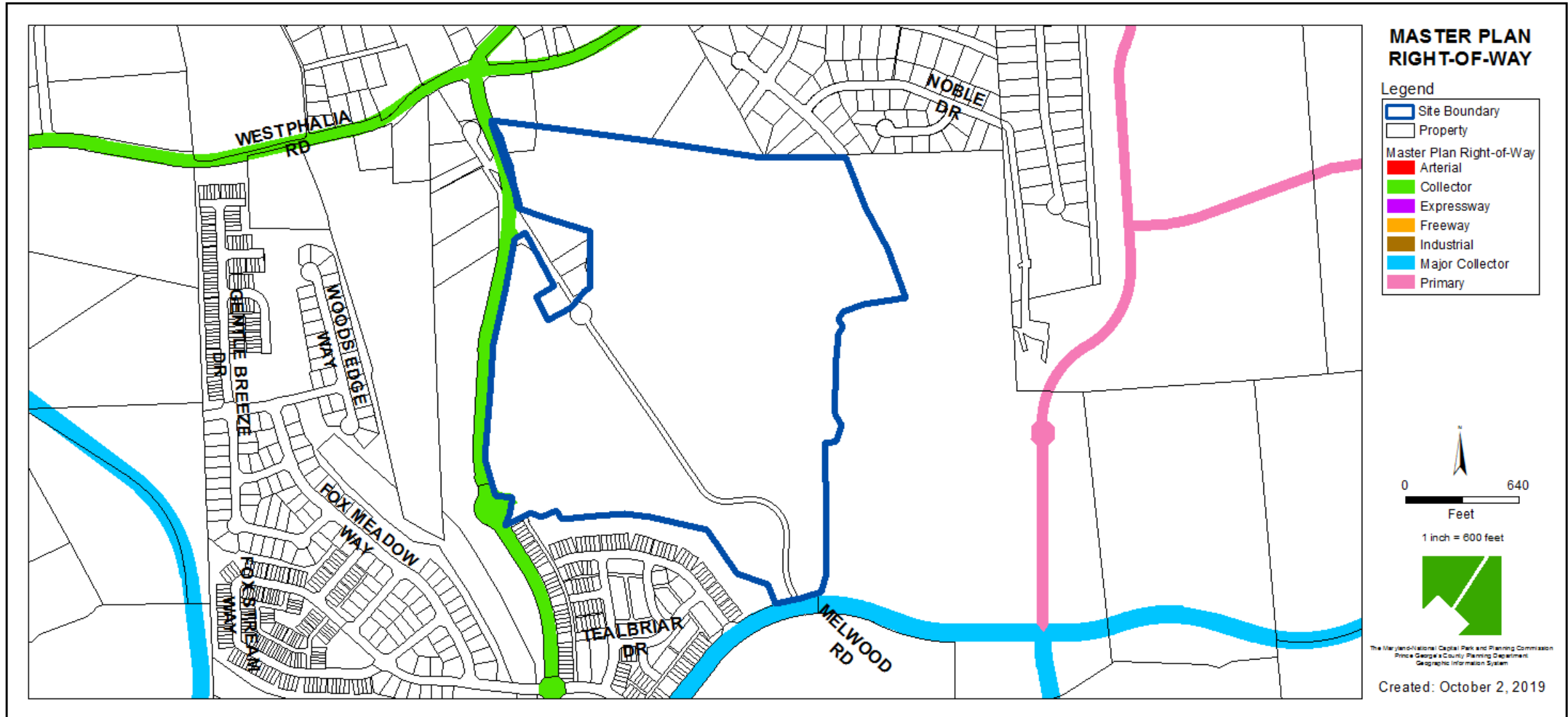
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



SITE RENDERING



30 FT TOWNHOME, FRONT ELEVATIONS: FLOW, AWAKEN, CONNECT



REAR ELEVATIONS: FLOW, CONNECT AWAKEN



SIDE ELEVATIONS: FLOW, CONNECT AWAKEN



ADVENTURER ELEVATIONS



ADVENTURER ELEVATIONS



CURATOR ELEVATIONS



CURATOR ELEVATIONS



ENTHUSIAST ELEVATIONS



ENTHUSIAST ELEVATIONS



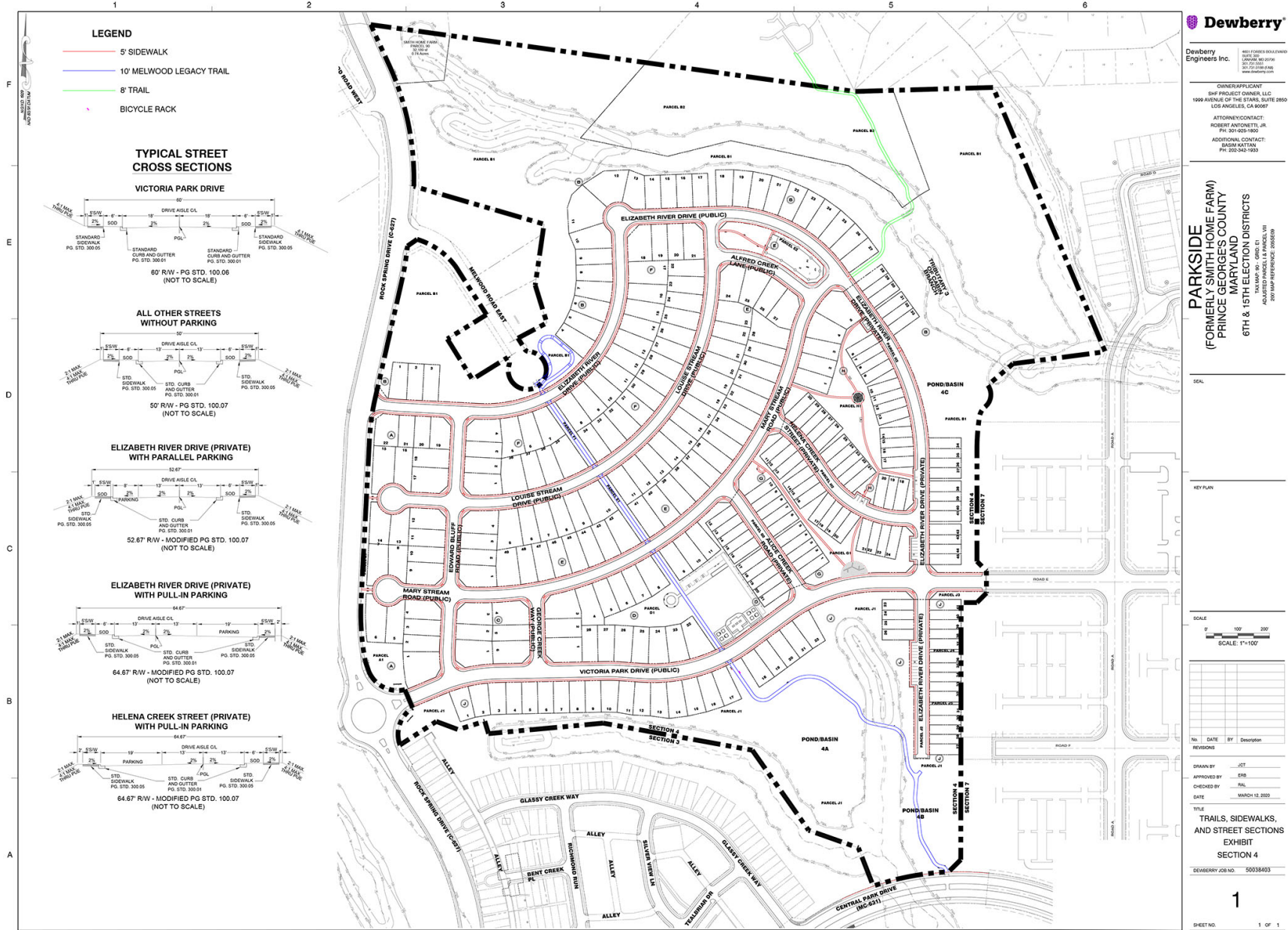
VIRTUOSO ELEVATIONS



VIRTUOSO ELEVATIONS



TRAILS, SIDEWALKS AND STREET SECTIONS





THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

June 15, 2006

RE: CDP 0501 and VCDP 0501 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 Council Order setting forth the action taken by the District Council in this case on June 12, 2006.

CERTIFICATE OF SERVICE

This is to certify that on June 15, 2006, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, reading "Redis C. Floyd", is written over a horizontal line.

Redis C. Floyd
Clerk of the Council

(10/97)

Case No.: CDP-0501 and
VCDP-0501

Applicant: DASC (Smith Home Farms)

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

REVISED ORDER AFFIRMING PLANNING BOARD DECISION,
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-56(C) to approve with conditions a comprehensive design plan for 3,648 residential dwelling units of various types, and 170,000 square feet of commercial/retail uses, and variances from the maximum building height in the R-M Zone, and from maximum multifamily dwelling unit percentages in the R-M and L-A-C Zones, on property known as Smith Home Farms, described as approximately 757 acres of land in the R-M Zone, located on the south side of Westphalia Road, approximately 3,000 feet east of Pennsylvania Avenue, and south of the intersection with Melwood Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

After review of the Final Order as approved, the District Council has determined that the Final Order should be RECONSIDERED, at the first Council meeting after approval of the Final Order, and Condition 3 of the Final Order should be MODIFIED, and the Final Order REVISED, as follows:

Affirmance of the Planning Board's decision 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. As part of the conveyance of the Blythewood Complex to the adaptive re-user, the then owner shall make a concurrent contribution of \$300,000 for the renovation and maintenance of the complex.
 - 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.
 - 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.

4. At time of preliminary plan of subdivision, the applicant shall:
 - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
 - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.
 - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.
 - d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.

- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
 - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
 - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in-consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.
 6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
 7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
 8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.

9. At time of the applicable SDP, the following areas shall be carefully reviewed:
 - a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
 - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
 - c. The design of the condominiums and parking garage to maximize the application of solar energy.
 - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
 - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
 - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
 - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
 - g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the central park and the view sheds and vistas from the central park.
 - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
- b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
- c. \$200,000 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
- d. \$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
- e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. A portion of the \$4.2 million contribution from the applicant for the central park shall be allocated to the construction of a tennis facility. The exact amount of the contribution shall be determined at the time of approval of the limited SDP for the central park.

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

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

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Central Park-Passive Areas	Prior to the issuance of any building permits	Complete by 300th building permit overall
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Central Park-Public Facilities	Prior to the issuance of the 400th permit overall	To be determined with the applicable SDP for Central Park
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

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

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

R-M Zone

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

Notes:

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

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

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

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

R-M MRD

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

Notes:

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

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

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

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

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”

21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.
22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and

Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application for the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
29. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.
30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.
31. The SDP for the central park shall provide for the construction of a tennis facility during the first phase of construction.
32. At the time of the limited SDP for the central park, provide for the parameters of a long term tennis program with the Prince George's Tennis and Education.

33. The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the central park.
34. 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 12th day of June, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Hendershot, Knotts and Peters

Opposed:


Abstained:

Absent: Council Members Exum and Harrington

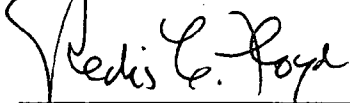
Vote: 7-0

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

June 15, 2006

RE: CDP 0501 and VCDP 0501 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 Council Order setting forth the action taken by the District Council in this case on June 12, 2006.

CERTIFICATE OF SERVICE

This is to certify that on June 15, 2006, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, reading "Redis C. Floyd", is written over a horizontal line.

Redis C. Floyd
Clerk of the Council

(10/97)

Case No.: CDP-0501 and
VCDP-0501

Applicant: DASC (Smith Home Farms)

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

REVISED ORDER AFFIRMING PLANNING BOARD DECISION,
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-56(C) to approve with conditions a comprehensive design plan for 3,648 residential dwelling units of various types, and 170,000 square feet of commercial/retail uses, and variances from the maximum building height in the R-M Zone, and from maximum multifamily dwelling unit percentages in the R-M and L-A-C Zones, on property known as Smith Home Farms, described as approximately 757 acres of land in the R-M Zone, located on the south side of Westphalia Road, approximately 3,000 feet east of Pennsylvania Avenue, and south of the intersection with Melwood Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

After review of the Final Order as approved, the District Council has determined that the Final Order should be RECONSIDERED, at the first Council meeting after approval of the Final Order, and Condition 3 of the Final Order should be MODIFIED, and the Final Order REVISED, as follows:

Affirmance of the Planning Board's decision 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 TCP II will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
- (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. As part of the conveyance of the Blythewood Complex to the adaptive re-user, the then owner shall make a concurrent contribution of \$300,000 for the renovation and maintenance of the complex.
 - 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.
 - 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.

4. At time of preliminary plan of subdivision, the applicant shall:
 - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
 - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.
 - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.
 - d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.

- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
 - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
 - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in-consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.
 6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
 7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
 8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.

9. At time of the applicable SDP, the following areas shall be carefully reviewed:
 - a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
 - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
 - c. The design of the condominiums and parking garage to maximize the application of solar energy.
 - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
 - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
 - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
 - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
 - g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the central park and the view sheds and vistas from the central park.
 - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
- b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
- c. \$200,000 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
- d. \$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
- e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. A portion of the \$4.2 million contribution from the applicant for the central park shall be allocated to the construction of a tennis facility. The exact amount of the contribution shall be determined at the time of approval of the limited SDP for the central park.

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

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

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Central Park-Passive Areas	Prior to the issuance of any building permits	Complete by 300th building permit overall
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Central Park-Public Facilities	Prior to the issuance of the 400th permit overall	To be determined with the applicable SDP for Central Park
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

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

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

R-M Zone

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

Notes:

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

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

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

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

R-M MRD

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

Notes:

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

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

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

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”

21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.
22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and

Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application for the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
29. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.
30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.
31. The SDP for the central park shall provide for the construction of a tennis facility during the first phase of construction.
32. At the time of the limited SDP for the central park, provide for the parameters of a long term tennis program with the Prince George's Tennis and Education.

33. The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the central park.
34. 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 12th day of June, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Hendershot, Knotts and Peters


Opposed:

Abstained:

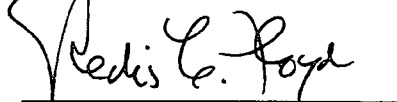
Absent: Council Members Exum and Harrington

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

ADDENDUM TO DISTRICT COUNCIL DECISIONS

Project Name: SMITH HOME FARMS

The Subject: CDP-0501

Is composed of:

1	Comprehensive Design Plan
1	Approval Sheet
1	Phasing Plan
1	Drainage Exhibit
1	Park Concept Plan
1	Dedication Exhibit
1	Comprehensive Design Plan Document Book
1	Exhibit Book containing 9 Exhibits; A through I
13	Type I Tree Conservation Plans

The validity period of this application is: Indefinitely



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

June 15, 2006

RE: CDP 0501 and VCDP 0501 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 Council Order setting forth the action taken by the District Council in this case on June 12, 2006.

CERTIFICATE OF SERVICE

This is to certify that on June 15, 2006, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in dark ink, appearing to read "Redis C. Floyd", is written over a horizontal line.

Redis C. Floyd
Clerk of the Council

(10/97)

Case No.: CDP-0501 and
VCDP-0501

Applicant: DASC (Smith Home Farms)

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

REVISED ORDER AFFIRMING PLANNING BOARD DECISION,
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-56(C) to approve with conditions a comprehensive design plan for 3,648 residential dwelling units of various types, and 170,000 square feet of commercial/retail uses, and variances from the maximum building height in the R-M Zone, and from maximum multifamily dwelling unit percentages in the R-M and L-A-C Zones, on property known as Smith Home Farms, described as approximately 757 acres of land in the R-M Zone, located on the south side of Westphalia Road, approximately 3,000 feet east of Pennsylvania Avenue, and south of the intersection with Melwood Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

After review of the Final Order as approved, the District Council has determined that the Final Order should be RECONSIDERED, at the first Council meeting after approval of the Final Order, and Condition 3 of the Final Order should be MODIFIED, and the Final Order REVISED, as follows:

Affirmance of the Planning Board's decision 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. As part of the conveyance of the Blythewood Complex to the adaptive re-user, the then owner shall make a concurrent contribution of \$300,000 for the renovation and maintenance of the complex.
 - 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.
 - 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.

4. At time of preliminary plan of subdivision, the applicant shall:
 - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
 - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.
 - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.
 - d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.

- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
 - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
 - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.
 6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
 7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
 8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.

9. At time of the applicable SDP, the following areas shall be carefully reviewed:
 - a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
 - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
 - c. The design of the condominiums and parking garage to maximize the application of solar energy.
 - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
 - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
 - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
 - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
 - g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the central park and the view sheds and vistas from the central park.
 - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
- b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
- c. \$200,000 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
- d. \$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
- e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. A portion of the \$4.2 million contribution from the applicant for the central park shall be allocated to the construction of a tennis facility. The exact amount of the contribution shall be determined at the time of approval of the limited SDP for the central park.

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

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

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Central Park-Passive Areas	Prior to the issuance of any building permits	Complete by 300th building permit overall
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Central Park-Public Facilities	Prior to the issuance of the 400th permit overall	To be determined with the applicable SDP for Central Park
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

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

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

R-M Zone

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

Notes:

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

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

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

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

R-M MRD

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

Notes:

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

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

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

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

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A.”

21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.
22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and

Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application for the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
29. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.
30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.
31. The SDP for the central park shall provide for the construction of a tennis facility during the first phase of construction.
32. At the time of the limited SDP for the central park, provide for the parameters of a long term tennis program with the Prince George's Tennis and Education.

33. The L-A-C land located south of the park access road (C-631) shall be dedicated to the DPR and in no event shall it be developed other than in concert with the central park.
34. 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 12th day of June, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Hendershot, Knotts and Peters


Opposed:

Abstained:

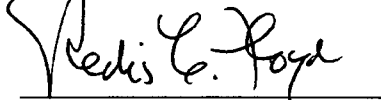
Absent: Council Members Exum and Harrington

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 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

PGCPB No. 06-56(C)

File No. CDP-0501

C O R R E C T E D R E S O L U T I O N

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

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

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

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

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

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

2. **Development Data Summary**

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

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

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

OTHER DEVELOPMENT DATA- Dwelling Units by Housing Types

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone Residential		
Single-family detached dwellings	15	319
Single-family attached dwellings	26	552
Multifamily condominium dwellings	42	892
Two over two townhouse units	17	361
Subtotal	100	2,124
R-M Zone Mixed Retirement Development		
Single-family attached dwellings	28	343
Multifamily condominium dwellings	72	881
Subtotal	100	1,224
L-A-C Zone		
Multifamily condominium dwellings	100	300
Subtotal	100	300

- Location:** The subject property is a large tract of land consisting of wooded, undeveloped land and active farm land, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6.
- Surroundings and Use:** The site is bounded to the north by existing subdivisions and undeveloped land in the R-R, R-A, C-M, C-O and R-T Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development such as the German Orphan Home,

existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the I-1 Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and M-X-T Zones.

5. **Previous Approvals:** On September 29, 2005, the Planning Board approved Zoning Map Amendment Applications A-9965 and A-9966, which rezone the entire property covered in the subject Comprehensive Design Plan CDP-0501 from the R-A (Residential-Agricultural) Zone to the R-M (Residential Medium 3.6-5.7) Zone with a mixed retirement development and L-A-C (Local Activity Center) Zone with a residential component, subject to 19 conditions. On October 7, 2005, the Zoning Hearing Examiner (ZHE) heard the Zoning Map Amendment Applications A-9965 and A-9966. On October 26, 2005, the ZHE approved the Zoning Map Amendment Applications A-9965 and A-9966 with two conditions, which include all of the conditions of approval of the Planning Board as sub-conditions. On the same date, the ZHE's decisions on the Zoning Map Amendment Applications A-9965 and A-9966 were also filed with the District Council. The public hearing of these cases by the District Council took place on January 23, 2006. At the time of writing this staff report, the Zoning Map Amendment Applications A-9965 and A-9966 were pending final approval by the District Council.
6. **Design Features:** The Comprehensive Design Plan proposes a layout and road network that are in general conformance with what has been shown in the Zoning Map Amendment Applications A-9965 and A-9966. The Comprehensive Design Plan shows two access points connecting to the existing roadways. The major access point, in the southwest corner of the site, will be off the existing Presidential Parkway connecting to the interchange of Suitland Parkway and Pennsylvania Avenue (MD 4). The secondary access point to the site will be off the existing Westphalia Road to the north of the subject site and will use a small part of existing Melwood Road. The two roadways intersect past the stream to the north and form the forefront of the central park. The two roadways turn to the east as one-side-loaded streets defining the northern and southern edges of the central park. The Presidential Parkway extension stretches further to the east until it reaches the eastern boundary line of the site. The Melwood Road extension terminates in a traffic circle intersecting with a north-south roadway that passes through the L-A-C Center to the north. The rest of existing Melwood Road will be utilized as part of the proposed trail system.

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

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

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

COMPLIANCE WITH EVALUATION CRITERIA

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

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

A. Land use Types and Quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:

- (a) A fire station site
- (b) A middle school site
- (c) A library site
- (d) A police office complex site

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R-M (Medium 3.6) ZONE RESIDENTIAL UNITS

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

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

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

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

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

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

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

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

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

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

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

size pool with at least a 30- by 30-foot training area, and additional areas in order to accommodate uses such as a wading pool for toddlers. The adding of other facilities to the community center, such as tennis courts and basketball courts, should also be considered. If these facilities were added as conditions for approval of the plans, staff would support the full density increment requested.

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

The applicant has not requested density increment by this factor.

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

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

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

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

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

The applicant has not requested density increment by this factor.

DENSITY INCREMENT SUMMARY: R-M Zone

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

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

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

R-M ZONE MIXED RETIREMENT DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DENSITY INCREMENT SUMMARY- R-M Zone Mixed Retirement Development

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

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

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

L-A-C ZONE RESIDENTIAL UNITS

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

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

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

OR

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

OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comment: Staff agrees with the applicant and recommends granting a 10 percent (19 units) density increment in dwelling units for the factor mentioned above. Three conditions of approval have been proposed in the recommendation section to require the applicant to fulfill all legal requirements of dedication prior to the approval of first SDP and record the historic property to be dedicated in the Land Record of the Prince George's County at time of final plat.

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

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

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

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

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

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

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

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

L-A-C ZONE COMMERCIAL SQUARE FOOTAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comment: The staff agrees with the applicant and recommends granting a ten percent (333 square feet) density increment in FAR for the factor mentioned above. However, in order to obtain the ten percent density increment, the applicant should further define the

“Main Street” style by providing specific urban design guidelines to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board, prior to certificate approval of this Comprehensive Design Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Factor Number	Density Increment (%)	Density Increment (square footage)
1	25	23,305
3	15	13,983
4	15	13,983
5	10	9,322
6	5	4,661
7	.*	29,827
8	3	2,797
	73	97,878

Note: *.This factor has no percentage value.

The applicant requests a density increment of 82.37 percent, an equivalent of 76,782 square feet, which is within the allowable limits of density increment in accordance with the above analysis.

However, Condition 1 of Basic Plan A-9966-C for the L-A-C Zone permits no more than 140,000 square feet of commercial development for Smith Home Farms. The Comprehensive Design Plan, therefore, approves a density increment of 50.2 percent, or 46,782 square feet for a maximum of 140,000 square feet of commercial use.

- *b. **Development Standards:** The comprehensive design plan proposes the following development standards for the R-M Zone, R-M Zone Mixed Retirement Development, and L-A-C Zone, which shall govern development for all specific design plans within the subject comprehensive design plan:

R-M Zone

	<u>Condominiums</u>	<u>Single-family Attached</u>	<u>Single-family Detached</u>
- <u>Minimum Lot size:</u>	<u>N/A</u>	<u>1,300 sf</u>	<u>6,000 sf</u>
- <u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>**</u>	<u>45*</u>
- <u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>**</u>	<u>50*</u>
- <u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>95%</u>	<u>75%</u>
- <u>Minimum front setback from R.O.W.</u>	<u>10'****</u>	<u>10'****</u>	<u>10'****</u>
- <u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>0'-12'***</u>
- <u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>15'</u>
- <u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
- <u>Maximum residential building height:</u>	<u>75'</u>	<u>60'</u>	<u>40'</u>
- <u>Approximate percentage of total units:</u>	<u>60</u>	<u>25</u>	<u>15</u>

Notes:

*Minimum lot frontage for flag lot configurations shall be 25 feet.

**150 square feet of yard area shall be provided on each lot.

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

****Stoops and or steps can encroach into the front setback.

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R-M MRD

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
-			
- <u>Minimum Lot size:</u>	<u>N/A</u>	<u>1800 sf</u>	<u>N/A</u>
- <u>Minimum frontage at street R.O.W:</u>	<u>N/A</u>	<u>**</u>	<u>N/A</u>
- <u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>**</u>	<u>N/A</u>
- <u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>95%</u>	<u>N/A</u>
-			
- <u>Minimum front setback from R.O.W.</u>	<u>10'***</u>	<u>10'***</u>	<u>N/A</u>
- <u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
- <u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
- <u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>
-			
- <u>Maximum residential building height:</u>	<u>75'</u>	<u>45'</u>	<u>N/A</u>
-			
- <u>Approximate percentage of total units:</u>	<u>70</u>	<u>30</u>	<u>0</u>

Notes:

*Minimum lot frontage for flag lot configurations shall be 25 feet.

**180 square feet of yard area shall be provided on each lot.

***Stoops and/or steps can encroach into the front setback.

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L-A-C Zone

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at street R.O.W:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum residential building height:</u>	<u>85'</u>	<u>N/A</u>	<u>N/A</u>
<u>Approximate percentage of total units:</u>	<u>100</u>	<u>0</u>	<u>0</u>

*Stoops and/or steps can encroach into the front setback.

Comment: The Urban Design staff has reviewed the standards above and has several concerns regarding the applicant's proposal, including concerns about specific lots within the development that should be modified in order to create compatibility with surrounding existing and proposed R-A and R-E properties, as stated in the purposes of L-A-C and the R-M Zones, Sections 27-494 and 507. The concerns are listed below:

The lot size proposed for single-family detached dwelling units in the regular R-M Zone should be switched with that proposed in the R-M Mixed Retirement Zone because of the household size. The household size in the mixed retirement development is usually smaller than that in the regular R-M Zone.

The issue of compatibility in the design of the lots located along the site perimeters, which are adjacent to the existing single-family detached houses in the R-R and R-A Zones, will be reflected in the lot width at the building restriction line. The lot width at the building

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*restriction line for R-E-zoned properties varies from 150 feet down to 100 feet, and at the front street line it is 50 feet; R-A-zoned properties vary from 100 to 70 feet and at the front street line it is 50 to 70 feet. The staff recommends a wider standard for the perimeter lots in order to be compatible with the existing development. A note will be added to the table to indicate that for the perimeter single-family detached lots the lot width at building restriction line shall be 60 feet and at the street front shall be 50 feet.

In addition, the Urban Design staff believes that the housing types proposed in the two residential pods located east of the dedicated five-acre parkland in the northern part of the subject site are not consistent with the existing single-family detached houses. The layouts of the two pods should be revised to reflect a mixture of different housing types, with single-family detached units along the perimeter adjacent to the existing single-family detached houses. A condition of approval has been proposed in the recommendation section, requiring the applicant to revise the layout for the two pods—and for the revised layout to be reviewed by the Urban Design Section prior to certificate approval of this Comprehensive Design Plan.

“Condominium” is a housing classification based on the type of ownership. Condominium can be of any building type, such as a multistory, multifamily apartment building, or a townhouse-like small building, or even a one-story duplex villa. The setback standards and the building height proposed should be revised to differentiate different building types. The staff recommends increasing the setback standards for multifamily, multistory condominium buildings and in general limiting the building height in the R-M Zone to not higher than 40 feet as shown in the revised table in the recommendation section of this report.

For the standards in the L-A-C, staff believes that additional design guidelines regarding street wall, building placement, scale, massing and size, architectural features, lighting and signage should be provided to achieve the “Main Street” style environment envisioned by the Westphalia comprehensive conceptual planning study. In addition, the minimum setbacks from the rights-of-way should be increased to 15 feet in order to accommodate outdoor dining/sitting, landscaping and pedestrian path. The staff recommends a special purpose specific design plan for community character to be prepared for both the residential development and the L-A-C-zoned center to establish the design parameters.

- c. **Variances:** This application includes a variance from the maximum building height for multifamily dwellings and variances from multifamily dwelling unit percentages as follows:

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*Section 27-480, General development regulations,

(f) The maximum building height for multifamily dwellings for which an application for a Specific Design Plan is filed after December 30, 1996, shall be as follows: in the R-S and R-M Zones, forty (40) feet;...(CB-56-1996; CB-25-2003)

As shown in the above Finding 8(b) development standards, the applicant is proposing a maximum height of 75 feet and is requesting variances of 35 feet for the R-M regular part and R-M MRD from the maximum 40-foot height limit. As discussed previously, the staff recommends less intrusive multifamily buildings for both the R-M regular section and R-M Mixed Retirement Development and suggests reducing the maximum building height to 50 feet. As a result, the staff can only recommend approval of variances for 15 feet for both sections in the R-M Zone.

Section 27-515 (b), Table of Uses, Footnote 29 states:

For Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan: in the...; R-M 30%...; L-A-C 40%;... Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan: in the...; R-M, 10%...; L-A-C, 30%...(CB-56-1996; CB-25-2003).

The applicant proposes the following percentage for each type of housing:

	<u>Multifamily %</u>	<u>SFA %</u>	<u>SFD %</u>	<u>Total</u>
<u>R-M regular</u>	<u>42</u>	<u>25</u>	<u>15</u>	<u>100</u>
<u>R-M MRD</u>	<u>43</u>	<u>30</u>	<u>NA</u>	<u>100</u>
<u>L-A-C</u>	<u>100</u>	<u>NA</u>	<u>NA</u>	<u>100</u>

The applicant is requesting variances of 32 percent for the R-M regular part and of 33 percent for R-M MRD from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum 10 percent multifamily dwelling units in the R-M Zone; as well as a variance of 70 percent for the L-A-C from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), footnote 29, which allows a maximum 30 percent of the multifamily dwelling units in the L-A-C Zone.

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*The variances requested are normally considered at time of the specific design plan. However, since the proposed development in this comprehensive design plan hinges on the approval of the variances, the applicant requested them earlier to ensure that the overall goals of the development can be achieved as planned.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Comment: The subject property is a land assemblage of approximately 757 acres, which is encumbered by the Cabin Branch Stream Valley and its tributaries. Approximately one third of the property is located in environmentally sensitive and regulated areas.

The 1994 Westphalia and Melwood Master Plan and the Westphalia Comprehensive Conceptual Planning (CCP) Study have envisioned an extensive public open space network in the Westphalia area. Approximately 75 acres of developable parkland, in addition to the environmentally sensitive and regulated areas, will be required to be dedicated to the county's park system, if the Comprehensive Design Plan is approved. The parkland dedication further reduces the developable land of the subject property.

The approved 2002 General Plan envisions a community center south of the subject property along the Pennsylvania Avenue Corridor and recommends higher density and an intensive land use pattern for the area. The Westphalia CCP Study further refined the General Plan policies for the Westphalia area. The Westphalia CCP was endorsed by the District Council on January 10, 2006. The Westphalia CCP encourages higher density for the subject site. In order to achieve the density and intensity envisioned by the Westphalia CCP and the District Council, the applicant must develop an intensive proposal on the limited developable land stock that represents an extraordinary situation for this application.

The above mentioned council bills, which limit the percentage of multifamily dwelling units and the height of building in R-M and L-A-C Zones, were enacted in the middle 1990s—to promote more executive housing in the county—and in 2003 to encourage development around metro stations. Various high quality housing products have become available in recent years. In the light of more refined visions of the 2002 General Plan for

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*the entire county and the Westphalia CCP Study for the Westphalia area, it is desirable that the subject variances be approved to create more flexibility and to encourage more variety in design and housing types, in order to implement the 2002 General Plan.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Comment: As discussed above, the limited developable land on the site and intensive development pattern envisioned for the subject site create an extraordinary situation for this application. The strict application of this Subtitle will result in peculiar and unusual practical difficulties for the property owner because denial of the variances would result in significant loss of dwelling units. If the application does not achieve the number of legally allowable units, it will not be possible for the applicant to secure an economically viable plan for the proposed development.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Comment: The variances have been requested in order to implement the visions of the General Plan and Master Plan for the Westphalia area. Granting the variances will ensure that the development proposal is consistent with the intent and purposes of the approved 2002 General Plan and the 1994 Melwood Westphalia Master Plan as refined by the Westphalia Comprehensive Conceptual Plan.

The subject site is a large and unique assemblage of land. Due to the presence of Cabin Branch Stream Valley and its related environmentally sensitive areas, as well as large parkland dedication, the land left suitable for development is limited. Granting the requested variances for the subject site will enable the development proposal to be consistent with the density and intensity envisioned by the approved 2002 General Plan and the 1994 Melwood-Westphalia Master Plan, while denying the variances will result in undue hardship for the property owner, as well as peculiar and unusual difficulties. The staff therefore recommends approval of the variance of 15 feet from the requirements of Section 27-480, general development regulations, for building height, and the variances from the requirements of Section 27-515 (b), Table of Uses, Footnote 29, of 10 percent in the L-A-C Zone, 32 percent in the regular R-M Zone, and 33 percent in the Mixed Retirement Development in the R-M Zone for the maximum percentage of the multifamily dwelling units.

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

(1) The plan is in conformance with the approved Basic Plan;

Comment: The subject CDP is in general conformance with the basic plans, which were approved by the Planning Board and Zoning Hearing Examiner (ZHE), but are pending final approval of the District Council, subject to various conditions and any additional conditions of approval that may be attached by the District Council. A condition of approval that requires the applicant to obtain final approvals from the District Council for Basic Plans A-9965 and A-9966 prior to certificate approval of the subject CDP has been proposed to make sure that the subject CDP is consistent with the approved basic plans.

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

Comment: The subject CDP process is more flexible than conventional regulations, yet allows for the achievement of high standards for development. This comprehensive design plan will create a better environment when compared to the existing development in Westphalia area. The proposed CDP will have approximately one third of the property preserved in green open space. The plan also has a large central park, one small park, and two recreation areas.

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

Comment: This approval will allow for the development of various housing types, including single-family detached, single-family attached, and multifamily dwelling units in the R-M regular section and R-M Mixed Retirement Development, as well as commercial/retail and multifamily residential units in the L-A-C, which will include extensive site design elements such as a centrally located public park and its related pedestrian circulation network, extensive facilities such as one elementary school, and amenities that will satisfy the needs of the future residents, employees, or guests of the project.

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

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*Comment: Additional development standards have been proposed with this application and extensive bufferyards will be required at time of specific design plan to ensure that the proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

(B) Building setbacks from streets and abutting land uses; and

(C) Circulation access points;

Comment: The subject CDP proposed a comprehensively planned community with various housing types, extensive facilities and amenities, and commercial and retail uses that are interconnected by the extensive internal circulation system and an extensive pedestrian network consisting of a stream valley trail system and sidewalks. The entire development is centered on a centrally located public park with various recreation facilities. Approximately one-third of the land will be preserved in open space. In addition, a community center for the entire development and a center for the mixed retirement development are also proposed adjacent to the central park. There are approximately 10 small green open spaces interspersed in the rest of the development. A Main Street-style local activity center is located to the north of the central park. Additional development standards have been proposed and a special purpose SDP will be required to ensure that the proposed development will be of high quality. The land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to the amount of building coverage and open space; building setbacks from streets and abutting land uses; and circulation access points.

(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

Comment: Given the scale of the proposed development, the CDP will be developed in multiple phases. A condition of approval has been proposed to require the applicant to provide a detailed staging plan to ensure that each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

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***(7) The staging of development will not be an unreasonable burden on available public facilities;**

Comment: According to the reviews by the Transportation Planning Section (Masog to Zhang, January 25, 2006), the proposed development will not be an unreasonable burden on transportation facilities that are existing, under construction, or for which 100 percent construction funding is contained in the county CIP or the state CTP.

The review by the Historic Preservation and Public Facilities Planning Section (Izzo to Zhang, January 18, 2006) provides comments on fire and rescue, police facilities and public schools as listed above based on the Westphalia CCP study. The development proposed in this application meets the requirements pertaining to road systems and public facilities.

(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

Comment: This comprehensive design plan proposal includes an adaptive use of a Historic Site, 78-013, Blythewood. As discussed in the memorandum from the Historic Preservation and Public Facilities Planning Section dated January 18, 2006, no final user for the site has been identified yet. The historic preservation staff proposes a potential use of the historic site for mounted park police (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park. The staff recommends a condition of approval to be fully enforced at time of specific design plan when more information and final adaptive user are available.

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- *(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and**

Comment: The plan incorporates the applicable design guidelines as set forth in Section 27-274 with modifications and revisions to meet the specific situations of this development.

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

Comment: This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance and a Type I tree conservation plan has been submitted with this comprehensive design plan. The Environmental Planning Section has reviewed the Type I Tree Conservation Plan TCPI/38/05 and recommended approval of the subject comprehensive design plan and the TCPI/38/05. The Planning Board will hear the two plans on the same date.

9. **Woodland Conservation Ordinance:** This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. There are no previously approved tree conservation plans or exemptions.
- a. An approved natural resources inventory (NRI), NRI/006/05, was submitted with the application. The NRI correctly shows all of the required information. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Countywide Green Infrastructure Plan identifies extensive regulated areas, evaluation areas, and gap areas on this property that are within the network. The forest stand delineation meets all requirements of the Woodland Conservation Ordinance.
 - b. Type I Tree Conservation Plan TCPI/38/05 was submitted with the application. The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/38/05, subject to conditions as written in the recommendation section of this report.

REFERRAL COMMENTS

Referral requests concerning sufficiency of public facilities and compliance with current ordinances and regulations of the subject CDP have been sent to both the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

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Internal Divisions and Sections: The following are summaries of major comments regarding this application from the internal divisions and sections of M-NCPPC, as follows:

Planning and Preservation Section, Community Planning Division
Environmental Planning Section, Countywide Planning Division
Transportation Planning Section, Countywide Planning Division
Historic Preservation and Public Facilities Planning Section, Countywide Planning Division

10. The Community Planning Division's referral comments will be presented at time of public meeting.
11. The Environmental Planning Section (Shoulars to Zhang, January 23, 2006) has stated that CDP-0501 and TCPI/38/05 generally address the environmental issues for this site and are recommended for approval subject to eight conditions that have been incorporated in the recommendation section of this report.
12. The Transportation Planning Section (Masog to Zhang, January 25, 2006) has provided a detailed analysis of the traffic impact of this application and has concluded that the proposed CDP revision will not be an unreasonable burden on transportation facilities that exist, are under construction, or

for which 100 percent construction funding is contained in the county CIP or the state CTP. The transportation planner recommends the approval of the subject CDP with five conditions that have been incorporated into the recommendation section of this report.

The Transportation Planning Section (Shaffer to Zhang, November 8, 2005, regarding comprehensive design plan review for master plan trail compliance) has provided a detailed background review of the subject comprehensive design plan. The trails planner recommends six conditions of approval as incorporated in the recommendation section of this report.

13. The Historic Preservation and Public Facilities Planning Section (Izzo to Zhang, January 18, 2006) has indicated that the proposed development is within the required response time for fire and rescue. The test for adequate police facilities will be conducted at time of Preliminary Plan of Subdivision. The dedicated elementary school site is acceptable.

Other Agencies include:

The Maryland State Highway Administration (SHA)
The Washington Suburban Sanitary Commission (WSSC)
The Historic Preservation Commission
Department of Parks and Recreation, Prince Georges' County
Prince George's County Health Department

Prince George's County Department of Environmental Resources
Prince George's County Department of Public Works and Transportation

14. The Historic Preservation Commission (HPC) (HPC to Zhang, January 18, 2006) has provided a complete review of the historic preservation and archeological issues related to this site. HPC recommends the approval of this comprehensive design plan, based on its review of the revised plans and the testimony and exhibits of the citizens, with eight conditions. The recommended conditions of the HPC have been incorporated into the recommendation of this report.
15. The Department of Parks and Recreation (Asan to Zhang, January 26, 2006) has recommended approval of this comprehensive design plan with 12 conditions because DPR staff finds that the application will satisfy the conditions of approval attached to Basic Plans A-9965 and A-9966, the requirements and recommendations of the approved 2002 Prince George's County General Plan, and the approved 1994 Master Plan and Sectional Map Amendment for Melwood-Westphalia Planning Area. The 12 conditions have been included in the recommendation section of this report.
16. The Washington Suburban Sanitary Commission (WSSC) (Dixon to Zhang, October 17, 2005) has indicated that the Capital Improvement Projects (CIP) programmed by WSSC will address the deficiencies in water service in the area. The existing waste water transmission and treatment capacity (Western Branch) appears adequate to serve this development.
17. The Maryland State Highway Administration, the Washington Suburban Sanitary Commission, the Health Department, the Department of Environmental Resources (DER), and The Department of Public Works and Transportation had not responded to the referral request at time the staff report was written.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/38/05), and APPROVED Variance Application No. VCDP-0501, and further APPROVED the Comprehensive Design Plan CDP-0501, Smith Home Farms for the above described land, subject to the following conditions:

1. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:
 - a. Provide a comprehensive phasing plan for the proposed development.
 - b. Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures

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 (1 inch=300 feet) without the key sheet over the 300-foot scale plan;
 - (7) Clearly show the limits of each proposed afforestation/reforestation area by using a different symbol;
 - (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;
 - (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;
 - (10) Eliminate all woodland conservation areas less than 35 feet wide;
 - (11) Identify all off-site clearing areas with a separate label showing the acreage for each;
 - (12) Show all lot lines of all proposed lots;
 - (13) Show clearing only for those areas that are necessary for development;

- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
 - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.
 - (b) The TCP II will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

- (17) Have the plans signed and dated by the qualified professional who prepared them.
 - o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
 - p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings.
 - q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.
 - r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.
- 2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.
 - 3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
 - 4. At time of preliminary plan of subdivision, the applicant shall:
 - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.
 - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.
 - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by

a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.

- d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.
 - e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
 - f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.
 - g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.
5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Mellwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.
6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.
7. Prior to acceptance of the applicable SDPs,
- a. The following shall be shown on or submitted with the plans:
 - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.

- (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.
9. At time of the applicable SDP, the following areas shall be carefully reviewed:
 - a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
 - b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
 - c. The design of the condominiums and parking garage to maximize the application of solar energy.
 - d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
 - e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
 - (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
 - (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
 - f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards.

Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.

- g. A trailhead facility for the Cabin Branch Trail.
 - h. The architectural design around the central park and the view sheds and vistas from the central park.
 - i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:
- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
 - b. \$200,000 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
 - c. \$200,000 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
 - d. \$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.

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

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

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Central Park-Passive Areas	Prior to the issuance of any building permits	Complete by 300th building permit overall
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Central Park-Public Facilities	Prior to the issuance of the 400th permit overall	To be determined with the applicable SDP for Central Park
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.
13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.
14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.

15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.
16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of SDP if circumstances warrant.)

R-M Zone

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

Notes:

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

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

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

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

R-M MRD

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

Notes:

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

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

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

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

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."
21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.

22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.
23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) is required for trail construction on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application for the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR is required, at least two weeks prior to applying for building permits.
29. At time of the applicable Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.

30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 23, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2006.

Trudye Morgan Johnson
Executive Director

Frances J. Guertin

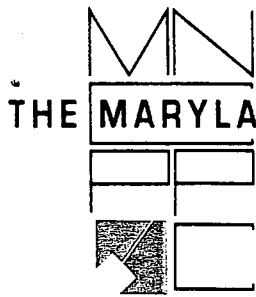
By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:HZ:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

George Johnson
M-NCPA Legal Department

Date 5/19/06



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SUPPLEMENTAL
AGENDA ITEM # 23
PGCPB MEETING OF 10-6-05
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

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

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

RESOLUTION

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

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

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

The following conditions of approval shall be printed on the face of the basic plan prior to signature approval:

1. At time of comprehensive design plan, the applicant shall
 - a. 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.
 - b. 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.
 - c. 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:
 - (1) A fire station site
 - (2) A middle school site
 - (3) A library site
 - (4) A police office complex site
 - d. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.

- e. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
- f. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.
- g. A protocol for surveying the locations of all rare, threatened and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources prior to acceptance of the CDP, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
- h. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.
- i. Preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor.
- j. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.
- k. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.

2. At the time of preliminary plan of subdivision, the applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the Department of Parks and Recreation (DPR). The applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of comprehensive design plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan. The need for the additional acreage of parkland shall be determined by the DPR and the Development Review Division prior to approval of the comprehensive design plan.

- 3. The land to be conveyed to M-NCPPC shall be subject to the conditions of attached Exhibit B.
- 4. The applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and to be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

5. Prior to Specific Design Plan approval for the Local Activity Center, a market study and traffic impact study shall be submitted to justify any Gross Floor Area over 140,000 square feet, but not exceeding 200,000 square feet.
6. The applicant shall construct recreational facilities on the dedicated parkland. The recreational facilities package shall be reviewed and approved by the Department of Parks and Recreation and the Planning Department prior to comprehensive design plan approval.
7. 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.
8. At the time of the first specific design plan, the applicant shall
 - a. Provide a comprehensive trail and sidewalk map for the entire site.
 - b. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.
9. At time of Comprehensive Design Plan, the Transportation Planning staff shall
 - a. Make master plan transportation facility recommendations consistent with the final Westphalia Comprehensive Concept Plan.
 - b. 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.
10. At time of preliminary plan of subdivision,
 - a. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The applicant shall be required to build the interchange with the development of the subject property.
 - b. 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.

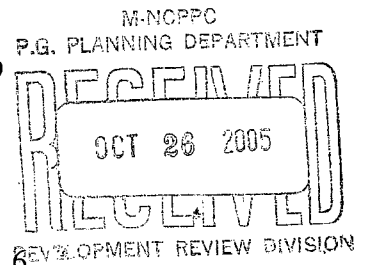
11. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.
12. The woodland conservation threshold for the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

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

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

OFFICE OF ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY, MARYLAND

NOTICE OF DECISION



Councilmanic District: 6

A-9965 & A-9966 – DASC
(Smith Home Farms)
Case Number

On the 26th day of October, 2005, the attached Decision of the Zoning Hearing Examiner in Case No. A-9965 and A-9966 was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision, and may request oral argument thereon before the District Council.* If oral argument is requested, all persons of record will be notified of the date scheduled for oral argument before the District Council. In the event no exception or request for oral argument is filed with the Clerk of the Council within 30 calendar days from the above date, the District Council may act upon the application and must decide within 120 days or the case will be considered denied. Persons of record will be notified in writing of the action of the District Council.

Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772
952-3644

*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

cc: Norman Rivera, Esq., 6305 Ivy Lane, Suite 500, Greenbelt, MD 20770
DASC, 5450 Branchville Road, College Park, MD 20740
Alfred H. Smith, Jr., A.H. Smith Associates, 5450 Branchville Rd., Branchville, MD 20740
Persons of Record (28)
Stan D. Brown, People's Zoning Counsel, 9500 Arena Drive, Suite 104, Largo, MD 20774

NOTEDC2

INSTRUCTIONS FOR FILING

I. Exception(s) Taken to the Examiner's Decision Shall Be:

- a) In writing;
- b) Numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

- d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your exception(s).

III. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons and their addresses is included in this notice of Examiner's decision sent to you herewith or is available from the Clerk to the Council.)

IV. When to File:

Your request for oral argument and/or exception(s) must be filed within 30 calendar days after the Examiner's Decision has been filed with the District Council.

V. Where to File:

Clerk of the County Council
County Administration Building
Upper Marlboro, Maryland 20772
Phone: 952-3600

INSTRUCTIONS FOR REPLY TO A REQUEST FILED FOR ORAL ARGUMENT

If you are notified that another person of record has requested oral argument, you may:

- 1) Participate in the hearing if there is oral argument, and/or
- 2) Reply, in writing, to the District Council, opposition. Copies of any written material to be submitted in support of this opposition position shall be filed with the Clerk and all other persons of record no later than five (5) business days before the date of oral argument.

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

ZONING MAP AMENDMENT

**A-9965 and A-9966
DECISION**

Application:	R-A to R-M and R-A to L-A-C
Applicant:	DASC (Project Name "Smith Home Farms")
Opposition:	Mary Jo Robertson, et. al.
Date:	October 7, 2005
Hearing Examiner:	Maurene Epps Webb
Recommendation:	Approval with Conditions

NATURE OF REQUEST

(1) A-9965 and A-9966 are requests for the rezoning of approximately 757 acres of R-A (Rural Agricultural) zoned land to the R-M (Residential Medium) and L-A-C (Local Activity Center) Zones. The separate Applications are required because two (2) distinct zones are requested. However, the land at issue is for all intents and purposes a single parcel totaling 757 acres. Accordingly, one (1) set of exhibits and one (1) decision is issued for both.

(2) The subject property is known as the "Smith Home Farms" development and is located east of Pennsylvania Avenue (MD 4) and east of its intersection with the Capital Beltway (I-495), and south of Westphalia Road.

(3) The Technical Staff recommended approval of the Application with conditions. (Exhibit 6) The Planning Board similarly recommended approval with conditions. (Exhibit 18)

(4) Several adjoining property owners appeared in opposition to the Applications. A few citizens appeared in support of the Applications.

(5) At the close of the hearing the record was left open to allow the Applicant to submit further information on an exhibit and to allow some in opposition additional time to comment on the Basic Plan package. These items were received on October 21, 2005, and the record was closed at that time.

FINDINGS

Subject Property and Surrounding Uses

(1) The subject property is an irregularly shaped compilation of nine (9) contiguous parcels of land (Parcels 16, 120, 122, 151, 157, 160, 167, 219 and one (1) unnumbered parcel, Tax Map 90) that are currently improved with nine (9) residences and several barns and associated outbuildings. (Exhibit 4) There are some wooded areas and the remainder is open farmland. (Exhibit 35)

(2) The topography of the site is gently to moderately sloping with the majority of the site draining toward the east along Cabin Branch and its tributaries. Severe slopes of 25% or greater are found along the stream valleys and moderate slopes are found elsewhere throughout the site. Site topography estimated from Maryland Geological Survey topographic data indicates that ground surface elevations range from a high of approximately 280 feet above mean sea level (MSL) near the northwest corner of the property to a low of approximately 120 feet MSL where Cabin Branch crosses the eastern property line. Forty-two soil types are found on the site and Marlboro Clay exists in the southwestern portion in association with Cabin Branch.

(3) The subject property is surrounded by the following uses:

- North – Existing subdivisions and undeveloped land in the R-R, R-A, C-M, C-O and R-T Zones
- South – Existing development, including the German Orphan Home, and undeveloped land in the R-A Zone
- East – Undeveloped land in the R-R and R-A Zones
- West – Existing development (the 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

(4) The neighborhood is defined by the following boundaries:

- North and East – Ritchie Marlboro Road
- South – Pennsylvania Avenue (MD 4)
- West – Capital Beltway (I-495)

Master Plan

(5) The subject property lies within Planning Area 78 in the South Westphalia Community, an area governed by the 1994 Master Plan for Melwood-Westphalia. The South Westphalia Community is divided into two (2) neighborhoods, Roblee and Westphalia Estates. The Roblee neighborhood includes three (3) subdivisions north of Old Marlboro Pike and residences west of the subdivisions. Homes located in the

subdivisions are zoned R-R and are situated on half-acre lots. The residences located west of the subdivisions reside on larger, more rural parcels of land.

(6) The Master Plan envisioned the creation of a planned community in Planning Area 78 and set forth several recommendations applicable to the instant Applications:

- [A planned community shall be] a comprehensively planned community with a balanced mix of residential, commercial, recreational and public uses and include gathering places for residents to participate in community activities
- [It shall provide] a variety of lot sizes and dwelling types to ensure housing for a broad spectrum of incomes, ages and family structures.
- [It shall have] a distinct physical identity, expressed through a coherent and compact land plan, consistent treatment of common design elements such as streetscape and signage, and emphasis on the public realm.
- [It shall promote] a form of development which facilitates the most efficient use of costly public infrastructures.
- [It shall provide] effective lot size averaging and cluster techniques to promote public facility efficiency, walkable neighborhoods, and the preservation of significant open spaces.
- [It shall contain] a well-defined activity center that will provide the focus of the community and contain residential, commercial and civic uses.

(1994 Master Plan for Melwood-Westphalia, p. 68)

(7) The Master Plan also noted that Mellwood Road, (alternately called Melwood Road) between Westphalia Road and Old Marlboro Pike, is a Historic Road due to its use around 1830 "and after the Berry family had established itself at the Blythewood Plantation." (1994 Master Plan for Melwood-Westphalia, p. 26) The Master Plan stressed "[w]here new ... housing developments are planned, projects should be designed to be sensitive to the scenic, historic character of the area [and] [i]nnovative site design ... should be used to preserve viewsheds along designated scenic and historic roads...." (1994 Master Plan for Melwood-Westphalia, p. 29) Finally, the Master Plan stressed:

Prince George's County, like other suburban counties, reflects a development pattern that is the result of mostly small subdivisions built over time by many developers without a detailed plan. In Melwood-Westphalia there exists the last opportunity at a location adjacent to the Capital Beltway to build a cohesive planned community. With approximately 1,300 acres owned by only 10 families and 723 acres of this owned by one family, the opportunity to plan a community of this magnitude is compelling.

Located north of MD 4, the 1,300 acres in addition to being centrally situated, represent the major philosophical concept for the Melwood-Westphalia Master Plan. The initial application should be a minimum of 300 acres. This amount of acreage is needed for the design of a planned community which will provide the

anticipated public areas and recreational amenities inherent in this development pattern. Homes will be the prominent manmade feature on the land, with approximately 2,200 single-family detached units, 1,100 attached units, and 700 multifamily units. Necessary public and quasi-public facilities will be developed as integral parts of the community. Environmental features and constraints will be preserved as positive attributes of the community. Pedestrian, bicycle and equestrian trails will be incorporated into the overall design; these connections are vital to the evolution of a cohesive, convenient and human-scaled development pattern....

(1994 Master Plan for Melwood-Westphalia, p. 66) The Master Plan went on to recommend that the R-L, R-S, R-M, R-U and L-A-C Comprehensive Design Zones be utilized to achieve this vision.

Sectional Map Amendment

(8) The property was retained in the R-A Zone upon adoption of the 1994 Sectional Map Amendment for Melwood-Westphalia.

2002 General Plan

(9) The General Plan places the entire neighborhood in the Developing Tier and designated a community center on property adjacent to the subject site known as the Presidential Corporate Center. The General Plan also designated Pennsylvania Avenue as a Corridor.

(10) The vision for the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Growth policies in the Developing Tier encourage compact residential neighborhood design, limit commercial uses to the designated center, preserve and enhance environmental features and green infrastructure elements, provide as many multimodal transportation options as feasible, and plan and provide public facilities to support the planned development pattern.

Applicant's Request

(11) The Applicant seeks to rezone its property from the R-A to the R-M (A-9965) and L-A-C (A-9966) Zones to allow the development of a mixed-use community. 727 acres will be developed in the R-M Zone with residential medium density in the range of 3.6-5.7 dwelling units per acre and a mixed retirement development at 8.0 dwelling units per acre. The portion rezoned to the L-A-C Zone will consist of 30 acres with 200,000 square feet of commercial/retail development and 300 attached or multifamily dwelling units at a density of 15.5 dwelling units per acre.¹ The Basic Plan indicates the physical

¹ The original Basic Plan Applications stated that 11 acres would be rezoned to the L-A-C Zone. However, later submittals increased this acreage to 30 and decreased the requested acreage for the R-M Zone in a corresponding

characteristics of the site, the general types of land uses proposed, the range of dwelling unit densities and the commercial intensity, areas not proposed for development with either of these uses, and the general vehicular and pedestrian circulation pattern with the location of major access points. It includes the following land use types and quantities:

R-M Zone Land Use Quantities

Total area	727 acres
Of which mixed retirement development	154.6 acres
Residential use	572.4 acres
Land in the 100-year floodplain	105 acres
Of which 100-year floodplain on the mixed retirement development site	3.2 acres
Density Permitted under the R-M (Residential Medium 3.6) Zone	
Base residential density (3.6 Dus/Ac)	1,877 units
Maximum residential density (5.7 Dus/Ac)	2,973 units
Proposed residential development	2,124 units
Number of the units above the base density	247 units
Density Permitted under the R-M (Residential Medium 3.6) Zone	
Base residential density (3.6 Dus/Ac)	551 units
Maximum mixed retirement development density (8 Dus/Ac)	1,224 units
Proposed mixed retirement development	1,224 units
Number of the units above the base density	673 units

L-A-C Zone Land Use Quantities

Total gross area	30 acres
Of which Theoretical commercial/retail use	10.7 acres
Theoretical residential use	19.3 acres
Density Permitted under the L-A-C (Local Activity Center) Zone	
Base residential density for community center (10 Dus/Ac)	193 units
Maximum residential density for community center (20 Dus/Ac)	386 units
Base commercial density for community center (0.2 FAR)	93,218 sq.ft.
Maximum commercial density for community center (0.68 FAR)	316,943 sq.ft.
Proposed residential development	300 units
Number of the units above the base density	107 units
Proposed commercial development	200,00 sq.ft.
Square feet of the commercial development above the base density	106,782 sq.ft.

amount. The Applications always requested a total acreage of 757 acres. A condition has been added to have Applicant address this discrepancy.

(12) The proposed Basic Plan shows two (2) access points connecting to the existing roadways. The major access point will be off the existing Presidential Parkway connecting to the interchange of Suitland Parkway and Pennsylvania Avenue (MD 4), to the southwest corner of the site. The secondary access point to the site will be off the existing Westphalia Road to the north of the subject site and will use a small part of existing Melwood Road. The rest of the existing Melwood Road will be utilized as part of the proposed trail system. The major roadway off Presidential Parkway parallel to the Cabin Branch runs east-west and crisscrosses with a north-southbound major roadway close to the northeast corner of the subject property. Another three (3) secondary roadways have also been proposed. The proposed roadways are superimposed on the Cabin Branch and its tributaries and divide the site into approximately two (2) dozen land bays. The proposed local activity center (L-A-C) is located at the crossroad of the two major roadways that is near the location recommended for a community commercial center by the Westphalia Comprehensive Conceptual Planning Study, a document that has not been adopted by the District Council. A similar center with a floating symbol on the subject property is also shown on the 1994 Master Plan. This community center is planned to be neighborhood-oriented and to complement other regional centers in the area. Approximately 30 acres are being planned for the community commercial center, of which one third of the L-A-C site will be developed for commercial/retail uses and the remaining two thirds of the center will be developed with medium-to-high density residential use. The basic plan envisions a "main street" with on-street parking, tree-lined streets, wide sidewalks, and cafes and shops lining the street frontage. A retail "gateway" on the realigned Master Plan roadway C-631 will welcome residents and visitors alike into the center and public space with amenities that are facing the proposed east-west major roadways.

(13) The remainder (727 acres) of the subject site will be developed as market-rate residential uses, including single-family detached, single-family attached, multifamily dwelling units, and other recreational uses. A centrally located park has been proposed between Cabin Branch and the proposed major east-westbound roadway. A mixed retirement community occupying the major land bays in the northern part of the site also has been shown to the west of the proposed commercial center and north of the east-westbound major roadway. The mixed retirement development will contain single-family detached, single-family attached, multifamily dwelling units, recreation center, and other recreational and accessory uses. Additional recreational sites have been shown on two separate locations: one is around the existing Smith residence and the other is located around the northern boundary. The total area of the three (3) recreational sites is approximately 42 acres.

(14) An economic analysis was submitted for the retail-commercial portion of the proposal. (See Appendix to Exhibit 4) The analysis noted that over 3,000 homes are proposed with average sales price of \$500,000. This would support a shopping center of 100,000 – 110,000 square feet on its own. The report further noted that there are additional communities proposed within 1 mile of the planned center that will bring an additional 1200 households, and there are nearly 500 existing households. The analysis

conclude that "there is little question a retail center oriented to future households at the Smith Home Farm community and surrounding developments will succeed, without significantly affecting sales at existing shopping centers [since] [o]ur statistical demand model shows support for at least 140,000 square feet of retail space."

(15) Applicant noted that an elementary school site (approximately 13 acres) has been proposed off-site within the existing German Orphan Home property immediately to the southeast of the site. This, of course, is not part of the instant Applications and cannot be considered germane to the requested rezoning, absent the submission of a legally-binding document within this record.

(16) All construction is expected to occur within 6 years of approval of the Basic Plan.

(17) Mark Ferguson, accepted as an expert in the area of land use planning, testified that the requested rezonings are sanctioned by the Master and General Plans. He first noted that the Master Plan envisioned the site as part of a planned community for which suitable implementation zones were the L-A-C, R-M, R-S and R-L Zones. The General Plan placed a Community Center to the south of the subject property. The "edge" area for Centers could develop with intensities as high as 20 dwelling units per acre and 65 acres of the subject property lie within this edge area.

(18) In summation, Mr. Ferguson emphasized that the Master Plan's Planned Community was recommended to be at least 300 acres in size; be a mix of residential, commercial, recreational and public uses; was to provide a variety of lot sizes and dwelling types; should contain a well-defined activity center; and would have a distinct physical identity, promoting a development which maximizes the use of public infrastructure. It was his expert opinion that the requested rezonings would accomplish all of these goals since it includes several housing types, has an activity center (the L-A-C portion) is more dense near the General Plan's designated Community Center, and includes more than 300 acres that can be developed in a comprehensive manner that makes the best use of public infrastructure.

(19) Wes Guckert, accepted as an expert in the area of transportation planning, stated that the Applicant conducted a traffic study to assess the impact of the proposed development. The impacted intersections were determined to be MD 4/Westphalia Road, MD 4/Suitland Parkway-Presidential Parkway, MD 4/MD 223, and MD 4/Dowerhouse Road. He explained that many transportation improvements are planned for MD 4/Pennsylvania Avenue since it presently operates at Level of Service ("LOS") "F" near the subject property. MD 4 will be upgraded to a controlled access facility with grade-separated interchanges at Suitland Parkway-Presidential Parkway and at Westphalia Road. The Applicant intends to build the Westphalia Road interchange and noted that the State has budgeted for the MD 4/Presidential Parkway interchange, and ultimately, the MD 4/Dowerhouse Road interchange. Once all transportation improvements are in place the intersections affected by the instant Applications will operate at LOS "A", "B" and "C". (Exhibit 39) Mr. Guckert also explained that traffic generated by the development is not expected to utilize Dowerhouse Road but will use the MD 223 interchange to proceed east toward Upper Marlboro, or the Presidential

Parkway interchange and the Westphalia Road interchange to proceed west toward the Beltway and Washington, D.C.

Oppositions' Concerns

(20) A major item of contention for those opposed to the requests was the feeling that they were left out of the process in a recently held series of charettes conducted by the Maryland-National Capital Park and Planning Commission Staff that culminated in the Westphalia Comprehensive Conceptual Planning Study (a copy of which was admitted for limited purposes as Exhibit 30) I noted that the study has no legal bearing on any decision in the instant Applications because it has not formally been forwarded to, and adopted by, the District Council.

(21) Many were also opposed to the density proposed toward the southern end of the subject property, adjacent to what is currently a more rural area.

(22) There was concern that historic Melwood Road would be adversely impacted by the development. Applicant explained that much of the Road would be closed off as a pedestrian trail. Many believed it would be better if cul-de-sacs were preserved on Melwood to the north and south to block effects of development on those homeowners adjacent to the road in these areas, although it was noted that a cul-de-sac to the south could block access to the proposed school that is not part of the instant Applications.

(23) Many in opposition proffered a list of conditions to make the development more palatable in the event that the Applications are approved. (Exhibit 43) In general, they request that there be a buffer around any rezoned areas that share a common boundary line with existing residences; that historic Melwood Road be protected with buffers; that cul-de-sacs be used on Melwood Road to reduce pass thru traffic; that Applicant only construct single-family detached dwellings at a medium density compatible with the equine theme established along Melwood Road; that Applicant relocate the proposed town center away from the wooded area and closer to the Beltway; and that Applicant ensure that all public facilities are in place prior to the issuance of the first building permit.

Agency Comments

(24) The Technical Staff recommended that the Applications be approved subject to several conditions that are, for the most part, adopted herein.

(25) The Historic Preservation and Public Facilities Planning Section discussed the Applications with the Fire Department and were advised that the relocation of Forestville Company 23 to the easternmost intersection of Presidential Parkway and Melwood Road would ensure adequate service. Applicant has purchased an off-site but nearby parcel (known as the German Orphan School site) to provide an additional elementary school site. Staff believes there may also be a need for a middle school site. Finally,

Staff advised that the Master Plan denotes police and library facilities in the area of the subject property.

(26) There is a Historic Resource known as Blythewood (#78-013) on the site, listed in the 1981 and 1992 *Historic Sites and Districts Plan*. There is also an area on site recently documented by the Maryland Historical Trust, known as Moore Farm (MHT Inventory #78-035). Applicant submitted a Phase I Archeological Survey and Architectural History Assessment report with this rezoning application that concluded that "none of the archeological resources are recommended as eligible for listing on the National Register of Historic Places...." (Exhibit 6) The Historic Preservation and Public Facilities Planning Section urged that several conditions be placed upon the approval of the Basic Plan to ensure that these resources be protected if possible.

(27) The Department of Parks and Recreation ("DPR") noted that the General Plan stressed the need to provide additional parkland, at the rate of 20 acres per 1,000 persons. DPR stated that the proposed development falls 271 acres short and will not adequately serve the recreational needs of the area. Its recommended conditions are addressed below.

(28) The Planning Board recommended approval with conditions similar to those offered by Staff. One (1) condition is not endorsed by this Examiner since it references the Westphalia Comprehensive Conceptual Study that was not formally adopted by the District Council.

(29) The Washington Suburban Sanitary Commission reviewed the Applications and noted that additional water storage capacity may be required to serve the proposed development. It further relayed that the requested rezoning "would have little impact on the sewer system." (Attachment to Exhibit 6 dated August 15, 2005)

(30) A representative from Andrews Air Force Base revealed that some of the total site may fall within the 65-70 dB noise contour for the airport. It was urged that development be limited within that area, or that noise level reduction construction methods be incorporated into building designs.

APPLICABLE LAW

(1) Applicant's request for a rezoning to the R-M and L-A-C Zones must satisfy the provisions of Section 27-195 of the Zoning Ordinance. This Section provides in pertinent part, as follows:

Sec. 27-195. Map Amendment approval.

(a) In general.

(1) The District Council may approve or deny the application (including the Basic Plan). Approval shall be an approval of the general land use types; range of dwelling unit densities, including the base, minimum, and maximum densities; and commercial/industrial intensities, general circulation pattern, general location of major access points and land use relationships shown on the Basic Plan. Whenever an applicant designates a limitation of

uses within an application, the District Council may approve specific land use types and their general locations within the development, in accordance with the applicant's designation, as part of its approval of the Basic Plan, in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses. Such an approval by the District Council shall become a part of the approved Basic Plan. The District Council may also specify certain planning and development matters (known as "considerations") for the Planning Board and Technical Staff to consider in later Comprehensive Design Plan, Specific Design Plan, or subdivision plat review. The specifics of the considerations shall be followed, unless there is a clear showing that the requirement is unreasonable under the circumstances.

(2) The finding by the Council of adequate public facilities shall not prevent the Planning Board from changing or modifying this finding during its review of Comprehensive Design Plans, Specific Design Plans, or subdivision plats. The Planning Board shall, at each phase of plan or subdivision review, find that the staging of development will not be an unreasonable burden on available public facilities or violate the planning and development considerations set forth by the District Council in the approval of the Basic Plan.

(3) Where the property proposed for the Zoning Map Amendment is located within the Resource Conservation Overlay Zone, no Comprehensive Design Zone shall be granted for the subject property.

(4) In the approval of a Basic Plan in the V-M and V-L Zones, the District Council shall find that a variety of types of dwelling units shall be constructed at each stage of development, and that the storefront, civic, and recreational uses are staged to coincide with the initial stages of development.

(b) Criteria for approval.

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

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

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

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

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;

(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;

(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;

(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.

(2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

(3) In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:

(A) Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or
 (B) No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.

(4) In the case of a V-M or V-L Zone, the applicant shall demonstrate to the satisfaction of the District Council that the commercial development proposed to serve the village is no larger than needed to serve existing and proposed residential development within and immediately surrounding the village, within the parameters of Section 27-514.03(d)(1)(A).

(c) **Conditional approval.**

(1) When it approves the Zoning Map Amendment, the District Council may impose reasonable requirements and safeguards (in the form of conditions) which it finds are necessary to either:

(A) Protect surrounding properties from the adverse effects which might accrue from the Zoning Map Amendment; or

(B) Further enhance the coordinated, harmonious, and systematic development of the Regional District.

(2) In no case shall these conditions waive or lessen the requirements of, or prohibit uses allowed in, the approved zone, except as provided in subparagraph (a)(1), above.

(3) All building plans shall list the conditions and shall show how the proposed development complies with them.

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the approved zone remains in effect on the property (unless amended by the Council).

(5) If conditions are imposed, the applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in writing) the Council, accordingly. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance, and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.

(6) All Zoning Map Amendments which are approved subject to conditions, shall be shown on the Zoning Map with the letter "C" after the application number.

* * * * *

(2) The Application must also further the purposes of the R-M and L-A-C Zones, found in Sections 27-494 and 507 of the Zoning Ordinance. These Sections provide as follows:

Sec. 27-494. Purposes.

(a) The purposes of the L-A-C Zone are to:

(1) Establish (in the public interest) a plan implementation Zone, in which (among other things):

(A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plan, and public urban renewal plan for Community, Village, and Neighborhood Centers) can serve as the criteria for judging individual physical development proposals;

(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District;

(4) Encourage and stimulate balanced land development;

(5) Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve; and

(6) Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to an activity center.

Sec. 27-507. Purposes.

- (a) The purposes of the R-M Zone are to:
 - (1) Establish (in the public interest) a plan implementation zone, in which (among other things):
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and
 - (B) The location of the zone must be in accordance with the adopted and approved General Plans, Master Plan, or public urban renewal plans;
 - (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual physical development proposals;
 - (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;
 - (4) Encourage amenities and public facilities to be provided in conjunction with residential development;
 - (5) Encourage and stimulate balanced land development; and
 - (6) Improve the overall quality and variety of residential environments in the Regional District.

CONCLUSION

(1) The Application must be found to comply with the requirements of Section 27-195 and the purposes of the R-M and L-A-C Zones found in Sections 27-494 and 507. Compliance with each provision of law will be addressed seriatim.

(2) Once the proposed conditions are satisfied, it can be found that the Applications meet the criteria set forth in Section 27-195. Specific recommendations of the Master Plan and the General Plan, discussed above, encourage the development of the property as a planned community with density in the ranges proposed. The Applications reveal a balanced mix of residential, commercial and recreational uses. Various types of housing are proposed that should provide opportunities for a range of ages and incomes. Its proximity to MD 4, Suitland Parkway and the Capital Beltway facilitates an efficient use of costly public infrastructure. The Applications meet the size suggested for a planned community (in excess of 300 acres). A network of trails and sidewalks is proposed that will connect all areas of the site. Similarly a network of stream valleys is proposed to preserve environmental features and connect the various neighborhoods with pedestrian trails. The economic analysis submitted supports a retail commercial component of 140,000 square feet, not the requested 200,000. This commercial component within the L-A-C Zone is no larger than needed to serve the existing and proposed residential development in the community. The proposed land uses are compatible with the existing uses – residential and residential, with a commercial component closer to the more dense area of the neighborhood. The roadways will be sufficient to handle development once State and Applicant-funded improvements are in place. Applicant will provide other public amenities at later stages of development.

(3) The Applications meet the purposes of the R-M and L-A-C Zones as set forth in Sections 27-494 and 507. The L-A-C Application comports with the provisions of the Master Plan and General Plan, is compatible with the existing uses to the northwest of the site, and will stimulate balanced land development with the inclusion of more dense dwelling types and the relatively small retail-commercial component. The R-M Application is in accord with the General and Master Plans, will have housing types compatible with the existing residences, and will offer a variety of housing types aimed at improving the overall quality and variety of the residential environment within the Regional District.

(4) The recommended conditions are similar to those proposed by Staff and the Planning Board. However, the citizens' concerns with preservation of trees, preservation of the historic Melwood Road, and the need to have infrastructure in place prior to the influx of additional residents are valid. I therefore urge the removal of unclear language concerning the threshold level for woodland conservation, added a requirement for the placement of cul-de-sacs at both ends of the existing Melwood Road, and suggest that only a limited number of building permits be issued prior to the construction of the MD 4/Westphalia Road interchange. The economic analysis only supports a 140,000 square foot retail-commercial component so the condition addressing this aspect of the Basic Plan was revised accordingly.

RECOMMENDATION

APPROVAL of A-9965, AND a-9966, with 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 under the R-M (Mixed Retirement) Zone: 3.6-8 dus/ac
- Permitted dwelling unit range: 551 to 1,224 Units
- **Proposed Residential Development: 1,224 Units**

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

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

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

- B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).
- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line and shall be further expanded northward to connect to the Blythewood site and its environmental setting. The total active open space shall be no less than approximately 100 acres.
- D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.
- E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.

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/trail corridor and provide cul-de-sacs for the northern and southern portions of the site that abut said road to provide access for existing homes along those points and reduce the possibility of pass-thru traffic.
 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 recreational facilities on the dedicated parkland. 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 Recreation 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 prior to the issuance of the 999th building permit for the development of the subject property.
 - 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.

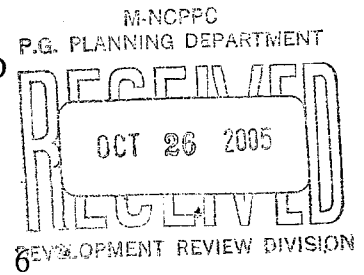
- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.
- M. The woodland conservation threshold for 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 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.”
- R. The Applicant shall dedicate the acquired property known as the German Orphan Home site for construction of a public elementary school.

OFFICE OF ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY, MARYLAND

NOTICE OF DECISION



Councilmanic District: 6

A-9965 & A-9966 – DASC
(Smith Home Farms)
Case Number

On the 26th day of October, 2005, the attached Decision of the Zoning Hearing Examiner in Case No. A-9965 and A-9966 was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision, and may request oral argument thereon before the District Council.* If oral argument is requested, all persons of record will be notified of the date scheduled for oral argument before the District Council. In the event no exception or request for oral argument is filed with the Clerk of the Council within 30 calendar days from the above date, the District Council may act upon the application and must decide within 120 days or the case will be considered denied. Persons of record will be notified in writing of the action of the District Council.

Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772
952-3644

*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

cc: Norman Rivera, Esq., 6305 Ivy Lane, Suite 500, Greenbelt, MD 20770
DASC, 5450 Branchville Road, College Park, MD 20740
Alfred H. Smith, Jr., A.H. Smith Associates, 5450 Branchville Rd., Branchville, MD 20740
Persons of Record (28)
Stan D. Brown, People's Zoning Counsel, 9500 Arena Drive, Suite 104, Largo, MD 20774

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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/trail corridor and provide cul-de-sacs for the northern and southern portions of the site that abut said road to provide access for existing homes along those points and reduce the possibility of pass-thru traffic.
 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 recreational facilities on the dedicated parkland. 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 prior to the issuance of the 999th building permit for the development of the subject property.
 - 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 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.”
- R. The Applicant shall dedicate the acquired property known as the German Orphan Home site for construction of a public elementary school.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

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

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

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

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

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

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

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

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

the purchaser of the property of any woodland conservation areas.

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

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

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

important historic landscape features in the established environmental setting;

- (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
- (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;

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

- 10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC) and its heirs, successors, and/or assignees shall perform design and construction work calculated to cost up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016), of which approximately \$6,500,000 shall be reimbursed from the applicant's generated park club permit fees, and the balance of \$7,400,000 shall be reimbursed from other developer-generated park club fees or other sources. The applicant's obligation to provide design and construction work for the Central Park is applicable only through the 1600th building permit. Beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the Central Park. DPR shall review and approve the master plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.

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

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

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

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

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

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

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

R-M Zone

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

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

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

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

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

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

R-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:

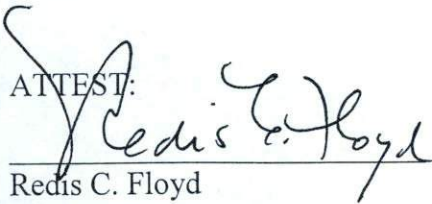
Abstained:

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

ADDENDUM TO DISTRICT COUNCIL DECISIONS

Project Name: SMITH HOME FARMS

The Subject (case #): CDP-0501-01

Is composed of:

2	Approval Sheets
1	Comprehensive Design Plan
1	Parkland Dedication Exhibit
1	Drainage Exhibit
1	Phasing Plan
1	Central Park Concept Plan

The validity period of this application is: Indefinite

Case No.: CDP-0501/01

Applicant: Smith Home Farms

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 11-112, approving with conditions a comprehensive design plan to amend Condition 3 of CDP-0501, regarding the construction of the MD 4/Westphalia Road; amend Condition 7 of CDP-0501, regarding the location and the size of the proposed community center and pool; and amend Condition 16, regarding the size of the market-rate single-family attached lots in the Residential Medium (R-M) Zone, is:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council, except as otherwise provided herein.

Affirmance of the Planning Board's decision is 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):
 - 3.¹ **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.**
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).

¹ As modified by the District Council.

R-M ZONE

	Condominium s	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.

Affirmance is also subject to the following additional condition by the District Council, after review of the administrative record and for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

5. If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.

Ordered this 21st day of May, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles

Opposed:

Abstained:

Absent: Council Member Turner

CDP-0501/01

Vote: 8-0

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: Andrea C. Harrison
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd

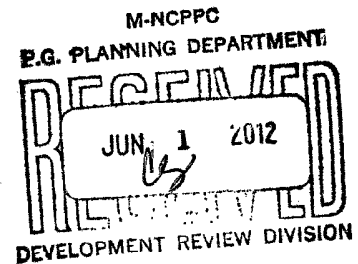
Redis C. Floyd
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

June 1, 2012



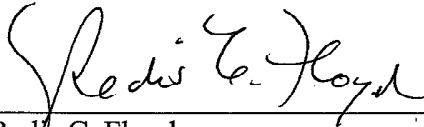
RE: CDP 0501/01 Smith Home Farms
SHF Project Owner, LLC, Applicant

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 May 21, 2012.

CERTIFICATE OF SERVICE

This is to certify that on June 1, 2012 this notice and attached Council Order was mailed, postage prepaid, to all persons of record.



Redis C. Floyd
Clerk of the Council

(10/97)

Case No.: CDP-0501/01

Applicant: Smith Home Farms

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 11-112, approving with conditions a comprehensive design plan to amend Condition 3 of CDP-0501, regarding the construction of the MD 4/Westphalia Road; amend Condition 7 of CDP-0501, regarding the location and the size of the proposed community center and pool; and amend Condition 16, regarding the size of the market-rate single-family attached lots in the Residential Medium (R-M) Zone, is:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council, except as otherwise provided herein.

Affirmance of the Planning Board's decision is 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):
 - 3.¹ 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.
 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).

¹ As modified by the District Council.

CDP-0501/01

R-M ZONE

	Condominium s	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.

CDP-0501/01

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.

Affirmance is also subject to the following additional condition by the District Council, after review of the administrative record and for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

5. If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.

Ordered this 21st day of May, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles

Opposed:

Abstained:

Absent: Council Member Turner

CDP-0501/01

Vote: 8-0

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: Andrea C. Harrison
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Redis C. Floyd
Clerk of the Council

C O R R E C T E D A M E N D E D R E S O L U T I O N

WHEREAS, a 757-acre parcel of land known as Tax Map 90 in Grid A1, said property being in the 15th Election District of Prince George's County, Maryland, and

WHEREAS, on October 14, 2005, Daniel Colton filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1,176 lots (total dwelling units †[3,628][3,648] and 355 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05080 for Smith Home Farm was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 9, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended DISAPPROVAL of the application with conditions; and

WHEREAS, on March 9, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on March 9, 2006, the Planning Board disapproved Preliminary Plan of Subdivision 4-05080; and

*WHEREAS, on April 6, 2006, the Planning Board approved a request to reconsider the action of denial for Preliminary Plan of Subdivision 4-05080 based on the furtherance of substantial public interest; and

*WHEREAS, on July 27, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all new findings and conditions.

†[WHEREAS, on April 19, 2012, the Planning Board approved a request for a waiver of the Rules of Procedure and a reconsideration of Condition 42 and Finding 9, for good cause in furtherance of a substantial public interest, relating solely to the MD4/Westphalia Road interchange;

†[WHEREAS, on May 24, 2012, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with deletions and additions.]

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[Brackets] and † indicates new language
[Brackets] indicate deleted language

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board ~~[DIS]~~APPROVED the Type I Tree

Conservation Plan (TCPI/38/05-01), and further ~~[DIS]~~APPROVED Preliminary Plan of Subdivision 4-05080, Smith Home Farm for 355 parcels with the following conditions:

- *1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
- a. To conform to the certificate approved CDP-0501.
 - b. Revise Sheet 3 to accurately reflect that M-NCPPC is the owner of abutting property to the north.
 - c. Revise the preliminary plan and update the required development standards table to reflect the allowable dwelling unit mix in accordance with Section 27-515(b), Footnote 29. Remove “use” variance language.
 - d. Provide dimensions on all parcel lines.
 - e. Relabel Parcel 85 after required adjustment as a letter parcel and to be conveyed to the BOE.
 - f. Label all roads private or public on each sheet. Multifamily dwelling units are not permitted to be served by private streets (24-128(b)(7)).
 - g. Contain a note that pursuant to Section 24-135.02(d) of the Subdivision Regulations the cemetery located on the Blythwood Historic Site (78-013) is deemed to be a certified nonconforming use.
 - h. Indicate number of parcels proposed, once the plan is revised.
 - i. Correct General Note 26 to be two sentences.
 - j. Remove from all sheets the five-foot-wide strip of land separating lots. Remove five-foot strip between Lot 8 and the rears of 9-11, Block NN, for example.
 - k. Provide totals in General Note 18 for number of lots and parcels proposed.
 - l. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
 - m. Revise the general notes to reflect that the allowable GFA for commercial retail is 140,000 square feet, not 170,000.
 - n. Label the general location of the pit feature, 18PR766.

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- o. Relabel A-66 as M-634.
 - p. Provide the acreage of the proposed M-NCPPC land located in the L-A-C Zone.
 - q. Clearly label all existing structures and the disposition of those structures.
 - r. Label Parcel R to be retained by the owner.
 - s. Conform to DPR Exhibit A, dated 6/7/06, or modified by the Planning Board.
 - t. Provide adequate setback from abutting existing subdivisions to allow bufferyards to be installed in the future without encumbering each individual lot, to be approved by the Urban Design Section.
 - u. Remove general note that indicates that "2 over 2" dwelling units are multifamily. Two-over two dwelling units are attached, unless architecture demonstrates conformance to Section 27-107.01(75), definition of multifamily, demonstrate at the time of SDP.
 - v. Dimension the width of the frontage of Parcel R on MC-632.
- 2. A Type II Tree Conservation Plan shall be approved with each specific design plan.
 - 3. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.
 - 4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties. If encumbered that applicant shall submit evidence that the rights-and privileges associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
 - 5. Prior to the approval of building permits associated with residential development, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
 - 6. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.
 - 7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.

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8. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division (PP&D) three original recreational facilities agreements (RFAs) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D, the RFA shall be recorded among the county Land Records and noted on the final plat of subdivision.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
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.
11. The submittal requirements for the specific design plan (SDP) filed subsequent to SDP-0506 shall include a proposal for a sequential platting plan ~~†[(24-119.01(e)(2))]~~[(24-119(e)(2))] of all of the land within this preliminary plan of subdivision. This plan shall establish a framework for the orderly development of the property.
12. The final plat shall contain a note that pursuant to Section 24-135.02(d) of the Subdivision Regulations the cemetery located on the Blythwood Historic Site (#78-013) is deemed to be a certified nonconforming use.
13. The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.
14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Mellwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Mellwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.
15. The applicant, his heirs, successors and/or assignees shall provide:

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- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.
- b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-feet-wide total. This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.
- c. Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.
- d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.
16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.
17. Prior to signature approval of the preliminary plan, the applicant shall provide written evidence from DPW&T that the cul-de-sac extending from C-635 to serve existing dwellings is acceptable to DPW&T standards and shall be dedicated to public use, and not to the Smith Home Farm HOA, or the preliminary plan shall be revised to address this issue.
18. Prior to the approval of each final plat the applicant shall demonstrate that existing adequate public streets, connecting this development to the external public street system, shall exist to support the development.
19. Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to

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proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.

20. A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.
21. The plant materials located within the reforestation areas within the 100-year floodplain, within the central park (M-NCPPC), shall be mutually agreed upon by the DRD and DPR.
22. Prior to the issuance of grading permits the applicant shall demonstrate that within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
23. Prior to signature approval of the preliminary plan, the applicant shall conduct additional Phase I archaeological investigations with the concurrence of the Development Review Division (DRD). The applicant shall submit the revised Phase I investigation (including research into the property history and archaeological literature) for the entire property. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
24. 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), if any buildings within the Blythewood environmental setting will be disturbed 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 shall be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.
25. Prior to signature approval of the preliminary plan the applicant shall submit a Security and Maintenance Plan for all the structures (addendum) within the environmental setting of Blythewood Historic Site (78-013) for ratification to ensure that these structures are maintained and monitored throughout the development process.
26. A note shall be provided on the preliminary plan and final plat that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater

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management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit approved by the Historic Preservation Commission. A Phase II investigation should be conducted if the proposed development results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation.

27. The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
28. Prior to signature approval of the preliminary plan, the 33-acre environmental setting for Blythewood shall be delineated as approved by the HPC, including the main house and domestic outbuildings, barns stables and other agricultural outbuildings, the circa 1860s tenant houses, tobacco barn and any other cultural and historical resources. The limit of disturbance shall be expanded to exclude the entire 33-acre environmental setting of Blythewood. A note shall be provided on the preliminary plan and the Type I Tree Conservation Plan that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit.
29. Prior to signature approval of the preliminary plan, the 5.9-acre boundary line around “Historic Blythewood Homesite Parcel” should be revised to also include the tree-lined lane leading to the house and outbuildings, and the land connecting these two stems. The tree-lined access appears to be approximately 15 feet wide and may not be adequate to serve as vehicular access to a commercial or office use. To ensure that the historic entrance remains intact, options for review at the time of SDP including the conversion of the tree-lined driveway to a pedestrian path may be appropriate.
30. 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.”
31. The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the central park individually at the time of approval of the final plat of any right-of-way

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(public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.

32. Prior to the approval of the first final plat of subdivision, (not infrastructure) the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of the applicant's fees into an account administered by M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR. If not previously determined, it shall establish a schedule of payments and/or a schedule for park construction. The value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. If, the sector plan and sectional map amendment for the Westphalia area establish the exact amount of the required contribution; between \$2,500 and \$3,500 per dwelling unit, the agreement shall incorporate this amount. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia study area. The specifics to accomplish this will be specified in the agreement.

Per the applicant's offer at the time of CDP approval, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth above.

33. Prior to the approval of the final plat and the conveyance of Parcel S to M-NCPPC, the applicant shall obtain approval from the Historic Preservation Commission for the removal of the tenant house and the tobacco barn, located on Parcel S. If the applicant cannot obtain approval from the HPC, the limits of Parcel R and S shall be adjusted so that the land that is to be conveyed to M-NCPPC (Parcel S) does not contain these buildings. The applicant shall make appropriate adjustments to ensure the conveyance of 148± acres to M-NCPPC.
34. Submission of three original, executed agreements for participation in the "park club" to DPR for their review and approval, prior to the submission of the first final plat of subdivision (not infrastructure). Upon approval by DPR, the agreement shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and the liber folio reflected on the final plat.
35. Prior to signature approval of the preliminary plan, the applicant shall submit revised concept approved stormwater management (SWM) plan showing no SWM ponds on dedicated parkland except the recreational lake in the central park parcel, or those agreed to by DPR and authorized by the approving authority.
36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.

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37. The applicant, his heirs, successors and/or assignees shall be subject to the following conditions for the conveyance of parkland to M-NCPPC:
- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, 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 the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - 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 DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the 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 the DPR. The DPR shall review and approve the location and/or design of

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these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

38. Prior to the approval of each final plat, the applicant shall obtain a raze permit from DER for any existing structures to be removed. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed.
39. Prior to the approval of final plat(s) of subdivision for development, which includes portions of the Melwood Road right-of-way, the applicant shall obtain approval of the road closure process as determined appropriate by DPW&T, in accordance with Subtitle 23 and/or vacated in accordance with Subtitle 24.
40. The applicant, his heirs, successors and/or assignees shall convey to the Board of Education (BOE) upon their agreement approximately seven acres at the same time as the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, on which the BOE school property fronts. The BOE property shall not suffer the disposition of improvements necessary to support the Smith Home Farm development, unless upon specific agreement with the BOE. HOA land shall not be utilized to support development of the BOE property for public use, to include but not be limited to stormwater management.
41. Prior to signature approval of the preliminary plan the BOE property, as delineated on the preliminary plan, shall be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle.
42. †~~The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:~~
- †~~a. Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.~~
- †~~b. Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units, the MD 4/Westphalia Road interchange shall be open to traffic.~~
- †~~[Prior to issuance of each building permit for the residential component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ‡~~[44.30]~~ 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by ‡~~[3,628]~~ 3,648 to determine the unit cost.]~~

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43. Prior to the approval of the initial Specific Design Plan proposing development (not infrastructure) within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant should utilize new 12-hour counts, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.
44. At the time of final plat approval, the applicant shall dedicate the following rights-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan:
- a. 80 feet along MC-635, as shown on the submitted plan
 - b. 100 feet along MC 632, as shown on the submitted plan
 - c. A minimum of 60 feet along P-616, as shown on the submitted plan (70 feet from C 631 to Road M)
 - d. A minimum of 60 feet along P-615, as shown on the submitted plan
 - e. 40 feet from centerline along existing Westphalia Road

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These alignments may be modified through further environmental study. Findings at time of Specific Design Plan shall include comments on the degree of conformity with the Westphalia Sector Plan, at whatever state of approval exists at the time of review.

45. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way for C-631, in substantial conformance with the alignment shown in the preliminary plan. Any variations or PMA impacts associated with said alignment shall be deemed approved.
46. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan, along MC-634. Such dedication shall be along an alignment that is similar to that shown on the submitted plan and that is deemed, at the time of Specific Design Plan, to conform to the Westphalia Sector Plan and to other proposed development plans for adjacent properties.

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47. Prior to signature approval of the preliminary plan, Parcel 62 shall be revised to align and provide fillets and this parcel shall be dedicated at the time of final plat as a public right-of-way to become an extension of Road EE into the Claggett Property as the future P-612 facility.
48. The SDP and final plat shall demonstrate a primary residential street connection at the end of Road DD, Block SS (public 60-foot wide ROW) north to connect to the Woodside Village property. This connection shall not be required only if a preliminary plan of subdivision has been approved for the Woodside Village Subdivision to the north that does not require the connection.
49. The following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (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, with all issues of timing and implementation to be addressed as Specific Design Plans proposing development are reviewed:
- a. MC-631/Presidential Parkway intersection: The applicant shall submit, at the time of the initial Specific Design Plan proposing development, an acceptable traffic signal warrant study to DPW&T. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations.
- b. At the intersection of Westphalia Road/D'Arcy Road and MC-635, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the age-restricted portion of the development. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.
- c. At the intersection of MC-631 and MC-635/P-615, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- d. At the intersection of MC-631 and MC-632/P-616, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.
- e. At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, the intended one-lane roundabout shall be designed for a two-lane roundabout in order that sufficient right-of-way for the

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ultimate facility is obtained. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T shall determine whether a one-lane or a two-lane roundabout will be implemented at this location by the applicant; however, such determination shall, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.

- f. At the intersection of MC-635 and Road J, the proposed two-lane roundabout shall be designed and constructed. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.
- g. All intersections along the major collector (MC) facilities shall include exclusive left-turn lanes where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes unless specifically waived by DPW&T. Such configurations shall be verified at the time of specific design plan review for the appropriate sections of roadway.
- h. All proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
- i. All proposed transit facilities, as shown on the plan "Transit Plan—Smith Farm," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
50. Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
51. The applicant, his heirs, successors and/or assignees shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with state and federal fair housing laws, for a fixed term of not less than 60 years. The covenant shall run to the benefit of the county and be reflected on all final plats for the R-M Zoned Mixed Retirement Community portion of this project.
52. Prior to signature approval of the preliminary plan, all plans shall be evaluated for conformance with the Final Decision of the District Council on the CDP approval and all conditions associated with the District Council's Final Decision shall be addressed.

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53. Prior to signature approval of the preliminary plan, and the Type I Tree Conservation Plan the following road impacts shall be re-evaluated and revised:

Road crossings A and B shall be revised to make crossing A perpendicular to the stream and crossing B shall be relocated to be combined with the stream impact for the sanitary sewer connection and shall also be designed to be perpendicular to the stream.

54. Prior to signature approval of the preliminary plan, all plans shall be revised to identify all proposed stormwater management ponds; show conceptual grading for all proposed stormwater management ponds; and redesign all ponds to eliminate impacts to the PMA associated solely with pond grading.

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

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

The limited SDP for stream restoration shall:

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.
- b. Consider the stormwater management facilities proposed;
- c. Include all land necessary to accommodate the proposed grading for stream restoration;
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site; .

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- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;
 - f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).
57. Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) shall be delineated clearly and correctly on all plans in conformance with the staff-signed Natural Resource Inventory (NRI). A written explanation shall be provided regarding how the floodplain woodland acreage was reduced by approximately 10 acres from previous submissions. The text shall be accompanied by a plan at 1"=300' scale that shows where the floodplain woodland limits changed. The NRI shall be revised as appropriate to reflect the changes.
58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:
- "No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."
59. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.
60. Prior to the approval of final plats, the proposed road network shall be evaluated at an interagency meeting attended by the US Army Corps of Engineers, the Maryland Department of the Environment, and the Department of Environmental Resources. The meeting minutes shall reflect the direction provided by these agencies and the road network shall consider the direction provided which is determined at the time of permit applications.
61. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland

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permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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.
63. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that the individual sheets reflect the same land area for both plans.
64. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised as follows:
- a. Eliminate woodland conservation from residential lots, proposed road corridors, existing road corridors planned for preservation, or areas where woodlands already exist;
 - b. Show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan that match the lot and parcel numbers on the preliminary plan;
 - c. Show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown.
 - d. Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;
 - e. Eliminate the background shading on all symbols for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted, and revise the legend accordingly;
 - f. Eliminate all woodland conservation areas less than 35 feet wide;
 - g. Identify all off-site clearing areas with a separate label showing the acreage for each;
 - h. Show clearing only for those areas that are necessary for development;
 - i. Revise the font of the existing and proposed contours so that they are legible;
 - j. Revise the limits of disturbance to accurately reflect the proposed area of disturbance;
 - k. Eliminate woodland conservation within the Melwood Road right-of-way;
 - l. Revise the limits of disturbance so that the PMA is preserved where impacts are not approved;

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- m. Revise the worksheet as necessary; and
 - n. Have the plans signed and dated by the qualified professional who prepared the plans.
 - o. Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.
65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.
66. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01). The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/38/05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
67. No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.
68. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reflect the following:
- i. Impacts for road crossings as reflected on exhibits A, B, C, E, J, M, N, N1, and S shall be revised on the SDP to reduce the impacts to the fullest extent possible;
 - ii. Impacts shown for road crossings on exhibits Q, R, T, and U shall be eliminated;
 - iii. Impacts for sanitary sewer installations as reflected on Exhibit 3 shall be revised on the SDP to reduce the impacts to the fullest extent possible; and
 - iv. Impacts for trail construction as reflected on Exhibit 1 shall be revised on the SDP to reduce the impacts to the fullest extent possible.
69. Each specific design plan that contains trails shall show the field identified location for all trails and the associated grading.
70. Prior to signature approval of the preliminary plan, the letter of justification shall be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the “Con-Span” or “Bridge-Tek”

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bridges”; to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI shall be revised as necessary to show where the bridge structures will be used.

71. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

72. All afforestation/ reforestation and associated fencing shall be installed prior to the issuance of the building permits adjacent to the afforestation/ reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

73. Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan shall be submitted. All conditions contained in the concept approval letter shall be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan shall be revised to conform to the Planning Board’s approval.

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

- a. All dead-end private alleys that are longer than 100 feet shall be designed to provide adequate turn around capabilities in accordance with standards and recommendations of the Department of Public Works and Transportation that will allow an emergency vehicle to negotiate a turn.
- b. The townhouse section shall be revised to provide no more than six units in any building group. The applicant must obtain approval of more than six dwelling units in a row at the time of SDP, pursuant to Section 27-480(d).

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- c. To fulfill CDP condition 1 (h), to provide additional visitor's parking space and to ensure an emergency access to the site be maintained at all times.
75. The following note shall be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."
76. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
77. Prior to specific design plan approval for the applicable area, the road network shall show a connection (r/w to be determined) between the cul-de-sac of Private Road DD to the north to connect to the Woodside Village property (Sheet 10), and to the south to connect to the Westphalia Town Center as a dedicated public right-of-way.
- †[78. Prior to issuance of each building permit for the **commercial** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ~~‡[4.22]~~ 0.96 percent of the cost estimate as determined by Federal IAPA review. This fee shall be divided by 140,000 to determine the cost on a per square foot basis.
- †[79. Prior to approval of final plats for the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 (Exhibit C) and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), provide a copy of the recorded Memorandum of Understanding (MOU) and reflect the liber/folio on each record plat for the project.]

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, ~~[does not]~~ meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4).
- ~~[3. The preliminary plan for Smith Home Farm was accepted on October 14, 2005. The Subdivision Review Committee (SRC) meeting was held on November 4, 2005. At that meeting the applicant was advised that additional information was required for the review of the preliminary plan and the Type I tree conservation plan. Staff requested that the applicant provide additional information no later than 30 days prior to the Planning Board hearing, originally scheduled on~~

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January 5, 2006. The applicant was also clearly advised at the SRC meeting that failure to provide the requested information less than 30 days prior to the Planning Board hearing could result in inadequate time for review and an unfavorable recommendation to the Planning Board. On November 8, 2005, the attorney for the applicant granted a 70 day waiver to allow additional time for the applicant to submit the requested information, and the preliminary plan was scheduled for a Planning Board hearing date of March 9, 2006. The 140 day mandatory action time frame for this plan expires on March 18, 2006.

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4. The applicant has failed to provide essential information necessary for the review of the preliminary plan and Type I tree conservation plan. Information that was requested at the November 4, 2005, SRC meeting. This property is 757 acres and contains significant environmental features including the Cabin Branch stream valley. The applicant has failed to address over an estimated 70 proposed impacts to the primary management area. A large number of the impacts not requested are necessary to implement the required stormwater management for the site. Without the approval of those impacts the site cannot be developed as proposed.

5. The applicant has not addressed Condition 2.A.9 of the District Council's Order of Final Zoning Decision in A 9965/66. Specifically:

“9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.”

6. **Environmental** The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, stamped as received by the Environmental Planning Section on February 9, 2006, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, stamped as received on February 22, 2006. Information critical to the review of the application has not been received.

A Letter of Justification is required for all proposed impacts to the regulated environmental areas of a site. A complete list of requested impacts is necessary for the Planning Board to make a determination with regard to Section 24-130(b)(5) which states that the regulated areas of the site must be preserved “...to the fullest extent possible.”

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At the Subdivision Review Committee meeting on November 4, 2005, the applicant was informed that a Letter of Justification was not received with the application package and that one is required no less than 30 days prior to any Planning Board hearing date. A Letter of Justification was received on January 26, 2006. It only addressed the road crossings and did not address the necessary impacts for stormwater management outfalls, sanitary sewer installations or the proposed impacts for stream restoration projects.

A revised Letter of Justification was requested and has not yet been received. The original letter, dated January 25, 2006, was resubmitted without the required additions on February 24, 2006. The new submission was not revised from the original submission. The applicant has been informed of this deficiency multiple times in writing (on November 4, 2005 at the Subdivision Review Committee) and in person (at a meeting regarding the CDP conditions on February 14, 2006 and a meeting on February 27, 2006 at the Maryland Department of the Environment).

The second outstanding issue is the submission of a Type I Tree Conservation Plan that meets the minimum requirements of the Woodland Conservation Ordinance. Over the course of the review of this application, several TCPI plans have been submitted. The plans contained calculation errors that resulted in the placement of negative numbers in the worksheet, showed areas of woodland conservation wholly within the boundaries of proposed lots, showed lot layouts that were different from the preliminary plan under review, and were often not signed by a qualified professional as required. The most recent TCPI submitted does not show the proposed impacts for the stormwater management outfalls and the plans have not been revised to fully address the conditions of the approved CDP.

One of the most important conditions of the CDP has not been addressed. The condition regarding showing the limits of the regulated environmental areas (the "PMA") correctly has not been addressed. The preliminary plan shows a secondary PMA line near the intersection of proposed Road J and proposed Melwood Road on sheet 3. There are also other areas on the preliminary plan and TCPI where the PMA is shown incorrectly. These areas include the portion of the PMA on proposed Parcel 56 on Sheet 3, Parcel C on Sheet 4, Parcel 23 on Sheet 8, Parcel 81 on Sheet 9, and the area north of Parcel 24 on Sheet 7. The plan also shows a secondary PMA line on sheets 2, 3, and 5 of the preliminary plan.

Condition 4.f. requires the submission of information related to stream restoration projects for which density increments were approved with the CDP. None of the required information relating to this condition has been submitted to date.

7. ~~**Transportation**~~ The applicant proposes 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Also, 170,000 square feet of commercial retail space is planned within the L-A-C zone.

The applicant prepared a traffic impact study dated September 2005, along with an additional analysis dated November 2005 covering intersections internal to the overall site, and prepared in

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accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

During 2005, the Prince George's County Planning Department worked with a consultant team on the Westphalia Comprehensive Concept Plan. The purpose of the plan was to refine policies contained in the 1994 Melwood Westphalia Master Plan and the 2002 General Plan for Prince George's County, and to provide an updated vision and detailed guidance for several major development proposals within the Westphalia Planning Area, including the subject property. As a part of the preparation of that plan, the recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. This study was completed in August 2005. The plan proposed a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.

The Transportation Planning Section has utilized the results of the August 2005 study to prepare roadway recommendations for a Westphalia Sector Plan and Sectional Map Amendment. While these recommendations do not yet carry the power of law, they are consistent with the WCCP study which was done in response to the subject applications and other applications in the area that are either pending or planned. The Westphalia Sector Plan and Sectional Map Amendment, recommendations should be addressed as follows:

1. The sector plan will show MC 631 as a four-lane major collector within a 100-foot right-of-way through the site. The current plan shows this right-of-way as 85 feet. It is required that the plan be revised to show dedication of 100 feet of right-of-way along MC 631 within the subject property. This change could affect the configuration of lots along the roadway, but may be resolvable if there is a clear support by the County Department of Public Works and Transportation (DPW&T) for the Section 2 typical section along the entire MC 631 facility. The typical section requires DPW&T review and approval because it is non-standard.
2. MC 631 exits the subject property to the east at a location and angle that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan appears to minimize environmental impacts. Nonetheless, this roadway exits the site with an east-northeast orientation. Given that the adjacent property to the east (Woodside Village, A-9973) is intending to set aside a sizable school site, it is recommended that this roadway exit the site due east. This will allow the adjacent developer better flexibility to configure the planned development with the school site.
3. The sector plan will show MC 632 as a four-lane major collector within a 100-foot right-of-way between MC 631 and P-615, and as a four-to-six-lane major

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collector within a 120-foot right-of-way from P-615 to the southern boundary of the property. The current plan shows this right-of-way as 62 feet. It is required that the plan be revised to show dedication of 100 feet of right-of-way between MC-631 and P-615, 120 feet of right-of-way south of Road C, and a transition section between P-615 and Road C. This is a significant change that will likely affect lotting patterns in the southern portion of the site, and will also affect the configuration of the proposed elementary school site.

4. The sector plan will show MC-635 as a four-lane major collector within a 100-foot right-of-way between MC-631 and the northern boundary of the site. The current plan shows this right-of-way as 62 feet. The plan should have been revised to show dedication of 100 feet of right-of-way along MC-635 within the subject property. This change could affect up to 30 proposed lots that are adjacent to this facility.
5. The sector plan will show C-626, Westphalia Road as a two-to-four lane collector facility with an 80-foot right-of-way. The current plan shows no dedication along C-626. The plan should have been revised to show dedication of 40 feet from centerline along C-626.
6. The sector plan will show A-66, Presidential Parkway, as a 100-foot arterial facility north of MC-631. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts A-66 coincident to and west of Ryon Road. Given the function of the A-66 facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The plan should have been revised to show dedication of 100 feet of right-of-way along A-66 within the subject property along the alignment shown.
7. The sector plan will show P-615 as a primary residential facility (60-foot right-of-way) between MC-631 and MC-632. The current plan shows this right-of-way as 62 feet.
8. The sector plan will show P-616 as a primary residential facility (60-foot right-of-way) between MC-631 and the northern boundary of this site. The current plan shows this right-of-way as 62 feet.
9. P-616 exits the subject property to the north at a location that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan is approximately 150 feet west of the location shown on the WCCP. Given that this roadway must cross an environmental feature on the adjacent site, this roadway should have been moved eastward to exit the site at the correct location. This will allow the adjacent developer the ability to actually

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~~get the road permitted with the appropriate environmental agencies for construction.~~

~~The WCCP also showed a number of minor or secondary connections between properties. As review had progressed, staff believed that better connections needed to be established to the west so that there is connectivity to future A-66. Also, a number of roadways are shown to be public roadways serving many residences with a right of way consistent with a secondary residential street. The standard for the 50-foot, or secondary residential street indicates pavement 26 feet in width and parking on both sides of the street. Where excessive traffic would use the street, parked vehicles result in excessive conflicts between oncoming vehicles because the pavement is not wide enough to allow two-way vehicle operation. Increasing the right of way to 60 feet improves the situation by increasing the pavement width to 36 feet, allowing two-way traffic to proceed with parked vehicles on each side. The applicant had made several changes to the plan based on staff's comments on the original submitted plan. Nonetheless, further changes would be needed, as the plan has been greatly reconfigured. Given the development proposed on this plan, staff recommended that the following streets be shown with a right of way of 60 feet:~~

- ~~1. — The entire length of Road AA.~~
- ~~2. — The entire length of Road B.~~
- ~~3. — The entire length of Road J.~~
- ~~4. — Road W between MC 631 and Private Road YY.~~

~~At the time of the Planning Board hearing there remained many elements of this plan that were unresolved. The plan includes several public streets without acceptable end treatments, secondary residential streets in townhouse areas, and a lack of demonstrated off-street parking in townhouse areas. The Department of Public Works and Transportation has stated that the preliminary plan as proposed is unacceptable. Approval from the Department of Public Works and Transportation would be essential for this development.~~

~~Prior plans have a number of conditions that require review. The status of the transportation-related conditions is summarized below:~~

~~A-9966:~~

~~**Condition 2(A)(9):** This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. With regard to the transportation staff, there has been no coordination with the applicant. It is duly important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, should be determined at this time. There is no clear understanding by transportation staff or DPW&T of the disposition of Mellwood Road.~~

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~~**Condition 2(I):** This condition was met during review of the comprehensive design plan, and was fulfilled with the submittal of the November 2005 supplemental traffic study.~~

~~**Condition 2(K)(1):** This condition requires that the timing for the construction of the MD 4/Westphalia Road interchange be determined at the time of preliminary plan. While the applicant has proffered to construct this interchange, the applicant had not proffered construction timing. Given that the at-grade intersection currently fails in both peak hours, staff would recommend that the interchange be financially guaranteed prior to the initial building permit, and that it be open to traffic prior to permitting beyond 25 percent of the residences, or prior to use and occupancy of the commercial portion of the development.~~

~~CDP-0501:~~

~~**Condition 1(h)(1):** This condition requires the right-of-way required for A-66 be determined at the time of subdivision. This has been done.~~

~~**Condition 1(h)(2):** This condition requires the provision of a secondary external connection near the northern end of Ryon Road. It is recommended that this connection be made to the identified A-66 right-of-way.~~

~~**Condition 2:** This condition establishes a trip cap for the subject site. The trip cap in this plan is identical to that reviewed at the time of CDP; therefore, the trip cap is not an issue and will be carried forward in any preliminary plan approval.~~

~~**Condition 3:** This condition requires the construction of the MD 4/Westphalia Road interchange. As modified under the discussion of A-9966, this condition will be carried forward.~~

~~**Condition 5:** This condition requires that the applicant propose rights-of-way consistent with the WCCP in consideration of the needs shown and county standards. As a matter of course, it is observed that the plan did not "propose" the appropriate rights-of-way—the staff has taken the initiative to recommend what is needed. The transportation recommendations are consistent with Exhibit 7 of the August 31, 2005 traffic study done for the WCCP. The applicant's proposal of primary residential sections along roadways that were shown in that study to carry between 16,000 and 30,000 daily vehicles is ill-advised, and completely at odds with the sound planning principles that are normally employed in Prince George's County.~~

~~**Condition 8:** This condition requires the submitted of traffic signal warrant studies at two locations. This condition will be carried over as a part of any approval, and enforced at the time of the initial specific design plan.~~

~~There has not been sufficient coordination regarding the disposition of Mellwood Road within the site as required by the Basic Plan approval. Furthermore, there needs to be a more complete understanding of staging issues regarding Mellwood Road both north and south of the subject property prior to approval of this subdivision. This discussion must involve both transportation planning and DPW&T staff.~~

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~~The Basic Plan requires that the timing for construction of the proposed interchange at MD 4 and Westphalia Road be determined at the time of preliminary plan. While a condition could be written by staff, there has been no proffer in this regard by the applicant.~~

~~The master plan roadways in most cases are not adequately sized. Staff recommendations for the Westphalia Sector Plan propose wider sections—15 feet to 40 feet wider—than the sections proposed by the applicant on the plan. These changes, particularly along the MC-632 facility in the south-central part of the plan, could have a significant impact on lotting patterns and on the configuration of a proposed school site. There are many unresolved issues of layout and many non-standard practices employed in this plan. DPW&T has indicated that the plan, as currently submitted, is unacceptable.~~

8. ~~**Zoning**—The preliminary plan is not consistent with the approved A-9965 and A-9966. The approved Comprehensive Design Plan (CDP-0501) and the preliminary plan propose the majority of the mixed use commercial and retail within the R-M Zone where those uses are not permitted. The location of the commercial/retail mixed use was approved with the rezoning application for this property, and permitted in the L-A-C Zone. The L-A-C was approved at the intersection of C-631 (running east/west) and C-632 (running north/south) and was proposed abutting the north side of C-631 at its intersection with C-632. Through the planning process with the CDP the intersection of C-631 and C-632 shifted to the south. The L-A-C zoning boundary, however, was not modified. A reconsideration of the approval of A-9965 and A-9966 by the District Council to modify the zoning boundary between the L-A-C and R-M is required, or a reconsideration of the CDP to adjust the location of the commercial/retail uses.~~

~~The rezoning application for this property obtained final approval by the District Council on February 13, 2006, just 10 days prior to the Planning Boards approval of the comprehensive design plan (CDP-0501), on February 23, 2006. This preliminary plan, which is based on the foundation of those approvals, was scheduled just 18 days later on March 9, 2006. There are numerous conditions of both the re-zoning approval and the CDP approval that impact the review and approval of the preliminary plan. In fact many issues relating to layout and ownership that were approved as conditions of the CDP have yet to be determined. Conditions of the approval of CDP will require revisions to that plan prior to its certification, revisions that will require revisions to the preliminary plan and the Type I Tree Conservation Plan.~~

9. ~~**Planning Board Hearing**—On March 9, 2006 the Planning Board found that substantive revisions to both the preliminary plan and the Type I Tree Conservation plan are necessary, including coordination with the Department of Public Works and Transportation before the preliminary plan can be found to conform to A-9965 and A-9966, and CDP-0501. Therefore, the Planning Board disapproved the preliminary plan, finding that adequate time to determine conformance to these other approved plans and find conformance to the requirement of Subtitle 24 (Subdivision Regulations) was not available in the 140-day mandatory action time for the preliminary plan.~~

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- *3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<u>EXISTING</u>	<u>‡[PROPOSED] APPROVED</u>
<u>Zone</u>	<u>LAC (30.04-acres)</u>	<u>L-A-C (30.04-acres)</u>
	<u>R-M (727-acres)</u>	<u>R-M (728.95-acres)</u>
<u>Use(s)</u>	<u>Miscellaneous single-family dwelling units (to be removed)</u>	<u>3,648 dwelling units; † [140,000] square feet of commercial/retail (140,000 permitted)</u>
<u>Acreage</u>	<u>757</u>	<u>759</u>
<u>Lots</u>	<u>0</u>	<u>1,506</u>
<u>Parcels</u>	<u>12</u>	<u>355</u>
<u>Dwelling Units:</u>		<u>3,648 total</u>
<u>Detached</u>	<u>10 (to be razed) not including any structures to remain within Blythwood environmental setting</u>	<u>285</u>
<u>Attached Multifamily</u>		<u>1,577</u> <u>1,786</u>
<u>Public Safety Mitigation Fee</u>		<u>No</u>

4. **Urban Design**—The Urban Design Section reviewed the second revised preliminary plan received on May 25, 2006.

The Comprehensive Design Plan CDP-0501 for this property was approved by the Planning Board on February 23, 2006. Three variances were included in CDP-0501 as follows:

- A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), Footnote 29, which allows a maximum ten percent of multifamily dwellings in the R-M Zone.
- A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), Footnote 29, which allows a maximum 30 percent of multifamily dwellings in the L-A-C Zone.
- A variance from the maximum building height as stated in Section 27-480 (f), which allows a maximum of 40 feet in the R-M Zone.

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The District Council approved the comprehensive design plan on May 22, 2006, without approving the accompanying variance applications. Preliminary Plan of Subdivision 4-05080 should be revised to reflect the maximum allowable percentage for multifamily and townhouse dwelling units on the preliminary plan and to delete any variance-related notes.

The revised preliminary plan greatly reduces the number of long cul-de-sac streets, as previously requested. However, there are still alleys, such as in Blocks G, K and R that are cul-de-sac streets and are more than 100 feet long without any special turning treatment that will allow a larger emergency vehicle other than a passenger car to negotiate a turn. A condition of approval should be attached to the preliminary plan to ensure that all dead-end private alleys that are longer than 100 feet have a special turn-around design in accordance with the standards of the Department of Public Works and Transportation.

Two design issues previously raised in the previous memorandum dated May 12, 2006 (Zhang to Chellis) have not fully been addressed as follows:

- A. Section 27-480, General Development Regulations for Comprehensive Design Zones, has a specific provision on the number of townhouses per building group that limits the maximum dwelling units in one building group to six. The subject preliminary plan shows in many places more than six units. For example, in Block W, the longest row of townhouses has 13 lots; in Block KK, LL, the longest row of townhouses has 10 lots; in Block EE, the longest row has 16 lots. HOA space should be provided at appropriate intervals to break the monotonous long row of the townhouse units into smaller groups.
- B. Block W is an isolated pod with 58 lots. The right-of-way width of the road leading to this pod has been reduced to 30 feet and the road has been proposed as a private street. From the internal loop to the public street round-about is more than 1,600 feet. This pod should be redesigned to provide additional parking spaces for visitors and to make sure that any on-street parking will not block emergency access to the pod.

In addition, the comprehensive design plan condition calls for a redesign of this pod to provide a better mixture of housing types (both single-family detached and single-family attached) to provide a good transition between the proposed two over/two models and the existing large lot single-family houses. For this pod, a direct connection to Road S may be easily justified from the Environmental Planning point of view. But parking and emergency access to this site are still a concern.

Access has been a major concern of the review of this site and the connectivity of the site to the existing roadways and to the future and existing adjacent developments, especially to the east of

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the subject site. For the connection to the existing roadways, the proposed connection between Presidential Parkway and the proposed MC 631 is not consistent with the 1994 Master Plan and 2005 Westphalia Comprehensive Concept Plan study, both of which calls for a direct extension of Presidential Parkway to the subject site. For the connection to the adjacent development, the preliminary plan shows two possible connections to the east and one to the west without providing road network information on both sides. The review of all plans of development should ensure that the proposed development is adequately linked to the public road network in the larger Westphalia area.

Basic Plans A-9965/66

The Planning Board approved the rezoning applications (basic plans) for this property on September 29, 2005, and the resolutions (PGCPB No. 05-199/200) were adopted on October 6, 2005. Subsequently, the Zoning Hearing Examiner heard this case on October 7, 2005. On October 26, 2005, the decision of the Zoning Hearing Examiner was filed with the District Council. On February 13, 2006, the District Council approved Basic Plans A-9965 and A-9966 subject to three conditions. The conditions of approval that are pertinent to the review of the Preliminary Plan of Subdivision are listed as follows. The three conditions were identical for both applications. The following is the list of conditions; staff comments have been provided as appropriate to the preliminary plan of subdivision:

The basic plan for Application No. A-9965-C was approved, as amended, 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

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- 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.

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- 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.**

Comment: The proposed preliminary plan conforms to land use types and quantities because the District Council approved a subsequent amendment to the Basic Plan to allow for a total gross floor area of the retail/commercial to be 170,000 square feet.

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**

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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.

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- 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.**

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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.

Note: Zoning Ordinance No. 5-2005 published by the District Council for the approval of A-9966-C does not contain a subpart “J” in this condition and the sequence is from “T” to “K”.

K. At time of preliminary plan of subdivision,

1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.

Comment: This condition is addressed in the Transportation Section of this resolution.

2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

Comment: This condition is addressed in the Historic Section of this resolution.

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

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

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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.

Comment: Conditions L thru O are addressed in the Environmental Section of this resolution

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.

Comment: An appropriate condition is contained in this resolution.

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.”

Comment: An appropriate condition is contained in this resolution.

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.

Comprehensive Design Plan CDP-0501

The Comprehensive Design Plan (CDP) for this property was approved by the Planning Board on February 23, 2006, subject to 30 conditions. The District Council approved the CDP on May 22, 2006. Additional comments are provided where the conditions are not restated elsewhere in this resolution.

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.

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- 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.**

Note: The Notice of Final Decision published by the District Council does not contain a subpart “g” in this condition and the sequence is from “f” to “h”.

- h. Revise the CDP to indicate the following:**

 - (1) The impact of A-66 in the area proposed for Stage I-A, with a determination of right-of-way width and location to be made at the time of preliminary plan.**
 - (2) A secondary external connection shall be provided at the terminus of the cul-de-sac to the north of Ryon Road.**
- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland**

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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;

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- (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.**

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- (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
- (17) Have the plans signed and dated by the qualified professional who prepared them.
- 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.

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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.

Comment: An appropriate condition is contained in this resolution.

3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.

Comment: An appropriate condition is contained in this resolution.

4. At time of preliminary plan of subdivision, the applicant shall:

- a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
- b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**
- c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**
- d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

Comments: Conditions a through d are addressed in the Environmental Section of this resolution.

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- 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.

Comment: This condition is addressed in the Historic Section of this resolution, and appropriate conditions are contained in this resolution.

- 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.

Comment: This condition is addressed in the Environmental Section of this resolution.

- 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.

Comment: This condition is addressed in the Trails Section of this resolution. A trails map has been required prior to signature approval of the preliminary plan, after the certificate of the CDP occurs.

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.

Comment: This condition is addressed in the Transportation Section of this resolution.

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- 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.**

Comment: Melwood Road along the east side of C-632 is to be retained as a pedestrian connection.

- 7. Prior to acceptance of the applicable SDPs,**

- a. The following shall be shown on or submitted with the plans:**

- (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
- (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.**

- 8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.**

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

- a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.**
- b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.**
- c. The design of the condominiums and parking garage to maximize the application of solar energy.**
- d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian**

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network map connecting all major destinations and open spaces shall be submitted with the first SDP.

e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that

(1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;

(2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;

(3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;

f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.

g. A trailhead facility for the Cabin Branch Trail.

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

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

10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:

a. \$100,000.00 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.

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b. \$200,000.00 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.

c. \$200,000.00 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.

d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.

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

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

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<u>PHASING OF AMENITIES</u>		
<u>FACILITY</u>	<u>BOND</u>	<u>FINISH CONSTRUCTION</u>
<u>Central Park-Passive Areas</u>	<u>Prior to the issuance of any building permits</u>	<u>Complete by 300th building permit overall</u>
<u>Private Recreation center Outdoor recreation facilities</u>	<u>Prior to the issuance of the 200th building permit overall</u>	<u>Complete by 400th building permit overall</u>
<u>Central Park-Public Facilities</u>	<u>Prior to the issuance of the 400th permit overall</u>	<u>To be determined with the applicable SDP for central park</u>
<u>Pocket Parks (including Playgrounds) within each phase</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>Trail system Within each phase</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</u>		

12. All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.
13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.
14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.

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- 15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.**

Comment: Appropriate conditions are contained in this resolution to address Conditions 14 and 15 of CDP-0501.

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

R-M ZONE

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

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

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

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

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

R-M MRD

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

***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.**

Comment: The preliminary plan must be revised to demonstrate conformance with all of the conditions of the CDP prior to signature approval. The preliminary plan is in general conformance with the design standards approved on May 22, 2006, except the dwelling unit type allowable percentages.

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.

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This level of noise is above the Maryland-designated acceptable noise level for residential uses.”

Comment: An appropriate condition is contained in this resolution.

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

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

Comment: An appropriate condition is contained in the resolution.

20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A” dated 6/07/06.

Comment: The preliminary plan should be revised to conform to DPR Exhibit A.

21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:

- a. **An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.**
- b. **M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**
- c. **The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- d. **The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General**

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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.

Comment: The applicant has proposed stormwater management on land to be conveyed to M-NCPPC as delineated on DPR Exhibit A (6/7/06), and the SWM should be removed in accordance with this condition. DPR has not granted authorization to the applicant to place SWM on proposed parkland, with the exception of the central park lake.

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 administered by DPR. The applicant may make a contribution

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into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

- 23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for Westphalia Area by the District Council whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**
- 24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

Comment: An appropriate condition is contained in this resolution.

- 25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.**
- 26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor areas in the L-A-C Zone shall be constructed.**
- 27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.**
- 28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.**

Comment: An appropriate condition is contained in this resolution.

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

Comment: An appropriate condition is contained in this resolution.

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30. At the time of Preliminary Plan approval, 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, including but not limit to, designating it as Other Public Road and putting up signage such as "Local Traffic Only."

Comment: The preliminary plan proposed two cul-de-sac streets to serve these residences. It is not clear if these roads are public or private. Staff is recommending that DPW&T approve these streets prior to signature approval and the preliminary plan be revised to clearly label these rights-of-way.

Landscape Manual

The application is subject to provisions of the *Landscape Manual*. The subject site's compliance with the requirements of other sections such as Section 4.1, Residential Requirements, and Section 4.3, Parking Lot Requirements, will be reviewed by the Urban Design Section at time of SDP approval when the detailed landscaping information becomes available.

The approved basic plans (Condition 3) and comprehensive design plan (Condition 30) have a specific condition to require the technical staff to review, evaluate and determine a bufferyard between the proposed development and the adjacent existing subdivisions at time of SDP approval. The subject site is also subject to Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*. Thus, the subdivision review should make sure that enough space has been preserved along the boundary area adjacent to the existing subdivisions to allow a bufferyards to be installed in the future without encumbering each individual lot. The SDPs should maintain substantial conformance with the approved preliminary plan of subdivision.

Other Design Issues

Prior to signature approval, the preliminary plan should be revised to address the following issues:

- a. The Preliminary Plan shows a wide application of private alleys. Pursuant to Section 24-128, Private Roads and Easements, the minimum width of private alleys is allowed at 18 feet. The applicant has proposed 20-foot-wide alleys, and will be provided at this width. But many alleys are cul-de-sac streets and are more than 100 feet long without any special turning treatment that will allow an emergency vehicle larger than a passenger car to negotiate a turn.
- b. The approved basic plans and comprehensive design plan call for the preservation of the existing Melwood Road to the extent possible. The preliminary plan shows that part of the Melwood Road will be preserved as a pedestrian/trail path.

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- c. The approved CDP has two conditions that prescribe development standards for the proposed development in the regular R-M Zone and in the R-M Mixed Retirement Development Section.
- d. At time of CDP review, the applicant requested 170,000 square feet for the L-A-C Center and provided additional amenities to justify the requested increase. However, Condition 1 of Basic Plan A-9966-C for the L-A-C Zone permits no more than 140,000 square feet of commercial development for Smith Home Farm. The comprehensive design plan, therefore, approves a density increment of 50.2 percent, or 46,782 square feet for a maximum of 140,000 square feet of commercial use in the L-A-C Zone.
5. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, received on May 25, 2006. The Environmental Planning Section recommends approval of 4-05080 and TCPI/38/05-01 subject to conditions.

Background

The Environmental Planning Section previously reviewed this property as an application for a water and sewer system area change request, 04/W-10. This property was also reviewed as an application for rezoning from R-A to R-M and L-A-C, A-9965 and A-9966, and as Comprehensive Design Plan CDP-0501 and TCPI/38/05, which were all approved with conditions. The CDP has not yet been certified.

Site Description

The site is approximately 20 percent wooded with a mixture of mature hardwood forests, coniferous forests, and forests that contain a mixture of the two. Fields currently used for agricultural production dominate the remaining area. This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. Other than TCPI/38/05, there are no previously approved tree conservation plans or exemptions. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafra and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Mellwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program.

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Previous Conditions of Approval

The text below in **bold** is the text from the approved conditions for the basic plan. The plain text provides a discussion of how the current plans meet the approved conditions.

A-9965 and A-9966

2.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 ponds within the regulated areas.

The TCPI and preliminary plan show several road crossings that are not perpendicular to the streams. Impacts are discussed further in the Environmental Review section of this memo. The road configuration associated with impacts K and L are consistent with Preliminary decisions made by the District Council regarding the Westphalia Master Plan.

The roads associated with crossings A and B are configured in such a way that the impacts are increased over previous designs. To provide access to these two pods for development, two stream crossings are necessary. The eastern pod has a sanitary sewer connection to the trunk line to the south, which causes a stream impact in this area. This is where the road connection to this pod should occur. A previous design for road crossing A showed a perpendicular crossing in this location.

The TCPI shows at least two ponds impacting the regulated area of the site. Stormwater management pond 10 and an unidentified pond, both on sheet 5, have been designed with significant impacts to the PMA. As noted below, the TCPI and preliminary plan should be revised to redesign these and all ponds with no impacts to any regulated area, except for the impacts associated with the necessary pond outfalls.

Many other revisions are required with regard to the proposed ponds. The TCPI shows unidentified ponds, such as the one shown on sheet 5, and the pond near preservation area P on sheet 8. Some of the ponds show footprints that are inconsistent with the proposed grading. This includes ponds 10 and 17, which show the footprints for large ponds, but only shows grading for much smaller ponds. Other ponds that are shown do not show any grading at all. This includes ponds 1, 4, 6, 8, 9, 11, and 19 among several other proposed ponds that are not identified by a number.

Road crossings A and B should be revised to make crossing A perpendicular to the stream and crossing B should be relocated and combined with the stream impact for the sanitary sewer connection and should also be designed to be perpendicular to the stream.

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

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This condition has been addressed. The worksheet correctly calculates the woodland conservation threshold in accordance with the above condition. According to the TCPI worksheet, it appears as though the threshold has been met on-site; however, it is not clear how approximately ten acres of land previously shown as floodplain is shown on the most recent worksheet to be outside the floodplain. This recent change results in a higher threshold amount than shown on previous worksheets. These numbers need additional analysis and explanation as detailed in the Environmental Review section below.

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

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

This condition has been addressed.

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

This condition has been addressed on the plans currently under review. All previous submissions showed woodland conservation on lots that are too small to support conservation and development. Because so many previous submissions showed the conservation on lots, it is appropriate to provide a condition to ensure that all future submissions also address this issue appropriately. All tree conservation plans should not show woodland conservation on any single-family residential detached or attached lot.

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

Comment: An appropriate condition is contained in this resolution.

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

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

Comment: An appropriate condition is contained in this resolution.

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CDP-0501 and TCPI/38/05

The CDP for this site contains numerous environmental conditions of approval that relate to the current application. The text below in **bold** is the text from the Planning Board's approved conditions for the CDP. The plain text below provides a discussion of how the preliminary plan addresses the conditions of approval contained in PBPGC Resolution No. 06-56.

Prior to signature approval of the preliminary plan, all plans will be evaluated for conformance with the final decision of the District Council on the CDP approval and all conditions associated with the District Council's final decision shall be addressed.

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

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.

This condition has not been fully addressed. The first stream corridor assessment (SCA) that was submitted only covered the northern portion of the site. A new SCA has been submitted that covers the entire site.

Submitted with the SCA was a list of proposed project sites with expenditures for each proposed project. The list does not indicate in detail where these project sites would be located and there was no map to identify these areas. Based on the location description and review of the SCA report, it appears that there are several areas that are more in need of restoration than the areas described in the report. It does not appear that some of the most degraded areas of the site have been included in this evaluation.

The applicant requested that this issue be addressed at time of SDP review and has committed to providing a separate specific design plan that will contain all of the stream areas and show how the most critical areas will be restored. This SDP will need to address the timing and placement of the restoration in relation to the other development proposed on the site and the site work will need to be phased. The plan must be developed prior to the development of the first phase of the project, so that the timing of the restoration is appropriate. Because the stream restoration work will include areas within the central park area of the site, the SDP for stream restoration should be coordinated with the SDP for the central park. This does not mean that the stream restoration SDP cannot move forward until the SDP for the central park area is completed.

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Prior to the Planning Board hearing for the SDP for the first phase of development, excluding the SDP that is currently under review for infrastructure (SDP-0506), the SDP for stream restoration should have received certificate approval. The SDP for stream restoration should be coordinated with the design of the central park area and the timing of restoration in this area should be compatible with the development of the park. The stream restoration plan should consider the stormwater management facilities proposed and should include all adjacent lots or parcels where grading will occur. It will address all of the stream systems on the site and should provide a detailed phasing schedule that is coordinated with the phases of development of the site. It should be developed using engineering methods that ensure that the future development of the site, and the addition of large expanses of impervious surfaces, do not adversely affect the stream systems on-site and off-site.

1d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.

This condition has not been fully addressed on the TCPI. The TCPI shows one area on Sheet 9 near woodland preservation area Z where the PMA is shown incorrectly because the 50-foot stream buffer in that area was not included in the PMA. All sensitive environmental features in accordance with the NRI must be shown on the plan.

An additional issue arose with the latest submission of the TCPI. The amount of woodland in the 100-year floodplain has been reduced by approximately ten acres. It is not possible to determine where this change occurred; however, it potentially impacts the natural resource inventory and the TCPI calculations for woodland conservation.

Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) should be delineated clearly and correctly on all plans in conformance with the staff-signed NRI. A written explanation should be provided regarding how the floodplain woodland acreage was reduced by approximately ten acres from previous submissions. The text shall be accompanied by a plan at 1 inch = 300 feet scale that shows where the floodplain woodland limits changed. The NRI should be revised as appropriate to reflect the changes.

1j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.

This condition has been addressed.

1n. Revise the Type I Tree Conservation Plan (TCP I) as follows:

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- (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 has been addressed on the TCPI submitted with this application.

- (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.”**

This condition has been addressed on the TCPI submitted with this application.

- (3) No woodland conservation shall be provided on any residential lots;**

This condition has been addressed on the TCPI submitted with this application.

- (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**

This condition has been addressed.

- (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.”**

This condition has been addressed.

- (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;**

This condition has been addressed.

- (7) Clearly show the limits of each proposed afforestation/reforestation areas by using a different symbol;**

This condition has been addressed.

- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;**

This condition has been addressed.

- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;**

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This condition has been addressed; however, the TCPI shows afforestation in areas where existing woodland is to remain. These areas should be revised to show woodland afforestation outside areas where existing woodland already exists. The existing woodland may be counted as preservation if the additional afforestation results in the area meeting the minimum size requirements for woodland conservation.

Prior to signature approval of the preliminary plan, the TCPI should be revised to eliminate woodland afforestation/reforestation where existing woodland already exists.

(10) Eliminate all woodland conservation areas less than 35 feet wide;

This condition has been addressed.

(11) Identify all off-site clearing areas with a separate label showing the acreage for each;

This condition has been addressed.

(12) Show all lot lines of all proposed lots;

This condition has been addressed; however, all lots and parcel are not identified on the TCPI. Sheet 8 shows all lots without the proper lot identification. Prior to signature approval of the preliminary plan, the TCPI should be revised to show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan. The lot and parcel numbers should match the preliminary plan.

(13) Show clearing only for those areas that are necessary for development;

This condition has not been addressed. The plan shows several areas with proposed clearing where no development is proposed, such as the area proposed for clearing on Parcel 9 of Sheet 2, and it shows disturbed areas that are not necessary for development, such as the area around the historic site. Although at a minimum the woodland conservation threshold must be met on site, the plan should exhaust every opportunity to meet the full requirement on-site and the plans should not show any area to be disturbed without showing what development is proposed in that area, if any.

Prior to signature approval of the preliminary plan, the TCPI should be revised to show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance should be shown.

(14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;

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This condition has been addressed.

(15) Revise the TCPI worksheet as necessary;

The worksheet requires revisions to be in conformance with the Woodland Conservation Ordinance and the previously approved conditions. This condition is addressed in the Environmental Review section below.

(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 (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.**
- (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the**

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owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

This condition has been addressed.

(17) Have the plans signed and dated by the qualified professional who prepared them.

This condition has been addressed.

4a. At time of preliminary plan of subdivision, the applicant shall submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.

This condition has been addressed. The areas of Marlboro clay on this site are generally limited to areas that are otherwise regulated and will not be disturbed for the development of buildings. Where the layer is close to buildings, the issue has been addressed (see below). Some areas of Marlboro clay will likely be disturbed for the stream restoration projects and these will be evaluated with the SDP for stream restoration.

4b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.

This condition is discussed above in condition 2L of the basic plan.

4c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.

This condition has been addressed. The plans show the mitigated 1.5 safety factor line, designated as "SSL" on the plans. The preliminary plan and TCPI do not show proposed structures, so it is not possible to determine if all structures will be outside the 1.5 safety factor line or impacts by a 25-foot BRL. A condition is recommended to address this previous condition on future plans.

The SDPs and Type II tree conservation plans should show the 1.5 safety factor line and a 25-foot building restriction line in relation to all proposed structures. The final plat should show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines should be reviewed and approved by the

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M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat should contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

4d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.

This condition has been addressed.

4f. 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.

This condition should be addressed at the time of specific design plan. It should be noted that the Maryland Department of the Environment has stated that the stream restoration may not be allowed to be counted toward mitigation requirements. See condition 1b above and the recommended condition.

17. The following note shall be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

This condition will be carried over to this preliminary plan application. The noise contours associated with Andrews Air Force Base have not been shown on the plans.

The following note should be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI should be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.

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

This condition is standard when the design of the site has been finalized and there is no indication from state and federal review agencies that the impacts proposed will be problematic. At this time, the US Army Corps of Engineers and the Maryland Department of the Environment have expressed concerns about the impacts shown and have identified some of the road crossings as impacts they will not support at time of permit issuance. This raises concerns about proceeding with the approval and platting of land in a manner that could cause problems with the required approvals of state and federal agencies. As a result of the lack of certainty at this time regarding the future approvals of state and federal agencies, staff is recommending a condition that prohibits the platting of land until the final layout of the road network and development pods has been determined.

Prior to the approval of final plats by the Planning Board, written confirmation should be provided from the US Army Corps of Engineers and the Maryland Department of the Environment providing guidance on the road network and development pod layout and the associated areas of proposed impacts.

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

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

This condition will be carried over to this preliminary plan application and should be modified to address other potential residential areas. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis should be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

Environmental Review

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved conceptual Type I Tree Conservation Plan (TCPI/38/05) that was approved with conditions as part of Conceptual Design Plan CDP-0501. A Type I Tree Conservation Plan (TCPI/38/05-01) was submitted with the preliminary plan application.

The Type I Tree Conservation Plan, TCPI/38/05-01, has been reviewed and was found to require revisions. The worksheet states that the site has a gross acreage of 758.77 acres, of which 109.34 is within the 100-year floodplain. According to the worksheet, the site contains 145.84 acres of

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woodland on the net tract and 26.12 acres of woodland in the floodplain. As discussed above, this is a change from previous submissions and the drop in the amount of woodland in the floodplain needs to be verified. The woodland conservation threshold has been correctly calculated at 159.52 acres because the site has a mandatory 25 percent threshold requirement due to a previous condition of approval.

The sheet layout for the TCPI and preliminary plan are different. The TCPI must be revised so that all plans show the same sheet configuration. Having a different configuration adds significantly to the review time. The sheet sections of future SDPs and the TCPII should also be similar. It appears likely that the proposed project will be done in phases. At the time of SDP the TCPII should show a phased worksheet for each phase of development.

Revisions to the symbols shown on the TCPI are required. The background shading for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted is not necessary and it makes other symbols within these areas, such as the existing contours, unreadable. The background shading for these symbols should be removed and the hatching kept for each symbol. The font identifying the existing contour elevations is too small to be legible. Revise the font so that the numbers are more readable.

The limit of disturbance (LOD) for Clearing Area 11 (Sheet 11) does not reflect the area shown as cleared. The LOD should be revised to accurately reflect the area to be disturbed for the proposed structure. There are several areas proposed for afforestation where woodland already exists, such as areas 2, 4, and 5 on Sheet 3. Where woodland already exists, proposed afforestation should be eliminated. Woodland areas adjacent to the afforestation areas may be counted as preservation if the afforestation brings the area into conformance with the size requirements for a conservation area. The TCPI also shows afforestation within the right-of-way of Melwood Road, an existing road to be preserved as a rural roadway and greenway in accordance with the Westphalia Master Plan. Afforestation within this area should be eliminated.

There are several areas where the LOD is close to the PMA such that it appears that there will be disturbance within the PMA. There should be a clear distinction between the LOD and the PMA boundary. With the exception of approved impacts, the PMA should be revised so that no portion of the LOD encumbers the PMA.

Staff recommended a number of revisions to the Type I tree conservation plan, as contained in the conditions section of this resolution. At the time of the specific design plan, the TCPII should contain a phased worksheet for each phase of development and the sheet layout of the TCPII should be the same as the SDP for all phases. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01).

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)10 of the Subdivision Ordinance, which defines the Patuxent River primary

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management area (PMA), and Section 24-130(b)(5) of the Subdivision Ordinance, which provides for the protection of streams and the associated buffers comprising the PMA. The PMA is required to be preserved to the fullest extent possible.

It should be noted that staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. If impacts cannot be avoided for essential development activities such as road crossings and the installation of public utilities, then a letter of justification is required at the time of preliminary plan submittal.

The TCPI shows multiple (43) impacts to the PMA for the installation of road crossings, sewer outfalls, stormwater outfalls and trail crossings, which are necessary for development. The plan also shows impacts associated with stormwater management ponds, road grading, and grading for areas where no development is proposed. These types of impacts are not supported.

A letter of justification was received on May 25, 2006, for the total of 43 impacts. Some of the road crossings as shown on the TCPI can be minimized further to exclude areas graded for residential lots. There are also impacts that can be minimized by relocating structures to the location of other nearby proposed impacts.

The letter of justification states that "...the impacts to the PMA will not be detrimental to the environment since the greatest possible effort has been made to prevent adverse impacts with the use of "Con-Span" or "Bridge-Tek" bridges where appropriate to facilitate maximum restoration of the natural stream system." A plan has not been provided showing where this bridge type will be used and how it serves to reduce the impacts to the PMA. No text was provided making a commitment to the use of this type of crossing. A detail showing the type of structures proposed was not provided and this type of crossing was not previously discussed. It is not clear from the description whether or not these types of crossings can be constructed in the limits of disturbance shown on the plans. A revised letter of justification is need to explain how these structures reduce impacts and provide a detail showing the types of crossings proposed and their proposed locations. The plan should be revised to realistically show the LOD at all road crossings with the proposed bridge design.

As previously discussed, the TCPI shows some stormwater management ponds with no identification, no associated outfall, footprints inconsistent with the proposed grading; some ponds show no conceptual grading at all and some show no footprint or grading.

Sheet 6 of the TCPI shows a symbol to the east of the trail crossing of the stream (Impact 2) that is not in the legend and does not have a limit of disturbance associated with it and should be removed from the plans.

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The TCPI shows several PMA impacts not part of the variation request and not necessary for development. These impacts should also be eliminated.

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The following is a summary of the proposed PMA impacts for road crossings and associated grading.

<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>A</u>	<u>This impact is necessary for access to an isolated area. The impact area can be minimized by eliminating the roundabout and making the road more perpendicular to the stream.</u>	<u>24,394 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>B</u>	<u>This impact is necessary for access to an isolated area. The plan shows an adjacent stream crossing where the installation of a sewer line is proposed. Impact B impact should be relocated to the same location as the proposed sewer line, minimizing both impacts to the fullest extent possible.</u>	<u>28,750 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>C</u>	<u>This impact is necessary for access to an isolated area. The impact as designed results in disturbance to areas where no development is proposed. Narrowing the area to be disturbed can minimize this impact further.</u>	<u>33,106 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>D</u>	<u>This impact is necessary to provide access to the community center from a master plan collector. The impact has been minimized to the fullest extent possible.</u>	<u>14,375 square feet</u>	<u>Supported</u>
<u>E</u>	<u>This impact is for the crossing of the stream to connect to a collector roadway. If the collector (C-627) were moved to the east, impact E would be reduced and impact V would be eliminated.</u>	<u>60,984 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>F</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>	<u>40,075 square feet</u>	<u>Supported</u>
<u>G</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>	<u>36,590 square feet</u>	<u>Supported</u>
<u>H</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-632).</u>	<u>85,813 square feet</u>	<u>Supported</u>
<u>I</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>	<u>67,082 square feet</u>	<u>Supported</u>

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<u>J</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631). The exhibit shows unnecessary grading into a wetland for an area not associated with the stream crossing. Disturbance to this area should be eliminated.</u>	<u>87,557 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>K and L</u>	<u>These impacts are associated with two stream crossings for a Master Plan collector (C-631).</u>	<u>124,146 square feet</u>	<u>Supported</u>
<u>M</u>	<u>This impact is necessary for a road crossing for an internal street. The exhibit also shows impacts associated with an outfall for stormwater management pond 7 which appears to be designed to be in the same location as a building (see the grading on sheet 8 of the TCPI). The additional grading in the PMA for the pond should be eliminated and the outfall should be relocated farther south to minimize the impacts to the fullest extent possible.</u>	<u>38,768 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>N</u>	<u>This impact is for a crossing to connect the eastern and western portions of the site. This impact can be minimized by eliminating the adjacent grading west of Lots 5 and 6.</u>	<u>30,928 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>N1</u>	<u>This impact was not requested in the letter of justification. It is needed to connect to the site to the north in this location, in conformance with the master plan. It will be located in the vicinity of "Private Road DD" and will extend from Road C north to the edge of the property.</u>	<u>unknown</u>	<u>Supported with a condition for a design that preserves the PMA to the fullest extent possible</u>
<u>O</u>	<u>This impact is necessary to provide access to an isolated portion of the site.</u>	<u>23,958 square feet</u>	<u>Supported</u>
<u>P</u>	<u>This impact is necessary for provide access to an isolated portion of the site.</u>	<u>17,424 square feet</u>	<u>Supported</u>
<u>Q, R, T, U</u>	<u>These impacts are for grading associated with roadways and are not necessary for the development of the site. These impacts can be completely avoided through a minor redesign of the road network.</u>	<u>27,443 square feet</u>	<u>Not supported</u>

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Thirteen impacts associated with stormwater management were requested in the letter of justification. Below is a summary of the impacts requested in the current application. It should be noted that most of the impacts requested are for stormwater management pond outfalls and that the master plan recommends that stormwater be handled without the use of ponds. It should also be noted that the exhibits for the stormwater impacts do not show proposed grading and as such may not reflect the required areas of disturbance associated with the requested impacts.

<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>1</u>	<u>This impact is necessary for a stormwater outfall. Eliminating the secondary impact for grading that is not associated with the outfall will minimize this impact.</u>	<u>436 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>2, 4-6, 8-11, and 13</u>	<u>These impacts are necessary for an outfall to provide safe conveyance of stormwater runoff to the stream. The impacts have been minimized to the fullest extent possible. Note that Impact 10 shows an impact to the PMA for pond grading that was not requested and is not supported.</u>	<u>7,840 square feet</u>	<u>Supported</u>
<u>3</u>	<u>This impact is located in the same area as impact K, which staff does not support. If any revisions are required with regard to the relocation of the road, the pond shall be redesigned and the associated impacts shall be minimized to the fullest extent possible.</u>	<u>1,307 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>7</u>	<u>Redesigning the pond and relocating the stormwater outfall to the area where Road X crosses the stream could minimize this impact. The stream crossing (Impact A) is recommended to be redesigned. As part of that redesign, Impact 7 for the pond outfall should be reevaluated.</u>	<u>1,306 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>12</u>	<u>The pond outfall is shown north of a proposed road crossing. Combining the two areas of impact will reduce this impact.</u>	<u>2,004 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>

Eight impacts associated with sanitary sewer line connections were requested in the letter of justification. An existing WSSC sewer right-of-way exists on the property. Below is a summary of the impacts requested in the current application.

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<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>1, 2, 5-8</u>	<u>These impacts are necessary to connect to an existing sewer line within the stream valley. The impact has been minimized to the fullest extent possible.</u>	<u>17,380 square feet</u>	<u>Supported</u>
<u>3</u>	<u>This impact is for a sanitary sewer connection from one part of the residential portion of the site to the another. A road crossing is proposed 300 feet to the south. Because the conceptual grading provided does not reflect the actual grading to be conducted on the site, it is not possible for staff to evaluate whether or not moving the sanitary sewer crossing to the south is feasible. The letter of justification does not discuss whether this design was considered. This redesign should be evaluated further in a revised letter of justification.</u>	<u>1,699 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>4</u>	<u>This impact is necessary to connect to an existing sewer line within the stream valley.</u>	<u>1,307 square feet</u>	<u>Supported</u>

Eight impacts associated with trail crossings were requested in the letter of justification. Neither the TCPI nor letter of justification states what types of surface are proposed for the trails. Trails with a natural surface can be field located to avoid trees; trails with hard surfaces may require extensive grading to cross steep slopes of the PMA. The trails as shown on the TCPI are not readable because the shading is too light and too similar to other symbols. The symbol should be revised to change weight of the shading so that is readable when reproduced in black and white. Below is a summary of the impacts requested in the current application.

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<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>1</u>	<u>This impact consists of two trail crossings; a 6-foot-wide crossing and a 10-foot-wide crossing that both connect to the same general area north of the stream valley. The 6-foot-wide crossing is associated with a proposed impact for a sewer line (Impact 8). The 10-foot-wide crossing uses an existing stream crossing. One of the two stream crossings for the trail can be eliminated through the use of another impact that is not shown on Exhibit 1 (sanitary sewer Impact 1). The trail configuration in this area must be revised to reduce impacts.</u>	<u>9,640 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>2, 3, 5, 6, and 7</u>	<u>These impacts are for 6-foot and 10-foot-wide trail crossings. They are located at existing stream crossings and have been minimized to the fullest extent possible.</u>	<u>13,092 square feet</u>	<u>Supported</u>
<u>4</u>	<u>This impact is for a 10-foot-wide trail crossing and has been minimized to the fullest extent possible.</u>	<u>1,464 square feet</u>	<u>Supported</u>

No part of the Patuxent River primary management area should be placed on any single-family detached or attached lot. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan should be revised to eliminate all impacts not essential to the overall development of the site such as impacts for the construction of lots, adjacent road grading not associated with road crossings, and stormwater management ponds.

Prior to signature approval of the preliminary plan, the preliminary plan and TCPI should be revised to reduce the impacts associated with impacts for road crossings identified on exhibits A, B, C, E, J, M, N, and N1; for stormwater management identified on exhibits 1, 3, 7, 12; and the sanitary sewer connection identified on exhibit 3; and a trail crossing identified on exhibit 1. Impacts identified on exhibits Q, R, T and U for road impacts should be eliminated. The required redesigns may result in a loss of lots.

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

Prior to signature approval of the preliminary plan, the letter of justification should be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the “Con-Span” or “Bridge-Tek” bridges;” to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a

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discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI should be revised as necessary to show where the bridge structures will be used.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River PMA and all adjacent areas of preservation and afforestation/reforestation except for areas of approved impacts, and should be reviewed by the Environmental Planning Section prior to approval of the final plat.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits adjacent to the area of afforestation. The easement language for PMA protection has been modified to include the afforestation areas.

All afforestation/reforestation and associated fencing should be installed prior to the issuance of the building permits adjacent to the afforestation/reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

A stormwater concept plan was submitted; however, it is not an approved plan. A copy of the concept approval letter was submitted that contains multiple conditions of approval. These conditions are not addressed on the plans as submitted. The conditions of approval may result in a significant redesign of the site.

Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan should be submitted. All conditions contained in the concept approval letter should be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan should be revised to conform to the Planning Board's approval.

The Environmental Planning Section recommends approval of 4-05080 and TCPI/38/05-01 subject to conditions.

Water and Sewer Categories

Pursuant to CR-7-2006, approved by the County Council on February 28, 2006, the water and sewer service categories are W-4 and S-4. The property will be served by public systems.

6. **Community Planning**—These following findings update the previous memorandum on this application dated February 27, 2006.

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The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The application conforms to the land use recommendations in the 1994 Melwood-Westphalia Master Plan and the 2005 Westphalia Comprehensive Concept Plan (WCCP) for residential and commercial development in the R-M and L-A-C Comprehensive Design Zones, as approved by zoning applications A-9965 and A-9966 and comprehensive design plan CDP-0501.

The application conforms to the mixed residential and commercial land use recommendations in the 2006 preliminary Westphalia Sector Plan and SMA.

A determination of the application's conformity to the infrastructure element of the 2006 preliminary Westphalia Sector Plan/SMA (environmental infrastructure, transportation systems, public facilities and parks and recreation) cannot be determined at this time because the analysis recommended in the WCCP and preliminary plan has not been completed.

GENERAL PLAN, MASTER PLAN AND SMA

A 2006 preliminary Westphalia Sector Plan and SMA were published in April 2006 reflecting the planning concepts of the 2005 WCCP study. A public hearing on the sector plan/SMA was held on May 23, 2006, and it is anticipated that the District Council will approve the plan/SMA in fall 2006.

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<u>2002 General Plan Designations</u>	<u>Westphalia Sector Plan/SMA Recommendations</u>
<u>Developing Tier</u> - a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable The General Plan also designates	
A Corridor (MD 4) and a possible future center to the south of the subject site	General Plan Community Center or higher designation for the proposed Westphalia town center area
<u>1994 Melwood-Westphalia Master Plan and SMA</u>	<u>2006 Preliminary Westphalia Sector Plan/SMA Recommendations</u>
<u>Planning Area/Community—</u> PA 78 / Westphalia Planned Community	
<u>Land Use—</u> The subject site is located in the northern part of an area recommended for development of a planned residential community of various densities and different housing types. A core community activity center area is recommended to the south of this property near MD 4. The residential densities recommended for the planned community range from the minimum 0.5 dwelling unit per acre to the maximum 7.9 dwelling units per acre; higher densities are anticipated in the core activity center. The overall density of residential development is intended to decrease as the distance from the activity center at the core of the planned community increases.	A low-density residential land use, mixed residential and commercial uses in a village center and on the fringe and edge of the proposed Westphalia town center core, and public and private open space
<u>Environmental -</u> The subject property. Portions of the subject property are identified as a natural reserve area, which are areas that either (1) exhibit physical features that present severe constraints to development, or (2) are important to sensitive ecological systems. The master plan recommends preserving these areas in their natural state.	There are streams, regulated areas evaluation areas, and network gaps on this site, as defined in the 2005 Countywide Green Infrastructure Plan

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<p>Historic Resources <u>No historic sites or resources were identified.</u> <u>However, Blythewood (78-013) has subsequently been designated as a historic site on this property.</u></p>	<p><u>Blythewood identified as historic site 78-013</u></p>
<p>Transportation - <u>Access to and from the subject property will be via Westphalia Road (C-626), which the master plan recommends be upgraded to a four-lane collector roadway between Ritchie-Marlboro Road (A-39) and Suitland Parkway (F-7) via proposed road A-67. A number of new collector and primary roads are proposed across this site to serve development of the new planned community: C-627, C-631, C-632, and P-612.</u></p>	<p><u>Recommends a revised road road network, based on the 2005 WCCP study; proposed new roads are MC-631, MC-632, MC-635, P-615, and P-616. The applicant has proposed to relocate P-612 to this site.</u></p>
<p>Public Facilities – <u>No master plan public facilities are indicated on this site.</u></p>	<p><u>Does not show any master plan public facilities on this site. However, the applicant has proposed to relocate an elementary school on the southeast portion of the site for a site farther south.</u></p>
<p>Parks and Trails – <u>The master plan map indicates a floating symbol for a large community park on the northern portion of this site and stream valley park along Cabin Branch on the south part of the site. Trails or bikeways are proposed along the Cabin Branch stream valley, along existing Melwood Road, and along the proposed collector roads.</u></p>	<p><u>Recommends a number of park facilities on this site: the Cabin Branch Greenway, a central park including a community center, expansion of the Westphalia Estates Neighborhood Park, and the Melwood Greenway Trail.</u></p>
<p>SMA/Zoning - <u>Retained in the R-A Zone. On February 13, 2006, the District Council approved two rezoning applications for the subject property: (1) A-9965-C for the R-M Zone on 727 acres, and (2) A-9966-C for the L-A-C Zone on 30 acres. On May 22, 2006, the District Council voted to approve comprehensive design plan application CDP-0501-C for the subject property. Together, these applications propose development of 3,648 dwelling units in a variety of types and 170,000 square feet of commercial development.</u></p>	<p><u>Proposes to retain the existing R-M and L-A-C Zones</u></p>

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PLANNING ISSUES

2005 Westphalia Comprehensive Concept Plan

The approved zoning cases and comprehensive design plan for the L-A-C and R-M Zones on this property are based on a comprehensive planning study, the Westphalia Comprehensive Concept Plan (WCCP), which further examined the recommendations of the 1994 Melwood-Westphalia Master Plan and the 2002 General Plan for this area. This study further refined the planned community concept specifically advocated by the master plan for this area and by the general plan for large properties in the Developed Tier. The WCCP study calls for primarily residential use of various densities with a mixed-use retail center and a central park on the subject site that serves the entire Westphalia area. Preliminary Plan of Subdivision 4-05080 should be evaluated based primarily on the findings and conditions of the approved comprehensive design zone applications (A-9965 and A-9966) and the approved comprehensive design plan (CDP-0501), which establish the maximum and minimum land use types, quantities and relationships and the conceptual site design for this site.

The 2005 Westphalia Comprehensive Concept Plan (WCCP) study addressed the numerous key issues, hopes and concerns identified during the planning process that are now being addressed in the 2006 preliminary Westphalia Sector Plan and SMA.

2006 Preliminary Westphalia Sector Plan and SMA

The 2006 preliminary Westphalia Sector Plan and SMA was initiated in January 2006 for the area encompassing this application and is intended to translate the recommendations of the WCCP into a preliminary sector plan and SMA for public hearings, evaluation and approval by the Planning Board and the District Council. It has been produced on an accelerated schedule in order to enable review by the County Council for approval prior to the end of the current legislative term. A public hearing on the preliminary sector plan/SMA was held on May 23, 2006. It is anticipated that the Planning Board will transmit a recommended plan to the District Council during the summer for final action by the Council in fall 2006.

A consequence of the accelerated processing schedule is that many of the analyses referenced in the WCCP study are still ongoing or remain to be completed while the master plan is being publicly reviewed and as development applications such as this one are being processed. Key analysis regarding the second round of transportation studies to assess peak-hour traffic capacity, special level of service and road design standards for the Westphalia area, identification of roads and facilities in existing communities that need to be upgraded, and finalization of a public amenities and fair share contribution package (all referenced in the WCCP study) are either in progress in conjunction with the master plan or remain to be done.

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This application is partially based on the 2005 WCCP's planned community recommended in the 1994 master plan, albeit at approximately twice the density anticipated by the 1994 master plan. Until the additional studies recommended by the WCCP are completed, it is premature to specify the additional criteria that should apply to this application being processed in advance of completing the sector plan.

7. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements of the Basic Plans A-9965 and A-9966, Comprehensive Design Plan CDP-0501, and the recommendations of the approved Prince George's County General Plan, approved Master Plan and Sectional Map Amendment for the Melwood-Westphalia Planning Area, and the current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The Basic Plan 9965 and 66 Conditions 1h, 2, 3, 6 and 7 State:

- 1h. Provide multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Parks and Recreation Facilities Guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.
2. At the time of preliminary plan of subdivision, the applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch stream valley to M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the Department of Parks and Recreation (DPR). The applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to M-NCPPC, at the time of comprehensive design plan. The acreage may be provided on-site or off-site and shall conform to the final Westphalia Comprehensive Concept Plan. CDP. The need for additional acreage of parkland shall be determined by DPR and the Development Review Division prior to approval of the comprehensive design plan.
3. The land to be conveyed to M-NCPPC shall be subject to the conditions of attached Exhibit "B."
6. The applicant shall construct recreational facilities on the dedicated parkland. The recreational facility packages shall be reviewed and approved by DPR and the Planning Department prior to comprehensive design plan approval.
7. The public recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.

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The Comprehensive Design Plan CDP-0504 was approved with the following Conditions 10, 22, 23, 24, 25, 27 and 28:

10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:
- a. \$100,000.00 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the central park. DPR staff shall review and approve the master plan for the central park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
 - b. \$200,000.00 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
 - c. \$200,000.00 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
 - d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.

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

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 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"

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shall be established and administered by DPR. The applicant may make a contribution into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop an SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the sector plan and sectional map amendment for Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. The Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George’s County, Upper Marlboro, Maryland.
25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.

The Department of Parks and Recreation staff has reviewed the plan and made the following findings, as the preliminary plan relates to the conditions of the rezoning and CDP, relating to M-NCPPC parkland issues:

The applicant proposes that more than 148 acres of open space be dedicated to M-NCPPC for use as public parkland. The dedicated parkland is primarily centrally located and will be accessible to the surrounding residential communities by roads and trails. Five acres of the dedicated parkland is recommended for the expansion of Westphalia Neighborhood Playground Park located to the north of the development.

According to Condition 2 of A-9965-66, 75 acres of dedicated parkland is required and should be developable land suitable for active recreation. The applicant and DPR staff have mutually agreed that developable area of the parkland should not be used for the stormwater management ponds. DPR staff has agreed that a lake may be constructed in

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the main park parcel as a recreational amenity, as part of a stormwater management concept. The applicant shows a concept for a stream valley trail along the Cabin Branch. The final location of the master planned trail will be determined during consideration of the SDP plans. That portion of the master plan trail located on homeowners land shall be placed in a public use easement, unless with the review of the SDP additional parkland dedication is agreed to by DPR.

The applicant's proposal includes private recreational facilities including an active adult recreation center with tennis courts, trails, open play areas, sitting areas, trails in Cabin Branch Stream Valley, water features, five playgrounds, a private community recreation center with a swimming pool, and plaza.

The applicant has agreed to contribute \$2,500 to \$3,000 per dwelling unit into a "park club." The applicant will provide in-kind services in the amount of \$5,000,000 toward the design and phase-one construction of the central park.

DPR staff finds that, subject to conditions, the applicant will satisfy the conditions of approval of Basic Plans A-996/66 and Comprehensive Design Plan CDP-0501, the requirements and recommendations of the approved Prince George's County General Plan, approved master plan and sectional map amendment for the Melwood-Westphalia planning area, and the Subdivision Regulations if the preliminary plan is revised after the certificate of approval of CDP-0501 to conform to that plan, and DPR Exhibit A (dated 6/7/06) and conditions of the conveyance.

8. **Trails**—Staff supports the modification of the plans to preserve an additional segment of Old Melwood Road as a trail corridor. The importance of the trail along Suitland Parkway extended (MC-631) has also been reiterated.

Extensive community input went into the development of the Westphalia Comprehensive Concept Plan (WCCP) study, which includes the subject site. This study was a facilitated effort to coordinate the many development proposals in the Westphalia area to ensure that development in the area is done in a compatible manner and that adequate roads, public facilities, parkland and other amenities are provided to support this development. The WCCP study was the basis for the preliminary Westphalia Sector Plan. Trails and pedestrian accessibility were also addressed during this process, and pedestrian accessibility was been identified by the community as a priority for the area, particularly within the core. Some of the recommended pedestrian and trail facilities noted during the WCCP study and included in the preliminary Westphalia Sector Plan that impact the subject application include:

- A multiuse stream valley trail along Cabin Branch
- Preservation of segments of Melwood Road as a pedestrian/trail corridor
- Bicycle- and pedestrian-compatible roadways

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- Standard or wide sidewalks within the community core
- Trail along Suitland Parkway extended (MC-631)

Trail and pedestrian connectivity between sites within the study area is also encouraged. Neighborhood sidewalks and trail connections, both within and between sites, will greatly assist in providing a walkable community and the ability to make some trips by walking or biking. Pedestrian and trail connections should be provided to the proposed L-A-C from the surrounding residential areas, as well as to the core. The revised preliminary plan accommodates all trails on M-NCCPC land, HOA land, or within public rights-of-way. This addresses staff's earlier concern that no trails be shown on private lots.

An extensive network of trails is proposed in the subject application, and the applicant has expressed the intent to implement the recommendations of the preliminary sector plan. In order to more fully implement the trail network proposed in the sector plan and provide additional connectivity with the subject site, staff recommends the following additional feeder trails, as well as the additional trail segments and improvements along the Cabin Branch Trail and Melwood Legacy Trail discussed below. Sidewalk widths and neighborhood trail connections will be evaluated more fully at the time of SDP.

Proposed Additional Connector Trails (six-foot-wide bike/pedestrian trails):

- Trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- Trail connector from Road YY to the Cabin Branch Trail. This connection can be placed between Lots 33 and 34 within a 30-foot-wide HOA access strip. The Cabin Branch trail is located immediately behind the previously noted lots.

Cabin Branch Stream Valley Trail:

The Cabin Branch Stream Valley Trail is one of the primary trail recommendations included in the preliminary Westphalia Master Plan. This stream valley trail will provide bicycle, pedestrian, and equestrian access throughout the area, as well as connecting adjoining residential communities with the planned central park. A trail was also recommended along the entirety of the Cabin Branch stream valley in the 1994 adopted and approved Melwood-Westphalia Master Plan. A continuous trail is important for the overall connectivity of the planned trail network in the Westphalia area, as well as to provide longer continuous trails and loop trail opportunities for bicyclists, hikers, and equestrians.

The revised plans show a continuous trail along the portion of Cabin Branch east of P-615. A trail is also shown north of Road W that loops around Road RR. However, there is a gap in the Cabin Branch Trail immediately to the south of P-615. Staff recommends that the Cabin Branch Trail be provided south of P-615. This connection will extend the Cabin Branch Trail to the

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already planned trail just east of Road RR, thereby extending the stream valley trail all the way to Road W, as envisioned on earlier preliminary plan and CDP submittals. This additional segment of trail would require one stream and PMA crossing of a feeder creek of Cabin Branch, and this crossing should be located in the area of minimum impact and/or the shortest crossing of the PMA.

Cabin Branch Trail at MC-632:

During earlier discussions with the applicant regarding the Cabin Branch Trail, the need for safely accommodating trail users where MC-632 crosses the stream valley was noted. A traditional at-grade crossing is not desirable for several reasons at this location. MC-632 is a planned major collector with a 100-foot right-of-way. As noted above, the Cabin Branch Trail is one of the major recreational trails in the Westphalia area. It will provide recreational opportunities for hikers, bicyclists, and equestrians, will connect to the planned central park, and will provide an extended trail for residents of the Marlboro riding equestrian community into the larger Westphalia area. Due to the large number of trail users anticipated along the master plan trail, the equestrian heritage of the Westphalia community, and the continued equestrian use fostered by the adjacent Marlboro riding community, staff recommends that the MC-632 bridge over Cabin Branch be designed to safely and attractively accommodate trail users along the Cabin Branch Trail underneath the roadway, thereby avoiding the at-grade crossing. The Department of Parks and Recreation has done similar work with DPW&T for bridges over the Henson Creek Trail to ensure that the trail accommodates trail users without having to cross major roads. A similar treatment is warranted here due to the nature of the master plan trail, the need to provide safe trail access to the central park, and the anticipated traffic traveling on MC-632 coming to and from the town center.

Suitland Parkway Extended:

Another road that will require special attention is the planned extension of Suitland Parkway (MC-631) through the subject site. MC-631 will be a major collector running through the subject site and the entire Westphalia study Area. It is planned to extend from the current terminus of Suitland Parkway at MD 4 to Harry S Truman Drive at White House Road. The National Park Service is currently evaluating the feasibility of the extension of the Suitland Parkway Trail into Prince George's County along the portion of the road between Washington D.C. and the Capital Beltway.

Although there are environmental constraints and design challenges that must be considered, it appears that this trail will be feasible and that planning for a trail along the Suitland Parkway will continue. Consequently, staff recommends that MC-631 be designed so that an asphalt side path can be provided parallel to this planned extension of Suitland Parkway.

Trail Network Overview:

The trail network shown on the subject site is extensive, with major segments of several master plan facilities being provided. The major trails include the Cabin Branch Trail, which runs east to

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west through the subject site, the Suitland Parkway Extended Trail, and the Melwood Legacy Trail, which incorporates segments of old Melwood Road as a trail connection. Including trails along planned roads and feeder trail connections, the trail network provided in Smith Homes Farm will be extensive and will complement the overall vision for trails and bikeways promoted in the Westphalia Sector Plan. Staff estimates that over seven miles of trails are being provided within the subject application. Staff supports the network proposed with the changes. Approximate distances of the major trails provided include the following. These distances include the additional trail segments recommended below for the Cabin Branch Trail, Melwood Legacy Trail, and connector trails.

Cabin Branch Stream Valley Trail: 9,960 linear feet

Melwood Legacy Trail: 2,580 linear feet (not including portion along MC-632)

Suitland Parkway Extended Trail (MC-631): 7,410 linear feet

Trail along MC-632: 2,550 linear feet

Trail along P-616: 1,140 linear feet

Trail along MC-635: 3,960 linear feet

Trail along P-615: 1,470 linear feet

Stream valley feeder trail (north of Cabin Branch): 990 linear feet

Six-foot bike/pedestrian trails: 8,970 linear feet

Trail along Road C and Road OO: 1,230 linear feet

TOTAL: 40,260 linear feet (7.6 miles)

Complementing the trail network will be bicycle and pedestrian compatible roadways. Roads should include standard sidewalks, and wide sidewalks may be warranted within the core or leading to the LAC. A comprehensive network of sidewalks will help to ensure that a pedestrian-friendly, walkable community is provided. Similarly, new road construction should accommodate bicycle traffic in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*. Major roads through the subject site should include either standard or wide sidewalks with on-road bike facilities, or the provision of a side path or trail to accommodate pedestrians and bicyclists.

Melwood Road Legacy Trail:

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The preliminary Westphalia Sector Plan recommends that segments of Melwood Road “be preserved along with a green buffer on either side as an integral part of the community’s trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail/lane that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result.” (page 28, preliminary Westphalia Sector Plan).

The revised preliminary plan includes the preservation of long segments of Melwood Road as a trail corridor in both HOA and M-NCPPC land. This trail will be relocated along C-632 to the south of Cabin Branch. South of the subject property, the old road may again be utilized as a trail to the east of C-632. The amount of Melwood Road preserved as a trail has been greatly increased from the earlier preliminary plan submittal and the CDP. Staff supports the current proposal to preserve Melwood Road within HOA and M-NCPPC land as indicated on the revised preliminary plan. Much of the road has been preserved as intended in the sector plan, and the trail connection is made through the subject site as envisioned in last year’s charrette for the Westphalia area. Where the trail is adjacent to C-632, it should be a minimum of eight feet wide, asphalt, and separated from the curb by a planting strip. Approximately 2,580 linear feet of old Melwood Road has been preserved as the Melwood Legacy Trail on the subject site, while approximately 2,010 linear feet of the trail will be provided along C-632 (where this improved road replaces the current Old Melwood Road).

Staff is concerned about the width of the corridor being preserved as the trail/greenway for the segment of Old Melwood Road being preserved to the north of Road M (see sheet 3). Current plans reflect a corridor being preserved in HOA land that is 20 feet wide. This appears to be adequate to retain the existing portion of the roadway, but leaves little or no land along either side of the road to be preserved as a “green buffer” as recommended on page 28 of the preliminary Westphalia Sector Plan. Staff recommends that a minimum of five feet of green space be preserved along both sides of the planned trail to serve as the green corridor envisioned in the sector plan (30 feet wide total HOA parcel). This green space would also serve to buffer the trail from the adjacent residential lot and would ensure that the actual trail would not be immediately on the lot line of the adjacent lot. This green space would allow for suitable plantings, pedestrian amenities, lighting, and the preservation of any existing specimen trees adjacent to the roadway. This recommendation impacts Lots 18, 19, 34 and 35 of Block L; Lots 13, 14, 26, and 27 of Block P; and Lots 6, 7, 23, and 24 of Block R.

Crosswalks and other pedestrian safety features can be considered at the time of specific design plan. These types of treatments may be warranted along the trail where it intersects with Road M, Road T, Road S, and Road Q. Roads M and Q perhaps require the most attention as they include 70- and 60-foot wide rights-of-ways, respectively. The crossing at MC-631 will also have to be evaluated and appropriate pedestrian safety features will be recommended. MC-631 is a major collector and includes a 100-foot wide right-of-way, making the pedestrian crossing more difficult.

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The segment of Old Melwood Road on Parcel 25 is eliminated due to the proposed building, parking lot, extensive areas of PMA, and several stormwater management ponds. However, long segments of the road are preserved both to the north and the south of Parcel 25. Staff recommends that the connection through this parcel be accommodate through the provision of wide sidewalks along Road Z and Road M and/or trail connections through the HOA open space. Appropriate sidewalk widths or trail connections should be determined at the time of SDP.

9. **Transportation**—The property is located generally between MD 4 and Westphalia Road and along both sides of Mellwood Road. The applicant has recently received the current zoning, and currently has the comprehensive design plan CDP-0501 approved by the Planning Board and the District Council. The applicant proposes 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Also, † ~~[170,000]~~ [140,000] square feet of commercial retail space is proposed on the preliminary plan within the L-A-C Zone.

The applicant prepared a traffic impact study dated September 2005, along with an additional analysis dated November 2005 covering intersections internal to the overall site and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the guidelines.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 4 and Westphalia Road (signalized)

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MD 4 and Suitland Parkway/Presidential Parkway (signalized)
MD 4 and Dower House Road (signalized)
MD 223 and MD 4 westbound ramps (unsignalized)
MD 223 and MD 4 eastbound ramps (unsignalized)

Existing conditions in the vicinity of the subject property are summarized below:

<u>EXISTING TRAFFIC CONDITIONS</u>				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>MD 4 and Westphalia Road</u>	<u>1,425</u>	<u>1,554</u>	<u>D</u>	<u>E</u>
<u>MD 4 and Suitland Parkway/Presidential Parkway</u>	<u>1,740</u>	<u>1,731</u>	<u>F</u>	<u>F</u>
<u>MD 4 and Dower House Road</u>	<u>2,236</u>	<u>1,922</u>	<u>F</u>	<u>F</u>
<u>MD 223 and MD 4 westbound ramps</u>	<u>16.8*</u>	<u>16.1*</u>	<u>--</u>	<u>--</u>
<u>MD 223 and MD 4 eastbound ramps</u>	<u>34.4*</u>	<u>27.7*</u>	<u>--</u>	<u>--</u>
<u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u>				

A review of background development was conducted by the applicant. The area of background development includes over 20 sites encompassing over 2,150 approved residences and over two million square feet of employment-related uses. The traffic study also includes a growth rate of 2.0 percent per year along MD 4 and 1.0 percent per year along the other facilities within the study area to account for growth in through traffic.

It is further noted that all computations for background and total traffic assume full funding of the planned interchanges at MD 4/Westphalia Road, MD 4/Suitland Parkway, and MD 4/Dower House Road. Although the MD 4/Suitland Parkway interchange is fully funded for construction in the current state Consolidated Transportation Program (CTP), neither of the other interchanges is currently programmed for construction. While this applicant has committed to † ~~major~~ [participate in the PFFIP] improvements at MD 4 and Westphalia Road, no such commitment currently exists for MD 4 and Dower House Road; while this intersection will be discussed further below, it is not appropriate to assume that it will soon become an interchange and report the results thusly. Therefore, the results at MD 4 and Dower House Road will be reported as they would be for an at-grade signalized intersection. There are improvements in the county Capital Improvement Program (CIP) that have been factored into the analysis.

Background traffic is summarized below:

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<u>BACKGROUND TRAFFIC CONDITIONS</u>				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>MD 4 westbound ramps and Westphalia Road</u>	<u>621</u>	<u>940</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Old Marlboro Pike</u>	<u>813</u>	<u>1,063</u>	<u>A</u>	<u>B</u>
<u>MD 4 westbound ramps and Presidential Parkway</u>	<u>349</u>	<u>389</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Suitland Parkway</u>	<u>334</u>	<u>171</u>	<u>A</u>	<u>A</u>
<u>MD 4 and Dower House Road</u>	<u>1,865</u>	<u>1,647</u>	<u>F</u>	<u>F</u>
<u>MD 223 and MD 4 westbound ramps</u>	<u>28.8*</u>	<u>29.4*</u>	<u>--</u>	<u>--</u>
<u>MD 223 and MD 4 eastbound ramps</u>	<u>69.4*</u>	<u>123.5*</u>	<u>--</u>	<u>--</u>
<u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u>				

The site is proposed for development with 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Additionally, † ~~[170,000]~~ [140,000] square feet of commercial retail space is planned within the L-A-C Zone. Of the conventional housing, a mix of 319 detached, 531 townhouse, and 1,574 multifamily residences are proposed. The proposal is currently estimated to generate 1,847 AM (404 in, 1,443 out) and 1,726 PM (1,194 in, 532 out) peak-hour vehicle trips. This considers that approximately 75 percent of the trips utilizing the retail component are internal to the site, and given the quantity of housing versus the quantity of commercial space, along with the location of the retail space internal to the development, this would seem a reasonable assumption.

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Total traffic (for the three sites, including the subject site) is summarized below:

<u>TOTAL TRAFFIC CONDITIONS</u>				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>MD 4 westbound ramps and Westphalia Road</u>	<u>822</u>	<u>999</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Old Marlboro Pike</u>	<u>813</u>	<u>1,063</u>	<u>A</u>	<u>B</u>
<u>MD 4 westbound ramps and Presidential Parkway</u>	<u>524</u>	<u>470</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Suitland Parkway</u>	<u>425</u>	<u>415</u>	<u>A</u>	<u>A</u>
<u>MD 4 and Dower House Road</u>	<u>2,014</u>	<u>1,835</u>	<u>F</u>	<u>F</u>
<u>MD 223 and MD 4 westbound ramps</u>	<u>154.3*</u>	<u>70.5*</u>	<u>--</u>	<u>--</u>
<u>MD 223 and MD 4 eastbound ramps</u>	<u>+999*</u>	<u>+999*</u>	<u>--</u>	<u>--</u>
<u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u>				

Traffic Impacts: The traffic analysis makes the following determinations:

1. Signalized intersections of all ramp junctions with the minor roadways will operate acceptably with the development of the site.
2. The unsignalized ramp junctions along MD 223 are analyzed in the traffic study as signalized intersections. They are not; they are currently unsignalized, and the appropriate means of analysis has been employed in this memorandum. The analysis indicates that both intersections would operate unacceptably as unsignalized intersections. It is recommended that signal warrants be studied prior to specific design plan in consideration that the signal warrant study is a better and more detailed study of the adequacy of intersection operations. This is actually recommended in the traffic study as Exhibit 12 labels the traffic signals at these locations as “new.” Each intersection would operate acceptably with the development of the site if signalized.
3. The traffic study states that the site is not making a direct connection to Dower House Road and notes that traffic using eastbound MD 4 or southbound MD 223 will utilize the MD 4/MD 223 junction, while westbound traffic will use either the MD 4/Suitland Parkway or the MD 4/Westphalia Road intersections. Although the traffic study does not state this, because there are no recommendations for this failing intersection, it would be presumed that the applicant believes this intersection to be noncritical. This is partially

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correct, as traffic headed southbound from the site would utilize this intersection. The intersection does serve ten percent of site traffic, but there are no turning movements at the intersection, only through (north/south) movements. Therefore, it is agreed that the MD 4/Dower House Road intersection is not critical to the development of this site.

4. The traffic study states that “it is essential that MD 4 be upgraded to a controlled access facility” in the area of the subject site. Furthermore, the traffic study recommends that “a fair share contribution to this regional transportation problem [will] be addressed by a public/private partnership whereby the developer of the Smith Home Farm Property would build the Westphalia Road interchange as a condition of approval” of the subject plan. Given that this proffer is a major part of the overall determination of adequacy, it is advisable that this be made a condition of approval for the subject property.

The basic plan was approved by the Planning Board with a condition that CDP review would include “recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision.” A list of intersections was determined during review of the CDP and these intersections were reviewed in the November 2005 supplemental study. The following intersections are included in this review:

1. Westphalia Road and west access point (in original plan but deleted from current plan)
2. Westphalia Road and MC-635
3. Presidential Parkway and MC-631
4. MC-631 and MC-635/P-615
5. MC-632 and P-615
6. MC-631 and MC-632/P-616
7. MC-632 and P-612/Road C
8. MC-635 and Road J
9. MC-631 and Road M
10. MC-631 and Road RR
11. MC-635 and Road A
12. P-616 and Road M

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It is noted that two of the intersections are analyzed as roundabouts, while the remaining ten intersections are analyzed as signalized intersections. It has been stated on many occasions in memoranda that if a potentially unsignalized intersection has a CLV reported, then it is presumed that the applicant will study signalization at that location. Nonetheless, transportation staff has taken the step of computing the delay by means of the *Highway Capacity Manual* for all intersections involving roadways of a primary or commercial classification. CLVs will be reported for each intersection involving two master plan roadways (except where a roundabout is assumed). Total traffic (for the three sites, including the subject site) is summarized below:

TOTAL TRAFFIC CONDITIONS				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>Westphalia Road and east access point/MC-635</u>	<u>429</u>	<u>435</u>	<u>A</u>	<u>A</u>
<u>Presidential Parkway and MC-631</u>	<u>13.7**</u>	<u>13.2**</u>	<u>B</u>	<u>B</u>
<u>MC-631 and MC-635/P-615</u>	<u>842</u>	<u>681</u>	<u>A</u>	<u>A</u>
<u>MC-632 and P-615</u>	<u>0.65***</u>	<u>0.48***</u>	<u>C</u>	<u>B</u>
<u>MC-631 and MC-632/P616</u>	<u>1,013</u>	<u>1,014</u>	<u>B</u>	<u>B</u>
<u>MC-632 and Road C</u>	<u>30.7*</u>	<u>21.9*</u>	--	--
<u>MC-635 and Road J</u>	<u>0.25***</u>	<u>0.28***</u>	<u>A</u>	<u>B</u>
<u>MC-631 and Road M</u>	<u>12.3*</u>	<u>15.2*</u>	--	--
<u>MC-631 and Road RR</u>	<u>41.7*</u>	<u>33.6*</u>	--	--
<u>MC-635 and Road A</u>	<u>8.7*</u>	<u>8.5*</u>	--	--
<u>P-616 and Road M</u>	<u>0.24***</u>	<u>0.45***</u>	<u>A</u>	<u>B</u>
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p> <p>**The multilane roundabout is evaluated using SIDRA (Signalized and Unsignalized Intersection Design and Research Aid). Average delay for various movements through the roundabout is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. Delay exceeding 50.0 seconds indicates inadequate traffic operations.</p> <p>***The roundabout is evaluated using the <i>Highway Capacity Manual</i> software. The measurement is expressed as a ratio of volume through the roundabout to capacity of the roundabout. A ratio of 0.80 is the upper limit of LOS D.</p>				

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The supplemental analysis was intended to answer two questions regarding internal intersections: what type of traffic would be needed, and what lane configuration would be needed. Staff would offer the following determinations:

Regarding traffic control:

- At the MC-631/Presidential Parkway intersection, a two-lane roundabout was shown to be acceptable at this time. However, DPW&T has indicated that a roundabout would not be an acceptable traffic control device at this location. Given the master plan recommendations for Presidential Parkway, there indeed may be a future need for something more significant than a two-lane roundabout at this location as other sites (with no pending applications) in the subarea develop. Therefore, a traffic signal warrant study should be conducted at this location, and a traffic signal should be installed if warranted. Such study may be waived by DPW&T in the event that affirmative approval of DPW&T for the use of the roundabout and its conceptual design is received.
- At the intersection of Westphalia Road and MC-635, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for the age-restricted portion of the development. Also, the MC-635 facility should be aligned to provide a direct connection opposite to D'Arcy Road.
- At the intersection of MC-631 and MC-635/P-615, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- At the intersection of MC-631 and MC-632/P-616, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for the L-A-C portion of the development.
- At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, it is recommended that the intended one-lane roundabout be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T must be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T should determine whether a one-lane or a two-lane roundabout will be implemented at this location; however, such determination should, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.
- At the intersection of MC-635 and Road M, in accordance with the master plan recommendation for a four-lane major collector, it is recommended that the roundabout be designed for a two-lane roundabout in order that sufficient right-of-way for the

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ultimate facility is obtained. Affirmative approval of DPW&T must be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.

Regarding lane configuration:

- It is recommended that intersections along the major collector (MC) facilities include exclusive left-turn lanes. DPW&T should reasonably determine all construction within dedicated rights-of-way. Nonetheless, the recommendations for major collectors assume that four travel lanes and a median will be available, and for safety reasons left-turning traffic should be separated from through traffic to the extent possible.

Plan Comments

During 2005, the Prince George's County Planning Department worked with a consultant team on the Westphalia Comprehensive Concept Plan. The purpose of the plan was to refine policies contained in the 1994 Melwood-Westphalia Master Plan and the 2002 General Plan for Prince George's County and to provide an updated vision and detailed guidance for several major development proposals within the Westphalia planning area, including the subject property. As a part of the preparation of that plan, the recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. The plan proposed a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.

Nonetheless, †[previously] the approved transportation plan in the 1994 Melwood-Westphalia Master Plan and the proposed network in the WCCP are quite different—and the 1994 plan †[currently] govern[s][ed] as policy. During review of the comprehensive design plan, it was determined by the transportation planning staff that, within the subject property, the transportation network proposed under the WCCP was indeed equivalent to the existing master plan.

† [At this time, staff is in the midst of finalizing][The] roadway recommendations for the Westphalia Sector Plan and Sectional Map Amendment †[. While these recommendations do not yet carry the power of law, they] are †[made] consistent with the WCCP study—which was done in response to the subject applications and other applications in the area that are either pending or planned. † [Furthermore, given the timeframe for t][T]he processing and review of the Westphalia Sector Plan and Sectional Map Amendment, †[it is very likely that the recommendations in that plan will be][the plan is] applicable †[when this site is subjected to further review]. It should be noted that these alignments may be modified through further environmental study associated with †[completion of] the sector plan and where specific issues currently exist they are explained further below. Findings at time of specific design plan should include comments on the degree of conformity with the Westphalia Sector Plan †[, at whatever]

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state of approval exists at the time of review]. Therefore, the following proposed facilities on the Westphalia Sector Plan affect the subject site:

1. MC-635 is shown on the sector plan within a 100-foot right-of-way. During review of this plan, DPW&T has agreed to a modified 80-foot right-of-way along MC-635, as shown on the submitted plan.
2. MC-632 is shown on the sector plan within a 100-foot right-of-way, and this is consistent with the submitted plan.
3. P-616 is shown on the sector plan within a 60-foot right-of-way (70 feet from C-631 to Road M), consistent with the submitted plan.
4. P-615 is shown on the sector plan within a 60-foot right-of-way, and this is consistent with the submitted plan.
5. C-626, Westphalia Road, is shown on the sector plan within a 80-foot right-of-way, and the plan reflects 40 feet from centerline along existing Westphalia Road.
6. MC-631 is shown on the sector plan within a 100-foot right-of-way. The location shown on the preliminary plan is not consistent with the sector plan over the westernmost 1,000 feet. The sector plan aligns the roadway slightly north of the location on the preliminary plan to form a direct link with the MD 4/Suitland Parkway interchange. The preliminary plan location appears to involve greater environmental impacts and would create a “T” intersection with the existing Presidential Parkway. Creating this “T” intersection is not optimal; Presidential Parkway is intended to continue northward along a new alignment in the sector plan and in order to effectuate this recommendation under the applicant’s proposal, a second “T” intersection would need to be implemented 400 feet north of the applicant’s proposed “T” intersection. Figure 1 is attached to show this arrangement. As a means of achieving the sector plan’s vision for the transportation network in this area, it is recommended that the sector plan alignment, and not the alignment shown on the preliminary plan, be utilized to the west of Road RR. Details of this alignment must be finalized prior to signature approval of the preliminary plan. Consistency with the sector plan should be verified at the time of specific design plan.
7. MC-634 is shown on the sector plan within a 100-foot right-of-way as an extension of the existing Presidential Parkway. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts MC-634 coincident to and west of Ryon Road. Given the function of this facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The subject subdivision shows this right-of-way.
8. P-612 is shown on the sector plan within a 60-foot right-of-way (note: Map 7 in the preliminary sector plan erroneously labels this facility as P-615, but the text on page 27

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identifies it correctly) in a location that would not affect the subject plan. As a means of minimizing impacts to the community along Mellwood Road, the sector plan is being revised to move this roadway north. It would be coincident with Road C and Road EE within the subject property. However, the current plan shows this roadway to end at Road FF approximately 200 feet short of the Claggett Property, with the extension of the roadway to potentially occur through Parcel 62, which is labeled for dedication to the homeowners association. It is recommended that this parcel be reconfigured to align with Road EE and include the fillets needed at an intersection, and be dedicated for the future P-612 facility.

Transportation staff determines that the plan, as currently submitted, is largely acceptable for circulation within the overall community. However, adequate connections to existing dedicated public streets are not provided around the perimeter of the property. Prior to the approval of each final plat adequate public street connections should be required. These connections will be the responsibility of the applicant to secure. All roadways are adequately sized with clear distinctions between public and private roadways. There remain a few outstanding issues, and these issues are described below:

1. The plan should show a primary street connection between the adjacent Woodside Village site (A-9973) across the Cabin Branch. This street should connect to Road C near private road DDD. This connection is needed to connect the subject property to park and school facilities that will be located within Woodside Village. It will also provide a connection between Woodside Village and a school site on the subject property, as well as providing a more direct connection for Woodside Village to the town center area. Finally, it will provide a secondary connection for a large portion of Woodside Village.
2. A plan entitled "Smith Home Farm Traffic Calming" has been received. All proposed traffic calming devices shown on this plan should be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
3. A plan entitled "Transit Plan—Smith Farm" has been received. Transportation staff remains concerned that the bus circulation plan provided by the applicant is based upon straight-line distances of 0.45 miles. The transit staff at DPW&T clearly indicated that most of the development should be transit-serviceable within one-quarter mile, and the applicant indicated that the plan would be based upon walking distance, not straight-line distance. Nonetheless, all proposed transit facilities shown on this plan should be reflected on the appropriate specific design plans and verified by transportation staff.

Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.

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4. The environmental impacts of Road M and its stream crossing have become an issue. The transportation staff believes that Road M provides a major entrance to the mixed retirement residential component of the development. It is the primary entrance to the recreational facility serving the mixed retirement community. This roadway will be a secondary entrance to the multifamily residential components in and around the L-A-C portion of the site. This roadway should not be deleted from the plan.

Prior plans have a number of conditions that require review. The status of the transportation-related conditions is summarized below:

A-9966:

Condition 2(A)(9): This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. It is important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, shall be determined by transportation staff in conjunction with the review of the specific design plan that includes the portion of Road C between MC-632 and Mellwood Road.

Condition 2(I): This condition was met during review of the comprehensive design plan, and was fulfilled with the submittal of the November 2005 supplemental traffic study.

Condition 2(K)(1): This condition requires that the timing for the construction of the MD 4/Westphalia Road interchange be determined at the time of preliminary plan. The applicant has generously proffered to construct this interchange and has agreed to a schedule that would involve bonding and finalization of design prior to the initial building permit, and completion prior to issuance of permits for the 1,001st residential unit.

CDP-0501:

Condition 1(h)(1): This condition requires the right-of-way required for A-66 be determined at the time of subdivision. Through determination of the right-of-way for MC-634, this has been done.

Condition 1(h)(2): This condition requires the provision of a secondary external connection near the northern end of Ryon Road. The plan reflects a connection to MC-634; this is acceptable.

Condition 2: This condition establishes a trip cap for the subject site. The trip cap in this plan is identical to that reviewed at the time of CDP; therefore, the trip cap is not an issue and will be carried forward in the preliminary plan approval.

Condition 3: This condition requires the construction of the MD 4/Westphalia Road interchange. As modified under the discussion of A-9966, this condition will be carried forward.

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Condition 5: This condition requires that the applicant propose rights-of-way consistent with the WCCP in consideration of the needs shown and county standards. This condition is addressed in this resolution.

Condition 8: This condition requires the submitted of traffic signal warrant studies at two locations. This condition will be carried over as a part of this approval and enforced at the time of the initial specific design plan proposing development.

Surplus Capacity Reimbursement

This Finding is provided as a supplement to the June 6, 2006 memorandum. A transportation facilities financing plan is being prepared as a part of the Westphalia Sector Plan. As a part of the transportation needs for the area, the applicant for the subject property has made a significant proffer to construct an interchange at the intersection of MD 4 and Westphalia Road. In order to facilitate the approval of other smaller sites in the area until the approval of the financing plan and the sector plan, † ~~[the transportation staff believes that the]~~ Planning Board † ~~[should]~~ make[s] additional findings so that the MD 4/Westphalia Road interchange can be treated as a Surplus Capacity Reimbursement (SCR) improvement pursuant to the *Guidelines* and Section 24-124(b).

It is determined that the MD 4/Westphalia Road interchange meets the criteria for consideration as an SCR improvement. The *Guidelines* indicate four separate criteria to be met for such consideration:

- a. This improvement is needed solely to satisfy the Planning Board's finding of adequate transportation facilities. This improvement is not access-related or frontage-related, and it is not otherwise required pursuant to other County or State regulations.
- b. The total estimated cost to complete this improvement is greater than \$500,000. Estimated costs for this improvement exceed \$20,000,000.
- c. The current Maryland Department of Transportation Consolidated Transportation Program (CTP) shows this improvement with funding for planning. While the planning phase is a small part of the total cost to complete the improvement, it is a part of the cost. Therefore, it is determined that this improvement is shown with funding of greater than zero percent but less than one hundred percent of the total cost to complete the improvement.
- d. Upon completion of the interchange, the intersection of the westbound MD 4 ramps and Westphalia Road will operate at LOS A in both peak hours. The intersection of the eastbound MD 4 ramps and Old Marlboro Pike will operate at LOS A in the AM peak hour and LOS A in the PM peak hour. Therefore, in accordance with the *Guidelines* it is determined that this improvement will create substantial surplus capacity beyond that required by the applicant to satisfy the adequacy finding.

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Given that the MD 4/Westphalia Road interchange meets the necessary criteria for consideration as an SCR improvement, it is determined that the interchange is appropriate for treatment as an SCR improvement. By this determination, Section 24-124(b) allows for the developer to be reimbursed in part by other developers for the creation of excess capacity. Conversely, Section 24-124(b) allows other developers to receive a requirement to pay a pro-rata share of the MD 4/Westphalia Road interchange rather than receiving a condition requiring the construction of the interchange. The subject applicant has accepted a condition to construct the interchange, and must bond it, obtain permits for it, and schedule it for construction prior to the release of the initial building permit. At this point, the Planning Board would be able to formally pass a resolution establishing the SCR (Surplus Capacity Reimbursement Procedure) for the MD 4/Westphalia Road interchange. In order to ensure compliance with Section 24-124(b), it will be necessary for this to occur prior to other developments paying the pro-rata share and moving into the building permit stage of development. Despite repeated requests, however, the applicant has provided no firm timetable for completing the needed bonding so that the SCR can be formally established.

The following information will be needed to establish the SCR:

- a. Engineering and construction plans for the transportation improvement sufficient to provide detailed cost estimates for completion, including right-of-way acquisition, utility relocation, design and construction costs.
- b. A certification with SHA of the total estimated cost.

The subject application has proffered to construct the SCR improvement. While the *Guidelines* provide detailed guidance for computations involving simple intersection or link improvements, there is no guidance for the interchange that is proposed. Therefore, the following methodology will be used to compute the SCR fee for each succeeding development:

Base: SCR Improvement:

The traffic study computations have been reviewed in great detail, and a number of issues have arisen:

- The MD 4/Westphalia Road interchange is represented as two intersections connecting to ramps. Actually, the interchange involves three intersections: Westphalia Road/service road; Old Marlboro Pike/MD 4 EB ramps; and service road/MD 4 WB ramps. It is proposed that the AM and PM critical lane volumes of the three intersections be averaged in order to determine a traffic statistic for the interchange. While this statistic is roughly analogous to the critical lane volume, it is termed the “traffic statistic” in order to differentiate it from the commonly-used critical lane volume measure.

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- The traffic study assumes that all traffic can use the MD 4/Westphalia Road interchange. In fact, the general westbound on-ramp is restricted to use by emergency and public safety vehicles only due to the potential weaving conflicts between this ramp and the ramp to the outer loop of the Capital Beltway. A ramp allows general traffic to access the Beltway ramp
- only; other traffic must utilize another interchange to reach the inner loop of the Capital Beltway or continue inbound on MD 4. Staff's analysis has rerouted traffic away from this interchange as needed.
- A number of approved background developments are mislocated on the locator map, and hence are misassigned to the area roadway network. Staff's analysis has taken note of these problems and has reassigned the traffic accordingly.

With the changes as outlined above, the following results are determined, not including the subject property, as shown on Attachment A to this memorandum:

Westphalia Road/service road:	AM CLV – 584; PM CLV – 578	. Average 581
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 683; PM CLV – 831.	Average 757
Service road/MD 4 WB ramps:	AM CLV – 682; PM CLV – 589.	Average 635.5
	Base interchange traffic statistic:	657.83
	Created Capacity:	$1450 - 657.83 = 792.17$

SCR Improvement Cost:

A concept and a cost for the MD 4/Westphalia Road interchange have been provided by the applicant. These are shown as Attachments B through D. Through discussions, the costs have been refined as follows:

- Contingency is a factor that is normally applied to construction cost estimates as a means of accounting for any number of unforeseen costs. A higher contingency factor suggests the level of design that has been completed, with a lower factor used for a more advanced design. Given that the design plans are 30 percent complete, and furthermore given that the cost estimate made no allowance for right-of-way acquisition, a 35 percent contingency factor is recommended. Increasing this factor adds \$1,072,500 to the overall cost estimate.
- The cost estimate assumed the installation of traffic signals at two locations. Given that all ramps are very short in length, it is believed likely that signals will be needed at all three intersections within the interchange, and the cost estimate is corrected to add \$150,000 to include a third signal.
- Aside from traffic control, paving, and structures, other signage will also be needed. An additional \$200,000 is added to the cost estimate to account for additional signage.

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- The unit costs utilized cause the greatest concern. The roadway unit cost of \$250 per lane-foot covers paving only and not needed shoulders, barriers, drainage structures, or medians, and should be increased by one-third. This factor would increase the cost to \$332.50 per lane-foot.

With these changes, the overall cost of the interchange to be allocated would be \$25,840,000.

Pro-Rata Share for Smith Home Farm:

Using the information in the traffic study, trips are assigned as shown on Attachment E (keeping in mind that south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic with Smith Home Farm is shown on Attachment F. The following results are determined:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 782; PM CLV – 731</u>
<u>Average 756.5</u>	
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 683; PM CLV – 831. Average 757</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 682; PM CLV – 758. Average 720</u>
	<u>SHF interchange traffic statistic: 744.5</u>

Change in traffic statistic = SHF – Base
Change in traffic statistic = 744.5 – 657.83 = 86.67

Share = Change/Created Capacity
Share = 86.67/792.17 = 0.1094

Allocated Cost = Allocable Cost * Share
Allocated Cost = 25,840,000 * 0.1094 = \$2,830,000

Pro-Rata Share for Subsequent Development:

As an example, a Development X consisting of 712 townhouses and 344 condominiums is proposed within the area of the SCR improvement. It is determined that 42.5 percent of site traffic would use the MD 4/Westphalia Road intersection, with 25 percent destined for the Beltway south of MD 4, 5 percent for MD 4 inside the Beltway, 10 percent for Old Marlboro Pike, and 2.5 percent for MD 4 outbound. Trips are assigned as shown on Attachment G (keeping in mind that traffic heading south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic is shown on Attachment H. The following results are determined:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 851; PM CLV – 829</u>
<u>Average 840</u>	
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 710; PM CLV – 890. Average 800</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 784; PM CLV – 771. Average 778</u>

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Dev X interchange traffic statistic: 805.83

Change in traffic statistic = Dev X – SHF
Change in traffic statistic = 805.83 – 744.5 = 61.33

Share = Change/Created Capacity
Share = 61.33/792.17 = 0.0774

Allocated Cost = Allocable Cost * Share
Allocated Cost = 25,840,000 * 0.0774 = \$2,000,000

Summary:

It is recommended that, † [if the subject case is approved, that] (a) the proposed interchange at MD 4/Westphalia Road – which has been proffered for construction by the subject applicant – be considered as a SCR improvement in accordance with Section 24-124; and (b) a methodology for computing the pro-rata payment associated with this improvement be approved in conjunction with the above finding. Subsequent developments could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

In making this recommendation, all parties must be aware that subsequent action will be needed by the Planning Board to establish a SCR at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCR prior to the passage of the resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCR prior to building permit.

†[By letter dated March 21, 2012, Marva Jo Camp, Esq. representing all of the property owners of the land which is the subject of this application requested a waiver of the Planning Board's Rules of Procedures and a reconsideration of Condition 42 and Finding 9 relating solely to the construction of the Pennsylvania Avenue (MD 4)/ Westphalia Road interchange and the funding for the improvement. The Planning Board granted the waiver and request for reconsideration for good cause in furtherance of substantial public interest (Rules of Procedure, Section 10(e)) on April 19, 2012.

†[The Subdivision Regulations require that the Planning Board find adequate transportation facilities pursuant to Section 24-124 prior to approval of the preliminary plan. The Planning Board finds that under total traffic conditions the critical intersection of MD 4 and Westphalia Road failed to meet the adequate level of service required in accordance with the Planning Board's "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board placed the following condition for the construction of the MD 4/Westphalia Road interchange on this project:

†[42. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:

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- †[a. **Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.**
- †[b. **Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units; the MD 4/Westphalia Road interchange shall be open to traffic.**

†[Subsequent to the Planning Board's approval of the preliminary plan, the District Council approved the 2007 *Westphalia Sector Plan and Sectional Map Amendment* by resolution (CR-2-2007) on February 6, 2007. The Smith Home Farm project (4-05080) is within the limits of the Westphalia Sector Plan. In order to "ensure the timely provision of adequate public facilities," the District Council adopted CR-66-2010 on October 26, 2010, establishing the Public Facilities Financing and Implementation Program (PFFIP) District for Westphalia Center.

†[Prior to the adoption of CR-66-2010, the Prince George's County Council amended Section 24-124 of the Subdivision Regulations, on July 23, 2008 (CB-25-2008), relating to adequate roads required in anticipation of the creation of the PFFIP as follows (emphasis added):

†[Section 24-124. Adequate roads required.

†[(a) **Before any preliminary plat may be approved, the Planning Board shall find that:**

- †[(1) **There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1);**

†[Section 27-107.01(186.1) of the Zoning Ordinance, which defines the Public Facilities Financing and Implementation Program (PFFIP), provides (in part) that "[t]his program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding 'clubs,' and the Surplus Capacity Reimbursement Procedures provided in Section 24-124 of the County Code, and other methods to ensure equity."

†[Subsequent to the amendment of Section 24-124(a)(1), which provided for the PFFIP, the County Council adopted CR-66-2010 which established the Public Facilities Financing and

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Implementation Program (PFFIP) District for Westphalia Center. Council Resolution CR-66-2010 includes three exhibits, in general, the exhibits are:

- †[• **Exhibit A** is a map which generally sets forth the Westphalia PFFIP District and “shall consist of the property described in Attached Exhibit A of this Resolution and any additional owner/developer, its heirs, successors and/or assigns that are required to construct the MD 4/Westphalia Road Interchange and Interim Improvements” This exhibit includes the Smith Home Farm project.
- †[• **Exhibit B** sets forth the planning, engineering, construction, and administrative cost of the interchange at MD 4/Westphalia. The fee (\$79,990,000) will be paid into the Westphalia PFFIP District Fund (Fund) at the time of issuance of each building permit for the projects which are conditioned on building the interchange to meet the adequate transportation facilities at the time of preliminary plan of subdivision. The Fund “shall be established prior to the collection of any fees and all revenue collected for the Fund shall only be used for the cost of the improvements listed on Exhibit B and for customary administrative cost associated with the planning, engineering and construction of the MD 4 at Westphalia Road Interchange and Interim Improvements.” The fee is based on the average daily trips (ADT) for each project as a proportional share. In addition, Exhibit B includes a schedule and milestones.
- †[• **Exhibit C** is a draft Memorandum of Understanding (MOU) that is required to be executed by the owner/developer with the county, which sets forth the terms and conditions for the payment of fees. Council Resolution CR-66-2010 requires that the MOU be executed and recorded in Land Records and the liber/folio reflected on the record plats for the project. The MOU contains the fee to be paid with each permit. A provision does exist in CR-66-2010 for the county to establish a Tax Increment Financing District (Westphalia TIF District), excluding the Moore Property. The TIF funds will be used to offset costs related to the interchange construction associated with the commercial development within the Westphalia Town Center. The TIF fund has not yet been established and, therefore, the mechanics of how it would be operated are not understood.

†[This legislation provided the specific financing strategy under which owners/developers in the Westphalia Center would meet the adequate public facilities (APF) requirement when conditioned on the construction of the MD 4/Westphalia Road interchange. As adopted, the PFFIP District consists of all current and future projects, which are required to construct the MD 4/Westphalia Road interchange and interim improvements in order to “[m]eet a finding of adequacy of transportation facilities for an approved preliminary plan of subdivision pursuant to Section 24-124 of the Regulations.” The adoption of CR-66-2010 specifically provided for a pay-as-you-go financing mechanism to fund the Westphalia interchange and interim improvements.

†[Council Resolution CR-66-2010, Section 7, provides that “[a]ny Owner/Developer, their heirs, successors and/or assigns that have approved plans of subdivision that include a requirement for

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the construction of MD 4 at Westphalia Road Interchange and Interim Improvements to meet a finding of adequacy of transportation facilities shall be subject to the provisions of the Resolution.”

†[The original Condition 42 for Smith Home Farm was approved prior to the adoption of Council Resolution CR-66-2010 and, therefore, did not provide for the use of the PFFIP. Condition 42(a) required that the applicant provide full financial assurances that the interchange at MD 4/Westphalia would be constructed prior to building permits beyond those ADTs grandfathered with this project. The reconsideration was necessary to amend Condition 42 to provide for the participation in the PFFIP, which is not a full financial assurance, and to establish conditions consistent with the requirements of CR-66-2010.

†[Additional Background

†[At a public hearing on December 1, 2011, regarding Comprehensive Design Plan CDP-0501/01 for Smith Home Farms, the Planning Board heard evidence presented by the applicant regarding a revision to Condition 3 of the previously approved CDP-0501. The language of Condition 3 was as follows:

†[“The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.”

†[Specifically, the applicant proposed the following replacement condition:

†[“Prior to the issuance of each building permit for the Smith Home Farm development, the applicant and the applicant’s heirs, successors, and/or assigns shall, pursuant to the provisions of CR-66-2010, pay to Prince George’s County (or its designee) a fee per dwelling unit. Evidence of payment must be provided to the Planning Department with each building permit application.”

†[Given the provisions of CR-66-2010 and in light of the fact that the Planning Board has taken similar action on at least three previous applications, staff supported the revision of Condition 42, with an exception.

†[Westphalia Public Facility Financing and Improvement Program (PFFIP) District Cost Allocation Table per CR-66-2010 (Revised 10/14/2011)

†[On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP District for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010, staff has created a cost allocation table that allocates the estimated \$79,990,000 cost of the

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interchange to all of the properties within the PFFIP District. The allocation is based on the proportion of average daily traffic contributed by each development, to the total contributed by all of the developments in the District.

†[In the preparation of that table, staff had originally assigned 9,377 average daily trips (ADT) from the residential component of the proposed Smith Home Farm Development through the MD 4/Westphalia Road intersection. However, based on the PGCPB No. 06-64(A), the approved preliminary plan for the subject development was approved for a mix of dwelling units totaling ‡[3,628] 3,648. Consequently, staff is adjusted the cost allocation table to reflect the number of dwelling units approved in the preliminary plan of subdivision.

†[PFFIP Cost Allocation Update

†[As a result of the revised ADTs attributed to the subject property, the fee associated with the subject development is computed on a per dwelling unit bases and will be reflected in the MOU required by CR-66-2010. This cost is based on the fact that the residential component of the subject property accounts for ‡[44.30] 7.57 percent of the total trips allocated through the MD 4/Westphalia Road intersection. Similarly, the commercial component (‡[170,000] 140,000 square feet) accounts for ‡[1.22] 0.96 percent of the assigned trips through the subject intersection. A copy of the table (as amended by the Planning Board) was provided to the PB at the public hearing for this reconsideration as approved on May 24, 2012.

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†[Based on the current design of the proposed interchange at MD 4 and Westphalia Road, and given its close proximity to the existing interchange at MD 4 and the Capital Beltway (I-95/I-495), it is quite likely that traffic operation between both interchanges could be affected. To that end, the Federal Highway Administration (FHWA) is requiring that an Interstate Access Point Approval (IAPA) application be filed by the applicant working through the Maryland State

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Highway Administration (SHA). As part of the IAPA process, detailed engineering drawings of the proposed interchange must be produced, from which a final cost estimate will be derived. It is this cost estimate (up to a maximum of \$79,990,000.00) that will determine the share of each property owner within the PFFIP District. Information provided by the applicant and SHA has indicated that the IAPA process is likely to last for approximately one year. Consequently, the final cost estimate is not likely to be available before the IAPA process is completed. Since the final cost estimate is not known as of this writing, all development costs shown in the previous and current cost allocation tables are based on an assumed estimate of \$79,990,000.00. Applicants seeking building permits will pay an amount based on what was assumed at the time the cost allocation table was previously revised and as reflected in the recorded MOU that the applicant will enter into with Prince George's County prior to the approval of final plats. Pursuant to Section 4 of CR-66-2010, applicants who paid more than the amount based on the final cost estimate will be eligible for a credit refund of the overpayment.

†[CR-66-2010, Section 11 - Memorandum of Understanding (“MOU”)]

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

†[“BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation shall execute a Memorandum of Understanding (“MOU”) with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assigns pursuant to the PFFIP substantially in the form set forth in Attached Exhibit C, attached hereto and made a part hereof as if fully expressed herein. The MOU for each project shall be executed prior to Planning Board approval of any final plat for that Project. Upon approval by the County, the MOU shall be recorded among the County land records and noted on the final plat of subdivision. Failure of the Owner/Developer or its heirs, successors and/or assigns to execute and record the MOU shall preclude the issuance of any building permit to any Owner/Developer, heirs, successors and/or assigns that are subject to the provisions of the legislation.”]

†[In light of this provision, all preliminary plans of subdivision subject to CR-66-2010 shall be conditioned on providing a copy of the recorded MOU and the liber/folio reflected on the record plat.

†[CR-66-2010, Section 12 – Management Consortium]

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

†[“BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation and have a project with more than five hundred seventy-five (575) projected units or one hundred thousand (100,000) projected square footage shall join a Management Consortium (“Consortium”). The Consortium shall be formed by the owners/developers, their heirs, successors and/or assigns six months following the adoption of this Resolution but not later than the date of submission of construction plans and

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specifications for any part of the MD 4 at Westphalia Road Interchange and Interim Improvements to SHA and/or DPW&T for review specifically for the purpose of administering the planning, design and construction of the MD 4 at Westphalia Road Interchange and Interim Improvements.”

†[Information provided to staff by the applicant has indicated that on May 17, 2011, a filing to establish the Westphalia Sector Management Consortium, LLC (“Consortium”) was made. Staff was further advised by the applicant’s attorney that acknowledgement of said filing was received on July 6, 2011. Staff has also been provided with electronic evidence (e-mail) of correspondence between the applicant and SHA, indicating that the IAPA process began in April 2011.]

***Transportation Staff Conclusions**

Based on the preceding findings, † [the Transportation Planning Section concludes that] adequate transportation facilities †[would][will] exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code †[if the application is approved with conditions].

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for the impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

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Residential

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3648 sfd	3648 sfd	3648 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	875.52	218.88	437.76
Actual Enrollment	3965	7218	10839
Completion Enrollment	176	112	223
Cumulative Enrollment	63.12	17.04	35.16
Total Enrollment	5079.64	7565.92	11534.92
State Rated Capacity	4140	6569	8920
Percent Capacity	122.70%	115.18%	129.32%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Proposed School Site

The subject site is located in an area recommended by the 1994 approved and adopted Melwood Westphalia master plan with a proposed floating elementary school and library symbols.

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The application shows a proposed school site located south of the Blythwood Historic site, east of road C-632, currently outside of the limits of the Blythwood Historic Site and its environmental setting. It appears that the applicant is proposing to provide for the stormwater management for the school site on private homeowners association land, or public parkland if conveyed to M-NCPPC. Staff would not recommend that the public institution utilize land privately owned by the homeowners association, or M-NCPPC. The Department of Environmental Resources does not manage or take maintenance responsibilities for stormwater management facilities on private lands. DER only requires a maintenance schedule and agreement, which would require that the BOE and the HOA or M-NCPPC enter into an agreement for responsibility of the SWM facility, staff believes inappropriately requiring a contractual arrangement between these entities.

The Board of Education typically needs 12–15 acres to construct a school and playfields in a suburban environment. The preliminary plan currently indicated 3.9 acres of land for a future school site and this should be increased to ensure that onsite stormwater management, parking and recreational facilities can be provided. Staff recommends a minimum of seven acres, to be dedicated concurrent with the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, in the vicinity of the BOE school site. Prior to signature approval of the preliminary plan the BOE property as delineated on the preliminary plan should be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle. The BOE is aware that this additional acreage is within the environmental setting for the historic site. Historic Preservation staff has indicated that the HPC would generally concur with the use of that portion of the property which is lawn area, be utilized for recreation purposes such as ball fields. The BOE property should not suffer the disposition of improvements necessary to support the Smith Home Farm development.

The Historic Preservation and Public Facilities Planning Section staff have evaluated this project for conformance to the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

Commercial

The portion of the subdivision that is developed with commercial and retail uses is not subject to review for its impact on schools clusters.

11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. This preliminary plan was accepted for processing by the Planning Department on October 14, 2006.

Residential

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Forestville, Company 23.

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using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial

The existing fire engine service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service travel time of 11.32 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service travel time of 8.43 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic services located at Kentland Station, Company 46, are beyond the recommended travel time guideline. The nearest fire station Forestville, Company 23 is located at 8311 Old Marlboro Pike, which is 4.20 minutes from the development for commercial. This facility would be within the recommended travel time for paramedic services. If an operational decision to locate this service at that facility is made by the county.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II-Bowie. The preliminary plan was accepted for processing by the Planning Department on October 14, 2005.

Residential

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The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

<u>Reporting Cycle</u>	<u>Date</u>	<u>Emergency Calls</u>	<u>Nonemergency</u>
Acceptance Date	<u>01/05/05-09/05/05</u>	<u>11.00</u>	<u>24.00</u>
Cycle 1	<u>01/05/05-10/05/06</u>	<u>11.00</u>	<u>24.00</u>
Cycle 2	<u>01/05/05-11/05/05</u>	<u>10.00</u>	<u>24.00</u>
Cycle 3			

The Police Chief has reported that the then current staff complement of the Police Department is 1302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005, for an application filed prior to January 1, 2006.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on November 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

Commercial

The proposed development is within the service area for Police District II-Bowie. The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420, for an application filed prior to January 1, 2006.

13. **Health Department**—The Health Department has reviewed the preliminary plan and offers the following comments:

All existing/abandoned shallow and deep wells found within the confines of the above-referenced property should 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 wells should be located on the preliminary plan. The applicant should be advised that the wells serving occupied houses should not be disconnected/abandoned until the houses are vacated. Once all the existing houses within the confines of the above-referenced property are vacated, all abandoned septic systems serving said houses must 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 systems should be located on the preliminary plan.

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The 2-hole privy serving the bunkhouse near the barn/stable associated with 4101 Melwood Road must be removed. To abandon the privy, the contents should be removed, if possible, by a licensed scavenger and the excavation limed prior to backfilling. If the contents cannot be removed, the materials should be limed and then backfilled.

Numerous above/below ground fuel storage tanks (oil, transmission fluid, fuel) as well as containers of fertilizers/pesticides were noted on-site. These tanks must be removed as part of the raze permits and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department should evaluate the soils for possible contamination once the tanks are removed prior to grading permit approval.

Prior to the approval of a final plat that contains existing structures to be razed, those structures should be razed, and the well and septic systems properly abandoned. A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed.

The German Orphan Home is located to the south of the site. The Home is currently served by well and septic systems. The Health Department recommends that upon availability that public water and sewer connection be provided to the adjacent German Orphan Home at 4620 Melwood Road.

14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #36059-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The preliminary plan and Type I Tree Conservation plan should be revised to conform to the conditions of the SWM approval.
15. **Historic**- This Preliminary Plan of Subdivision surrounds Blythewood and its 33-acre environmental setting. The Historic Preservation Commission reviewed this plan at the February 21, 2006 meeting. Subsequent to that meeting, the M-NCPPC archeologist clarified that the pit feature at archeological site, 18PR766, is not within the environmental setting for Blythewood but to the northwest at Road I and Road X of Block M. This memo carries forward their recommendations as well as staff recommendations on further information submitted with this preliminary plan under reconsideration.

The District Council approved the re-zoning of Smith Home Farm (A-9965/6) with conditions on February 14, 2006. The plans submitted with this preliminary plan of subdivision match the plans submitted with CDP-0501 (referred April 19, 2006). The environmental setting for Blythewood (33 acres) was determined by the Historic Preservation Commission (HPC) at its

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October 18, 2005, meeting. This proposal does not delineate the Blythewood Complex within the 33-acre environmental setting. The boundary of the Environmental setting shown on the preliminary plan is slightly different from what was approved by the HPC and is only 29.2 acres. In addition, a 5.5-acre area containing the Blythewood house and domestic and agricultural outbuildings is shown. The two tenant houses are not included in 5.5 acres.

The plans submitted delineate the approximate location of modern gravesites, directly south of the Blythewood on the top of the knoll and within the environmental setting. In order to comply with Section 106 review and the Planning Board directive concerning archeological investigation, the applicant has conducted a Phase I archeological investigation to determine whether or not the property contains important evidence of Native American and African American habitation and burials.

Further archeological investigation should be required. Additional information about African-Americans on-site in the eighteenth and nineteenth centuries is needed to document their presence. Wills and inventories of past owners of the Smith property should be searched for the transfer of land and material property including slaves. The 1864 Slave Statistics show that 39 slaves are recorded for William F. Berry. Analysis of earlier sources may provide information about African-Americans on the Smith property prior to William F. Berry. Review of recent archaeological reports on plantation sites from Prince George's County may provide information useful to determining the location of structures not located on historic maps.

Twelve archaeological sites were discovered during the survey of the Smith property. At one site, 18PR766, a pit feature was discovered. It is stated that shovel test pits at 18PR766 did not determine the depth and nature of the pit feature. Phase II investigations to determine the depth and nature of the pit feature should be conducted. In addition, a more detailed examination of primary historic documents may determine if a household was established in the area prior to the nineteenth century and if the structure was associated with either of the two earlier tracts, Free School or Lucky Discovery, which pre-dated Blythewood and the tenure of William F. Berry.

An archaeological survey was conducted around the two Blythewood tenant houses. Three low-density artifact scatters from the mid-nineteenth to the twentieth century were recovered but no artifact patterning was identified. It is stated that the two circa 1860 tenant structures were identified in a 1924 deed of sale. Further research into the material property owned by Berry may determine if the two tenant houses were slave quarters and if additional slave quarters were on the property. The proposed development of the Smith property shows a Stormwater Management Pond located where the two tenant structures are located, within the environmental setting. This will result in the destruction of these two structures, which would require the approval of an historic work area permit. Phase II investigations should be conducted to determine the construction dates and to look for features associated with free and enslaved African-American occupation. The limit of disturbance should be revised to relocate the pond outside of the environmental setting.

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The Moore Farmhouse (78-035), part of this preliminary plan of subdivision, to the west of Mellwood Road, is not eligible for the National Register, and has not been designated as a historic site or resource.

The Blythewood House, outbuilding complex and fields are associated with the agricultural history of Prince George's County during the nineteenth and twentieth centuries. The environmental setting for the Blythewood complex includes all the associated buildings, as well as the view shed of the existing fields and is not accurately reflected on the preliminary plan. The good physical condition of the buildings will assist in their adaptive reuse as a focal point of the development. The opportunity to showcase this unique property in Prince George's County and promote the county's agrarian past through historical interpretation should be capitalized upon. The applicant should demonstrate how these buildings would be maintained and restored, through further phases of development.

Further Phase I investigations should be conducted to determine whether or not the property contains important evidence of Native American and African American habitation and burials. In addition, Phase II investigations should be conducted if the proposed development of the Smith property results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation. Phase II investigations are being conducted at the pit feature known as 18PR766, and additional modifications to layout and improvement locations may result through the development review process in order to ensure protection of historic features.

The "Historic Blythewood Homesite Parcel" is proposed for adaptive reuse to be retained at this time by the applicant. A plan for the maintenance of the tobacco barn and tenant houses should be submitted to Historic Preservation staff. The 5.9-acre parcel should include the tree-lined lane leading to the house and outbuildings. The tree-lined access appears to be approximately 15 feet wide and is not adequate to serve as vehicular access to a commercial or office use. To ensure that it remains, staff believe that options including the conversion of the tree lined driveway to a pedestrian path connecting may be appropriate. Prior to signature approval, the parcel should be revised to provide a minimum 22-foot-wide stem to the proposed traffic circle, to provide direct vehicular access on to the circle.

16. **Cemeteries**—The property contain one known cemetery, to the north of the Blythwood Historic House within the 33-acre environmental setting, and within the 5.5 acre "homesite parcel."

Section 24-135.02 of the Subdivision Regulations establishes that when a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

"(a)(1) The corners of the cemetery shall be staked in the field prior to preliminary plat submittal. The stakes shall be maintained by the applicant until preliminary plat approval.

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(2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plat application.

(3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.

(4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.

(5) If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other agreements shall include a determination of the following:

(A) Current and proposed property ownership;

(B) Responsibility for maintenance;

(C) A maintenance plan and schedule;

(D) Adequate access; and

(E) Any other specifications deemed necessary by the Planning Board.

(b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.

(c) The Planning Board, or its designee, shall maintain a registry of cemeteries identified during the subdivision review process.

(d) Upon approval of a preliminary plat of subdivision, any cemetery approved in accordance with this Section which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.”

The cemetery site on the Blythewood knoll is just to the south of the house and contains four headstones. There are three graves, the fourth headstone is a marker for a future interment. This

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is a modern family cemetery for the Smith Family. The cemetery is completely within the environmental setting for Blythewood.

Staff notes the following that relates to the review of the preliminary plan for conformance to this Section 24-135(02):

- (a) (1) The boundary of the four modern graves is discrete and staking prior to preliminary plan approval should not be necessary.
- (2) An inventory of all cemetery elements should be submitted.
- (3) The lot lines for the environmental setting for Blythewood will promote the long term maintenance and protection.
- (4) The cemetery is within the environmental setting for Blythewood and adding a fence is not appropriate at this site.
- (5) The plan proposes that M-NCPPC will be the owner of this property.
- (b) The cemetery will be protected by being within the environmental setting of Blythewood.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 27, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2006.

†[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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 24, 2012, in Upper Marlboro, Maryland.]

†[Adopted by the Prince George's County Planning Board this 14th day of June 2012] ‡and was corrected administratively on February 19, 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

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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

February 21, 2012

SHF Project Owner, LLC
1999 Avenue of The Stars, Suite 2850
Los Angeles, CA 90067

Re: Notification of Planning Board Action on
Specific Design Plan – SDP-1002
Smith Home Farm Stream Restoration

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board **February 16, 2012** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **February 21, 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 communications or inquires regarding this matter to **Ms. Redis C. Floyd, Clerk to the County Council, at the above address.**

Very truly yours,
Alan Hirsch, Chief
Development Review Division

By: Ruth E. Brown
Reviewer

cc: Ms. Redis C. Floyd, Clerk to the County Council
Persons of Record

PGCPB NO. 12-07



RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on January 26, 2012, regarding Specific Design Plan SDP-1002 for Smith Home Farm Stream Restoration, the Planning Board finds:

1. **Request:** The subject application is for approval of a specific design plan (SDP) for stream restoration required by Condition 56 of the approval of Preliminary Plan of Subdivision 4-04080 and Condition 2 of the approval of Specific Design Plan-0506.

2. **Development Data Summary:**

	Existing	Approved
Zones	R-M/L-A-C	R-M/L-A-C
Uses	Vacant	Residential
Acreage (in the subject SDP)	757/30	757/30
Lots	*	*

*No lots are proposed in this SDP for stream restoration.

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.

The subject SDP includes a review of the streams on-site and a determination of which locations on the various streams on-site should take priority for stream restoration efforts.

4. **Surroundings and Use:** The 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.
5. **Previous Approvals:** The subject site, Smith Home Farm, measures 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the Local Activity Center (L-A-C) Zone, which was

rezoned from the R-A Zone through Zoning Map Amendments A-9965-C and A-9966-C, for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. Zoning Map Amendments A-9965-C and A-9966-C were approved (Zoning Ordinance Nos. 4-2006 and 5-2006) by the District Council on February 13, 2006, subject to three conditions. On May 22, 2006, the District Council approved an amendment to A-9965 and A-9966 based on a motion filed by the applicant to move the L-A-C line further south about 500 feet. The acreage of the L-A-C Zone remains the same as previously approved. On February 23, 2006, Comprehensive Design Plan CDP-0501 for the entire 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.

A single revision to the CDP, CDP-0501-01, was approved by the Planning Board on December 1, 2011 with conditions, as formalized in the adoption of PGCPB Resolution No. 11-112, adopted by the Planning Board on January 5, 2012. The 30-day appeal/call-up period for this case, calculated from the mail-out date of the resolution, January 10, 2012, has not expired yet. The site also has an approved Stormwater Management Concept Plan, 24819-2006-01.

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, adopted by the Planning Board on the same date. Subsequently, a reconsideration of 4-05080 was filed and after being continued three times (June 1, 2006, June 15, 2006, and July 6, 2006), the reconsideration was approved as memorialized in PGCPB Resolution No. 06-64(A). Specific Design Plan SDP-0506 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.

6. **History of the Evaluation of the Stream Corridors for Smith Home Farm:** Condition 1b of the District Council's approval of CDP-0501 and VCDP-0501 required that a stream corridor assessment (SCA) be conducted prior to signature approval of the plan to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. Further, it required that all of the streams on-site shall be walked and that a SCA report with maps and digital photographs be provided. Lastly, Condition 1b required that the applicant demonstrate to the satisfaction of the Planning Board, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, would be no less than \$1,476,600.

Such an assessment entitled "Smith Home Farm Stream Corridor Assessment" and dated March 2006 was prepared by Environmental Systems Analysis, Inc. for DASC/LLC, the applicant in the CDP Smith Home Farm case. The assessment involved fieldwork conducted on March 10, 2006 and March 29, 2006 which revealed several stream systems on-site consisting of the main stem of Cabin Branch, which bisects the site flowing east, and several associated unnamed tributaries. For the purposes of the assessment, the stream systems were divided into identified "reaches," with right and left bank orientation in a downstream direction. The assessment

consisted of walking the stream corridors, noting their condition, and identifying and photographing areas with potential stabilization and restoration opportunities. The photograph locations were numerically referenced and noted on a site plan. The assessment identified potential areas for stormwater retrofit, riparian buffer planting, wetland enhancement/creation, and stream stabilization such as removing obstructions and debris jams, installing grade control structures and bank protection, grading banks, and adjusting meander bends and channel geometry. The results and discussion of their investigations of the following reaches, followed by photographs, was then provided, with the conclusion that only reaches C-6, C-7, 3-4, 6-2, 7-5, and 7-6 would be good candidates for stream restoration efforts.

- Cabin Branch, Reach C-1
- Cabin Branch, Reach C-2
- Cabin Branch, Reach C-3
- Cabin Branch, Reach C-4
- Cabin Branch, Reach C-5
- Cabin Branch, Reach C-6
- Cabin Branch, Reach C-7
- Reach 1, including Reach 1-1, Reach 1-2, and Reach 1-3
- Reach 2
- Reach 3, including Reach 3-1, Reach 3-2, Reach 3-3, and Reach 3-4
- Reach 4, including Reach 4-1, Reach 4-2, and Reach 4-3
- Reach 5
- Reach 6, including Reach 6-1, Reach 6-2, and Reach 6-3
- Reach 7, including Reach 7-1, Reach 7-2, Reach 7-3, Reach 7-4, and Reach 7-5
- Reach 8, including Reach 8-1, Reach 8-2, and Reach 8-3

The assessment was found acceptable to staff and the CDP was certified.

On November 16, 2011, the subject specific design plan, as required by identical Condition 56 of 4-05080 and Condition 2 of SDP-0506, was accepted for processing. The subject conditions require:

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

The limited SDP for stream restoration shall:

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

See Finding 8 for a full discussion of conformance to the above condition. The subject SDP was reviewed by the Planning Board and outside agencies as appropriate and referral comment received. The case was then reviewed for conformance with the specified evaluation criteria and referral comments, as reflected in this approval, with conditions, as more particularly described below.

COMPLIANCE WITH EVALUATION CRITERIA

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. As the subject SDP is limited to a conceptual review of stream restoration, the conditions of the approval of A-9965-C or A-9966-C below that are required at the time of approval of the first specific design plan have been interpreted to mean that they are not required to be complied with at the time of approval of SDP-0506 (limited to approval of two roadways), nor the subject SDP (limited to establishing a conceptual stream restoration plan). These conditions shall be considered in the

analysis of SDP-1003, currently scheduled for a public hearing before the Planning Board on February 16, 2012.

In both approvals (A-9965-C and A-9966-C), this requirement was reflected as Condition 2H as follows:

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.**
8. **Comprehensive Design Plans CDP-0501 and CDP-0501-01:** Since the subject application is an SDP limited to conceptual stream restoration only, the conditions of approval of the CDPs are not directly relevant and shall be reviewed at the time of the approvals of SDPs for the lotting out of the subdivision. However, because the appeal/call-up period has not expired at the time of this approval and because signature approval has not yet been obtained on the -01 revision, a condition of this approval requires that the applicant shall ensure that, prior to signature approval, the subject plan conforms to any relevant requirements of the final approval of the -01 revision.
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. Condition 56 of the approval of Preliminary Plan of Subdivision 4-05080 is included in bold face-type below, by comment:
 56. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

Since the subject SDP has been approved, it is in conformance with the first subpart of this requirement. However, to ensure that the subject SDP is in conformance with the second subpart of this condition, a condition of this approval requires the subject SDP be certified prior to the certification of SDP-1003, a currently pending application for the first phase of development. Conformance to the third part of this condition is triggered at the later time of issuance of grading permits and so will not be evaluated at this time. No separate TCPII accompanies the subject SDP, in conformance with the fourth subpart of this condition. A condition of this approval

ensures that the subject conceptual stream restoration plan shall be implemented in all ensuing SDPs for the various phases of development (the fifth subpart of the above condition), and that such SDPs shall include the detailed engineering for the stream restoration for that phase (the sixth subpart of the above condition).

The limited SDP for stream restoration shall:

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management**

The subject project was referred to both the Department of Parks and Recreation (DPR) and the Department of Public Works and Transportation (DPW&T) for comment and referral comments received have been incorporated into this approval. Additionally, multiple meetings were held with DPR and the applicant to discuss issues relating to the land to be dedicated to the DPR and stormwater management.

- b. Consider the stormwater management facilities proposed;**

In a memorandum dated November 23, 2011, DPW&T stated that the proposed site development is consistent with approved Stormwater Management Concept Plan 36059-2005-02, dated June 22, 2011. Through the review of the subject project, there has been much discussion regarding the design of a stormwater management pond on park land. Discussion of that pond, however, is more appropriate during the review of SDP-1003, Smith Home Farms, Sections 1a, 1b, 2, and 3, when the timing will be established for the design of the SDP for the central park and during the Planning Board's review of that SDP.

- c. Include all land necessary to accommodate the proposed grading for stream restoration;**

A condition of this approval requires that the applicant include, at the time of approval of the SDP for the relevant phase of development, the proposed grading for stream restoration.

- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**

The subject limited SDP for stream restoration shows the main channel and tributaries of Cabin Branch. Recommended stream restoration work however does not in all cases fall within an identified phase. A condition of this approval requires that, prior to certification,

the applicant shall revise the overall phasing plan so that restoration for identified Stream Reaches are located within only one phase.

- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**

A condition of this approval requires that each detailed stream restoration plan be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.

- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management, and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

Per a condition of this approval, areas of stream restoration to be associated with future road crossings, stormwater management, and utility crossings shall be identified in the specific design plans to be approved for the lotting out of the various sections of Smith Home Farm; and revision of SDP-1002 will be required if the above-identified items significantly alter the concept plan for stream restoration established through the subject approval. A condition of this approval states that, should the required minimum of \$1,476,600 in stream restoration not be met upon completion of all priority areas, other locations on the site shall be selected as necessary to meet the minimum, the plan shall be revised as necessary to show the additional site(s) as priority areas, and the stream restoration for those sites shall be implemented with all other conditions of approval of this request.

The other conditions of the preliminary plan of subdivision are more relevant to future Smith Home Farm specific design plan applications that involve the lotting out of the various sections of the development.

10. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:
 - a. The subject SDP is limited to issues regarding how the development impacts streams on the subject site and restoration measures to be undertaken as part of the project, and is therefore consistent with Sections 27-274(a)(7), 27-507, 27-508, and 27-509 of the Zoning Ordinance governing development in the R-M Zone and with Sections 27-494, 27-495, and 27-496 of the Zoning Ordinance governing development in the L-A-C 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.**

As discussed previously, the subject SDP is limited to issues regarding how the subject development impacts streams on the subject site and restoration measures to be undertaken as part of the subject project. Only those regulations and standards that are applicable should be considered in the review of this SDP. The subject SDP proposes a stream restoration plan that is consistent with approved Comprehensive Design Plan CDP-0501. The 2010 *Prince George's County Landscape Manual* is not applicable in this SDP.

(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.**

The subject SDP is limited to issues regarding how the subject development impacts streams on the subject site and restoration measures to be undertaken as part of the subject project. As no development will result from the subject SDP, this required finding is inapplicable to the subject SDP.

(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 Department of Public Works and Transportation (Abraham to Grover, November 23, 2011) has stated that the proposal is consistent with the approved stormwater management concept plan. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

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

Condition 56 of the approval of Preliminary Plan of Subdivision 4-05080 and Condition 2 of the approval of Specific Design Plan SDP-0502 state that there will not be a separate Type II tree conservation plan (TCPII) for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. It also requires that each subsequent SDP and

associated TCPII revision shall reflect the stream restoration work for that phase and that, as each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase. Therefore, conformance with an approved tree conservation plan will be ensured in each stage of development of the Smith Home Farm project.

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

The very nature of the subject specific design plan for stream restoration efforts on the subject site ensures that streams, the regulated environmental feature in question, shall be preserved and/or restored in a natural state to the fullest extent possible. Preservation and/or restoration of other regulated environmental features on the site shall be ensured as subsequent specific design plans are approved for the various sections of the subject development.

11. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there is a previously approved Tree Conservation Plan, TCPI/38/05.

- a. A Type I Tree Conservation Plan, TCPI/38/05, was approved with conditions with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm. Type I Tree Conservation Plan TCPI/38/05/01 was approved with Preliminary Plan of Subdivision 4-05080.
- b. A Type II Tree Conservation Plan, TCPII/57/06, was approved with conditions with SDP-0502 for infrastructure that covers a very limited part of the Smith Home Farm project around the two segments of two major roadways.

A separate TCPII is not required to be approved together with the subject SDP, but will be required to be approved together with SDPs for the lotting out and development of the various individual sections of the development.

Therefore, it may be said that the subject project conforms to the degree necessary to the Woodland Conservation and Tree Preservation Ordinance.

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

- a. **Community Planning**—The Commission has no comment on the subject project from a Community Planning perspective.

- b. **Transportation**—The Planning Board stated that they found the plan to be acceptable from a transportation perspective.
- c. **Environmental**—The Planning Board reviewed the revised plans for SDP-1002, Smith Home Farm Stream Restoration with respect to environmental issues. The Planning Board had previously reviewed the subject property prior to the subject SDP application for a Water and Sewer System Area Change Request, 04/W-10, as an application for rezoning from the R-A Zone to the R-M and L-A-C Zones, Zoning Map Amendments A-9965 and A-9966, Natural Resources Inventory NRI/006/05, Comprehensive Design Plan CDP-0501, Preliminary Plan of Subdivision 4-05080, and Specific Design Plan SDP-0506. The current approval is of a stream restoration plan as required by Condition 56 of PGCPB Resolution No. 06-64(A) for the approval of 4-05080.

The following describes the site from an environmental perspective:

The site is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road. The property is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/38/05) was previously approved for the site. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras, and Westphalia soil series. According to available information, Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program.

See Finding 8 for a discussion of environmentally-related Condition 1 of the CDP. See Finding 9 for a discussion of environmentally-related Condition 56 of the approval of Preliminary Plan of Subdivision 4-05080.

The Planning Board concluded that the priority areas for stream restoration are Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 not on land to be dedicated to the Department of Parks and Recreation as identified in the stream restoration plan prepared for the subject project.

The Planning Board then included as conditions of this approval measures to implement their environmental concerns.

- d. **Trails**—The Planning Board reviewed the subject specific design plan for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of approximately 757 acres of land in the R-M and L-A-C Zones. The property is located within the Westphalia Town Center and is bounded by the core of the town center to the south and properties approved for residential development to the north.

The Planning Board offered the following regarding master plan compliance and prior approvals:

Both approved SDP-0506 (PGCPB Resolution No. 06-192) and approved 4-05080 (PGCPB Resolution No. 06-64(A)) contained conditions of approval requiring the stream restoration study. Condition 2 of the SDP and Condition 56 of the preliminary plan included specific requirements for the study. See Finding 9 for the wording of this condition.

The conditions of approval requiring the stream restoration study do not specifically mention or reference the planned stream valley trail along Cabin Branch. However, the prior approvals require the construction of a stream valley trail. These conditions from the approved CDP and preliminary plan are copied below.

The site is subject to previously approved CDP-0501 (PGCPB Resolution No. 06-56), which included several conditions related to bicycle and pedestrian facilities. These conditions of approval are reiterated below:

9. **At time of the applicable SDP, the following areas shall be carefully reviewed:**
- f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
 - g. **A trailhead facility for the Cabin Branch Trail.**

Subsequently, approved 4-05080 (PGCPB Resolution No. 06-64) further refined these recommendations to include the following connections on the subject site.

13. **The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation Guidelines and standards. Timing for the construction shall be determined with the**

appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.

- 15. The applicant, his heirs, successors and/or assignees shall provide:**
 - a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for Stormwater Management Pond Number 4 (access road and outfall) in order to minimize impacts to the PMA.**
 - d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.**
 - e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.**
- 20. A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.**
- 36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.**

The conditions of approval requiring the stream restoration plan do not specifically mention the stream valley trail. However, the provision of this master plan facility should be considered and incorporated into the restoration plan. The master plan trail and appropriate connector trails shall by condition be reflected on the limited SDP and the restoration efforts will have to work around this master plan trail. Also, Condition 36 requires that the trail have dry passage through the use of boardwalk and bridges, where appropriate. Boardwalk or bridge construction that is incorporated into the trail should be designed to minimize environmental impacts and support the restoration measures.

Conclusion

In conformance with the *Approved Westphalia Sector Plan and Sectional Map Amendment*, *Approved Countywide Master Plan of Transportation*, and previously approved CDP-0501 and 4-05080, the applicant and the applicant's heirs, successors, and/or assignees shall by condition of this approval provide the following:

The limited SDP for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail should be designed to minimize environmental impacts and support the restoration measures.

- e. **Permit Review**—No zoning issues are apparent in this limited specific design plan for stream restoration.
- f. **The Department of Parks and Recreation (DPR)**—In a letter dated January 9, 2012, DPR offered the following findings regarding the subject SDP:

Specific Design Plan SDP-1002 identifies areas proposed for stream restoration and proposes methods for stream restoration within designated areas. DPR staff reviewed the submitted plans and determined that the majority of the stream restoration areas (approximately 90 percent) are shown on land to be dedicated for the central park site. This proposal is in conflict with the previously approved central park concept plan which was approved as part of CDP-0501 plans in 2007.

The Westphalia Sector Plan (CR-2-2007) (the sector plan) designates the Westphalia central park as a regional draw and icon for Westphalia. The sector plan envisions a lake or other water element as its central feature of the park. The sector plan proposes that the park include active and passive recreational facilities such as a tennis center, an amphitheater, a water activity center, a restaurant with a patio, a multi-station playground, a skate park, a splash park, sport fields and courts, a dog park, pedestrian, bicycle and equestrian trails, and other similar features.

The sector plan provides a strategy for the development of a comprehensive public facilities plan that includes detailed recommendations for financing mechanisms, phasing, construction, and maintenance of the proposed park facilities. The sector plan recommends that a park fee of \$3,500 per new dwelling unit (in 2006 dollars) be assessed to pay for the construction of the public park facilities. In addition, the sector plan provides for the formation of a multi-agency public/private work group to implement the vision for the Westphalia central park on an expedited basis.

The central park recreational facilities were described on a concept plan for development of same was financed by the developers of the Smith Home Farm and Woodside Village projects (GB Development and Toll Brothers) in 2006 and approved as part of CDP-0501.

The concept plan was prepared by Alex Garvin and Associates, Inc., a renowned firm specializing in urban park design. The plan depicted a 179-acre central park containing a 36-acre in-stream lake surrounded by recreational facilities. The proposed recreational facilities included:

- A waterfront activities center;
- Overlook/picnic areas;
- A restaurant;
- An adventure playground;
- A tennis center;
- An amphitheater;
- A recreation center;
- A skate park;
- Picnic areas; and
- An extensive trail network.

The central park also includes an environmental setting for the Blythewood historic site. In 2007, in order to determine the feasibility of constructing the 36-acre in-stream lake as depicted in the central park concept plan, DPR hired Bray Hill LLC and Versar, Inc. to conduct a lake feasibility study. This study concluded that a lake in the Cabin Branch stream valley, which runs through the Smith Home Farm property, is viable. However, due to the complex and long process involved in obtaining the necessary state and federal approvals for an in-stream lake, DPR hired the URS Corporation in 2009 to provide design and engineering services related to the proposed lake and to obtain construction permits from the Army Corps of Engineers and the Maryland Department of the Environment (MDE). The consultant is in the process of preparing plans for submission to MDE and the Army Corps of Engineers for review and approval. The primary goals of the project are to restore the Cabin Branch stream habitat, enhance the natural features of the stream valley, and provide a recreational amenity for the park. The projected scope of work will include any stream restoration required by MDE and the Army Corps of Engineers associated with the in-stream lake construction in the park.

DPR then offered the following commentary on the indicated prior conditions of approval:

Condition 1(m) of the approval of CDP-0501: "Prior to certificate approval of the CDP and prior to submission of any SDP, the applicant shall 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.

The concept plan for the central park has been approved by DPR and the Planning Board as part of the certification of CDP-0501.

See Finding 9 for the exact wording of Condition 56 of the approval of 4-05080.

DPR staff has reviewed the submitted SDP-1002 plans and finds that approximately 90 percent (36 acres) of the stream restoration is proposed on the dedicated land for the central park and located in the area of the proposed 36-acre in-stream lake. This proposal is in conflict with approved CDP-0501 plans. The applicant is not taking into consideration the previously approved plans for the central park and the vision of the Westphalia Sector Plan for a lake or other water element as its focal feature of the park. DPR is committed to the vision of the Westphalia Sector Plan and the approved central park concept plan. DPR recognizes the challenges associated with the in-stream lake permits, but remains committed to the in-stream lake design and will submit the necessary plans to MDE and the Army Corps of Engineers for permitting. We believe that the MDE and Army Corps of Engineers will recognize the regional significance of the lake in this project and support its construction in this location in Prince George's County.

DPR is also committed to the stream restoration on dedicated parkland as part of the lake design and construction. The plan for stream restoration outside of the lake will be developed as part of the lake design project and submitted to MDE and the Army Corps of Engineers for their approval. In our (DPR's) opinion, the applicant should recognize the vision of the Westphalia Sector Plan and take appropriate steps in designating other areas within the project eligible for the stream restoration.

DPR has invested considerable time and effort and made substantial financial investment in the lake design. In our (DPR's) opinion, it would be inappropriate to propose stream restoration in the area designated for the lake prior to completion of the lake design and the subsequent review by MDE and the Army Corps of Engineers.

The 36-acre in-stream lake is a core element of the currently approved concept plan for the central park. If MDE and the Army Corps of Engineers are reluctant to grant a permit for construction of the in-stream lake in the central park, the park concept plan will require a major redesign. If an alternative plan for the central park is developed without an in-stream lake, then DPR will work with the applicant and consider the stream restoration work on the park property.

DPR recommended a single condition of approval that, prior to signature approval, the applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park. Revised plans received since the date of DPR's above-mentioned comments still show stream restoration efforts moved on parkland. Therefore, the Planning Board has included DPR's recommended condition in this approval.

DPR offered a second memorandum on the subject project dated January 9, 2012, including issues relating to the design and construction of the central park to be located on a portion of land to be dedicated by the applicant. It has been determined that the details of the design and construction of the central park should more appropriately be dealt with in

SDP-1003, Smith Home Farm, Sections 1a, 1b, 2, and 3, as this application is not limited to a singular purpose and was accepted prior to SDP-1002. Specific Design Plan SDP-1003 is scheduled for a February 16, 2012 Planning Board public hearing.

- g. **Public Facilities**—As the SDP did not involve the creation of any residential units or commercial or industrial square footage, the evaluation of availability of public facilities was not germane to the analysis of the project.

- h. **The Department of Public Works and Transportation (DPW&T)**—In a letter dated November 23, 2011, DPW&T indicated that:

The SDP is consistent with approved Stormwater Management Concept Plan 36059-2005-02 dated June 22, 2011;

That all proposed development is required to provide flood control measures to mitigate any flooding problem;

That stormdrain and stormwater technical approval is required prior to permit issuance;

That site, stream buffer, culvert design, and site improvements within the floodplain should be designed in accordance with DPW&T requirements; and

That all stormwater management facilities/drainage systems, including recreational features, visual amenities, and facilities are to be constructed in accordance with DPW&T specifications and standards.

DPW&T's comments are more germane to the review of SDP-1003 for Sections 1a, 1b, 2, and 3 of the Smith Home Farm project and will be considered in its analysis in preparation for a February 16, 2012 Planning Board hearing.

- i. **The State Highway Administration (SHA)**—In a letter dated December 12, 2011, SHA indicated that they would not be commenting on the stream restoration SDP for Smith Home Farm.
- j. **The Washington Suburban Sanitary Commission (WSSC)**—In a letter dated December 28, 2011, WSSC in a combined memorandum for SDP-1003 and the subject SDP, offered numerous comments regarding provision of water and sewer service to the property.

None of the offered comments, however, is relevant to the subject SDP and with therefore be utilized in the analysis of SDP-1003, currently scheduled for a Planning Board hearing on February 16, 2012.

- k. **Verizon**—In an e-mail dated January 11, 2012, Verizon stated that they do not believe that stream restoration efforts will have any effect on Verizon's facilities.
- l. **The Potomac Electric Power Company (PEPCO)**—In an e-mail dated January 11, 2012, PEPCO stated that they require a ten-foot easement along all ingress and egress accesses.

The subject SDP is for stream restoration purposes only and does not include the placement or design of any rights-of-way.

- m. **The Westphalia Sector Development Review Council**—At the time of this approval, the Planning Board had not received comment on the subject project from the Westphalia Sector Development Review Council.
- n. **The Prince George's County Health Department**—The Prince George's County Health Department indicated that they had no comments on the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Specific Design Plan for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this SDP, the applicant shall revise the plans for the project as follows:
 - a. Show Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 that is not on land to be dedicated to the Department of Parks and Recreation as priority areas for restoration. Identify the approximate land area necessary for the associated grading, and revise all charts and information as necessary.
 - b. Provide two additional columns in the stream restoration chart that include:
 - (1) a column for the estimated cost for the restoration of each stream segment, with the cost typed in; and
 - (2) a column for the actual cost (to be typed in upon completion of each restoration project).
 - c. The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.
 - d. The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George's County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.

- e. The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.
 - f. The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.
 - g. The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.
2. Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.
3. Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.
4. Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP) shall be revised and additional priority area(s) recommended as necessary so as to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until such time as the required minimum expenditure is met.
5. Prior to issuance of any grading permits, all specific design plans (SDPs) for the Smith Home Farm project shall be revised to conform to the certified stream restoration SDP.
6. Prior to acceptance of all specific design plans (SDPs) for each section of development of Smith Home Farm, a separate Type II tree conservation plan for that area of the plan shall be submitted. Both shall conform to the certified stream restoration SDP and contain detailed engineering for the stream restoration for that phase.

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

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 Squire, with Commissioners Washington, Squire, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, January 26, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 2/1/12

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

December 6, 2016

SHF Project Owner, LCC
1999 Avenue of the Stars, Suite 2850
Los Angeles, CA 90067

**Re: Notification of Planning Board Action on
Specific Design Plan SDP-1601
Parking (formerly Smith Home Farm), Section 4,
Parcels 120 and 157**

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **December 1, 2016** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **December 6, 2016** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,
Alan Hirsch, Chief
Development Review Division

By:  for R. G.
Reviewer

Attachment: PGCPB Resolution No. 16-125

cc: Redis C. Floyd, Clerk to the County Council
Persons of Record

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on October 27, 2016, regarding Specific Design Plan SDP-1601 for Parkside (formerly Smith Home Farm), Section 4, Parcels 120 and 157, the Planning Board finds:

1. **Request:** The subject approval is for an infrastructure specific design plan (SDP) for grading and the installation of three stormwater management ponds for Parkside, Section 4, a part of the larger Parkside development.

Note: The originally submitted request was also for stream restoration, historic Melwood Road and legacy trail alignment, and the installation of water and sewer lines. Consideration was subsequently limited by the Planning Board to rough grading for the installation of stormwater management ponds. The portions of the original request not herein considered will be reviewed when a full-scale SDP is submitted for consideration.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-M	R-M
Use	Residential	Residential
Acreage	97.20	97.20
Parcels	2	2
Gross Acreage	96.49	96.49
Flood Plain Acreage	2.49	2.49
Net Acreage	94	94

3. **Location:** The larger Parkside (formerly Smith Home Farm) subdivision is a tract of land consisting of wooded, and partially developed land 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. Subject Section 4 of the Parkside development is located in the north central portion of the development north of approved Section 3 of the development and the proposed Westphalia Central Park.
4. **Surrounding Uses:** The subject site (SDP-1601) is bounded to the north by vacant land and single-family detached residential units in the Rural Residential (R-R) and Open Space (O-S) Zones; to the east by townhouses and the undeveloped Section 7 of the Parkside development in

the Local Activity Center (L-A-C) and Residential Medium Development (R-M) Zones; to the south by Section 3 of the Parkside development and the proposed Westphalia Central Park in the R-M Zone and to the west by Rock Spring Drive and Melwood Road, with Section 2 of the Parkside development in the R-M Zone and some scattered existing development in the Commercial Shopping Center (C-S-C), Commercial Office (C-O), in the Miscellaneous Commercial (C-M) Zone and the R-R Zones beyond.

The Parkside project, as a whole, is bounded to the north by the existing subdivisions and undeveloped lands in the R-R (Rural Residential), R-A (Residential-Agricultural), C-M (Commercial Miscellaneous), C-O (Commercial Office), and R-T (Residential-Townhouse) Zones; to the east by undeveloped lands in the R-R and the R-A Zones; to the south by existing development such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by the existing development (Mirant Center) in the I-1 Zone, existing residences in the R-R and the R-A Zones, and undeveloped land in the I-1 and M-X-T Zones.

5. **Previous Approvals:** The subject approval is for Section 4 within a larger project currently known as Parkside, which measures 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the L-A-C Zone. The Parkside project was rezoned from the R-A Zone through Zoning Map Amendments A-9965 and A-9966 to the R-M (Residential Medium 3.6-5.7) Zone with a mixed-retirement development and the L-A-C (Local Activity Center) Zone with a residential component, for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. On September 29, 2005, the Planning Board approved Zoning Map Amendments A-9965 and A-9966, subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner approved Zoning Map Amendments A-9965 and A-9966 with two conditions, which included all of the conditions of approval of the Planning Board as sub-conditions. The District Council approved both Zoning Map Amendment applications on February 13, 2006 and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Planning Board approved (through PGCPB Resolution No. 06-56(C)) Comprehensive Design Plan CDP-0501 for the entire Parkside project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 20, 2011, a revision to CDP-0501 was filed to modify Condition 3 regarding the construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and the size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (through PGCPB Resolution No. 11-112) with four conditions.

On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-64(A)) Preliminary Plan of Subdivision 4-05080 for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-192) infrastructure Specific Design Plan SDP-0506 for portions of roadways

identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south) in the R-M Zone. This approval also showed a portion of the roadway between MC-631 and the Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout.

In addition to the prior approvals for the site mentioned above, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501 that governs the development of the entire Smith Home Farm project. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (SMA) was approved by the District Council on February 6, 2007. In County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to 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 Zone (Market rate) as 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 the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program (PFFIP) District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

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

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

Specific Design Plan SDP-1003 for Sections 1A, 1B, 2, and 3 of the Smith Home Farm development was approved by the Planning Board on March 12, 2012, as formalized by the Planning Board's adoption of PGCPB Resolution No. 12-21 on March 29, 2012. On July 24, 2012, the District Council affirmed the Planning Board's decision with two additional conditions of approval.

Specific Design Plan SDP-1003-01, a revision to add townhouse architecture, widen some townhouses to 22 feet, and reorient six groups of townhouses, was approved by the Planning Board on May 30, 2013 and formalized in the adoption of PGCPB Resolution No. 13-62. The District Council approved the revision by an order dated September 23, 2013.

Specific Design Plan SDP-1003-02 was pre-reviewed, but then withdrawn on May 29, 2013.

Specific Design Plan SDP-1003-03, a revision to add the Westphalia model to the approved architecture for Section 1B, was approved by the Planning Board on September 19, 2013 and formalized in the Planning Board's adoption of PGCPB Resolution No. 13-106 on October 10, 2013.

Specific Design Plan SDP-1003-04, a revision to add the Arcadia model to Section 1A, was approved by the Planning Board on January 16, 2014. The Planning Board adopted PGCPB Resolution No. 14-02 on February 6, 2014, formalizing the approval.

Specific Design Plan SDP-1003-05 was approved for the Parkside development to revise the central recreational area included in Section 3 of the SDP. The Planning Board approved the application on September 10, 2015 and adopted PGCPB Resolution No. 15-91 on October 1, 2015, formalizing the approval.

Specific Design Plan SDP-1003-06 to revise Section 3 was approved by the Planning Board on July 21, 2015. The Planning Board subsequently adopted PGCPB Resolution No. 15-36 on May 7, 2015, formalizing that approval. The District Council subsequently reviewed the case and approved it by an order dated July 21, 2015.

The '-06' revision was approved on April 16, 2015 and, before the '-05' revision was approved on September 10, 2015, the name of the project was changed from Smith Home Farm to Parkside. Specific Design Plan SDP-1003-07 was approved by the Planning Board on November 19, 2015. Prince George's County Planning Board Resolution No. 15-121 was adopted on December 10, 2015, formalizing the approval. Specific Design Plan SDP-1003-08 was approved at staff level on December 14, 2015. Specific Design Plan SDP-1003-09 was approved by the Planning Board on September 8, 2016 and PGCPB Resolution No. 16-106 was adopted on September 29, 2016, formalizing the approval.

The project is subject to Stormwater Management Concept Plan 14846-2006-01, which covers Sections 4, 5, and 6 of the Parkside Development, approved on June 15, 2016 and valid until May 4, 2017.

6. **Design Features:** Specific Design Plan SDP-1601 is roughly rectangular in shape, with stormwater management Pond 4A and stormwater management Pond 4B located in the southeastern corner of the site and Pond 4C located along the eastern boundary of Section 4, approaching the northwestern corner of the SDP. Grading and the limits of disturbance are shown on the SDP, together with environmental features occurring on the subject property. Details of layout and site design for this section of the Parkside development will be determined when a full-scale SDP is submitted for review at a future date.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to three conditions, none of which is applicable to the review of this limited infrastructure SDP.
8. **Comprehensive Design Plan CDP-0501 and its revision and reconsideration:** Comprehensive Design Plan CDP-0501 as approved includes a maximum of 3,648 dwelling units, of which 2,124 dwelling units are in the regular R-M Zone, including 319 single-family detached, 552 single-family attached, 361 two-over-two, and 892 multifamily condominium units; 1,224 dwelling units are in the R-M Zone under Mixed Retirement Development (MRD); and 300 condominium dwelling units and 140,000 square feet of commercial/retail in the L-A-C Zone. Comprehensive Design Plan CDP-0501 was approved by the Planning Board with 30 conditions. The District Council approved CDP-0501 on May 22, 2006 with 34 conditions, without approving the accompanying three variances. Of the 34 conditions attached to the CDP approval, Conditions 1, 7, 8, 9, 11, 12, 16, 23, 29, 31, 32 and 34 are SDP-related conditions that will be applicable when the applicant submits a full-scale SDP for consideration.

On December 1, 2011, the Planning Board approved Comprehensive Design Plan CDP-0501-01 and added three new conditions regarding the timing of construction and completion of the second community building and possible additional community buildings. Conformance with these conditions will be evaluated when a full-scale SDP is submitted for consideration.

9. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:
 - a. The subject SDP is an infrastructure application for Section 4 and is consistent with Sections 27-507, 27-508, 27-509, and 27-510 of the Zoning Ordinance governing development in the R-M Zone.
 - b. Section 27-528, requires that the Planning Board make the following findings for approval of a specific design plan for infrastructure:

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

The subject SDP for rough grading and the installation of stormwater management ponds is for Section 4 of the larger Parkside development. The SDP proposes a grading plan for Section 4 in the north central portion of the larger Parkside project site and stormwater management ponds that are consistent with the previously approved Comprehensive Design Plan CDP-0501. The application has an approved Stormwater Management Concept Plan, 14846-2006-01 (for Sections 4, 5, and 6), and a memorandum dated October 17, 2016 from the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with the approved stormwater concept plan. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The Planning Board stated that the subject project is in conformance with TCPII-014-2016, subject to several conditions. The subject approval will prevent off-site property damage, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge, consistent with previous approvals.

10. **Preliminary Plan of Subdivision 4-05080:** The Planning Board approved Preliminary Plan of Subdivision 4-05080 for the entire Parkside (formerly Smith Home Farm) development on March 9, 2006. PGCPB Resolution No 06-64 was adopted on March 16, 2006, formalizing that approval. The approval was reconsidered several times including April 6, 2006 (PGCPB Resolution No. 06-64(A) adopted September 7, 2006), July 27, 2006 (PGCPB Resolution No. 06-64(A/1)(C) adopted on September 7, 2006), and, most recently, on May 24, 2012 (PGCPB Resolution No. 06-64(A/2)(C) adopted June 14, 2012), with 77 conditions. The conditions that are applicable to the review of this SDP are discussed below:

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

The Planning Board herein approves Type II Tree Conservation Plan TCPII-014-2016 with conditions. Therefore, the project is in conformance with this requirement.

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

In a memorandum dated October 17, 2016, the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject project is in conformance with approved Stormwater Management Concept Plans 36059-2005-03 and 14846-2006-01 as required by this condition.

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

The subject SDP proposes no grading of the existing Melwood Road. Conformance with this condition will be evaluated when a full-scale SDP is submitted for consideration.

16. **The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

This condition will be evaluated for Section 4 at the time when a full-scale SDP is submitted.

19. **Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.**

A revised comprehensive trail plan has been provided by the applicant. However, the alignment of the Melwood Road Legacy Trail through Section 4 will be evaluated when a full-scale SDP is submitted for Section 4.

The original SDP approval for SDP-1003 (PGCPB Resolution No. 12-21) included the following condition of approval related to the timing and construction of trail facilities:

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

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify the construction sequence due to the exact location of sediment ponds or utilities, or other engineering necessities. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the necessary facilities prior to completion of all the dwelling units.		

Condition 8 of Specific Design Plan SDP-1003 reflects the timing of trail construction for Sections 1, 2 and 3. The Planning Board will look for comparable timing for the trails within Section 4 when a full-scale SDP is submitted for consideration, with bonding prior to the issuance of any building permits and construction prior to issuance of 50 percent of the building permits for Section 4.

27. **The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.**

The Planning Board hereby finds that, as the final Phase II report for 18PR766 has been submitted, this condition has been satisfied.

11. **Specific Design Plan SDP-0506 and its revision:** The Planning Board approved Specific Design Plan SDP-0506 for infrastructure with three conditions. Condition 2 is related to the review of the subject SDP as follows:

2. **A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of**

development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.

The limited SDP for stream restoration shall:

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

Since the scope of the SDP has been reduced to exclude the stream restoration work, conformance with the above condition will be evaluated when a full-scale SDP is submitted for Section 4.

Specific Design Plan SDP-0506-02 was approved by the Planning Board on February 23, 2012. Prince George's County Planning Board Resolution No. 12-14 was adopted on March 29, 2012. Specific Design Plan SDP-0506-03 was approved by the Planning Board on July 17, 2014. PGCPB Resolution No. 14-70 was adopted by the Planning Board on July 31, 2014, formalizing

that approval. No conditions of these approvals are relevant to the review of Specific Design Plan SDP-1601.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there are previously approved Type I and Type II Tree Conservation Plans TCPI-038-05 and TCPII-057-06.
 - a. Type I Tree Conservation Plan TCPI-038-05 was approved with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm, subject to many conditions. Type I Tree Conservation Plan TCPI-038-05 was approved along with CDP-0501. A revision to previously approved Type I Tree Conservation Plan TCPI-038-05-01 was submitted at the time of Preliminary Plan of Subdivision 4-05080 review and was approved by the Planning Board, along with 4-05080, for the entire Smith Home Farm property.
 - b. Type II Tree Conservation Plan TCPII-014-2016 is herein approved subject to conditions, which bring the project into conformance with the requirements of the WCO. Therefore, the project is in conformance with the requirements of the WCO.
13. **Prince George's County Tree Canopy Coverage Ordinance:** Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP for Section 4 is submitted for consideration.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. Note that due to time constraints, the project was not re-referred after its scope was reduced to include only rough grading for the installation of stormwater ponds. All comments other than those on rough grading for the installation of stormwater management ponds will be addressed when a full-scale SDP is submitted for Section 4. The referral comments are summarized as follows:
 - a. **Transportation Planning**—As the nature of the application is to show proposed rough grading and water and sewer infrastructure layout within Section 4 in order to obtain a rough grading permit, an SDP for the proposed street and lot layout within Section 4 will be filed as a revision to this application.

The 96.49-acre R-M-zoned property shows a proposed master plan road (C-627) along the western periphery of the property. Further, the location of C-627 is consistent with all of the previous approvals for this property, including Preliminary Plan 4-05080. Given the limited scope of this application, there are no other transportation-related comments.
 - b. **Subdivision Review**—The subject property is located within the area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and is located on Tax Map 90 in Grids D 1-2, E 1-2, F 1-2. The

property is zoned R-M, (Residential Medium Development) which is a comprehensive design zone. The sector plan identifies this property on the Regional Center Concept Map as low-density residential, and this specific project is mentioned in the sector plan.

Specific Design Plan SDP-1601 covers 96.49 acres. The property was the subject of Preliminary Plan of Subdivision 4-05080 and PGCPB Resolution No. 06-64(A/2)(C), which is valid through June 14, 2018. The applicant must have record plats accepted prior to the expiration of the preliminary plan of subdivision (PPS). The PPS was approved for 759 acres, for a total of 1,506 lots, 355 parcels, and a total of 3,648 dwelling units. The approved dwelling unit breakdown is for 285 detached, 1,577 attached, and 1,786 multifamily dwelling units.

This specific design plan (SDP) proposes grading and infrastructure for Section 4 only. The boundaries of this SDP are in substantial conformance with a development area of the PPS designated for mixed retirement.

The PPS was approved (PGCPB Resolution No. 06-64(A/2)(C)) most recently on June 14, 2012, with 78 conditions. For a discussion of relevant Conditions 2, 3, 14, 27, and 39 of that approval, see Finding 10 of this report.

- (1) It appears that the property boundaries are consistent with the PPS, however, not all bearings and distances have been provided or are not legible. All existing property lines should be shown on the SDP and labeled with bearings and distances that are legible. Proposed lot lines should be shown with distances, at a minimum.
- (2) All adjoining properties should be labeled on the SDP and identified by liber and folio or the applicable record plat.
- (3) There is proposed grading shown outside the limits of this SDP along the eastern property line. The limit of disturbance should be shown within the boundary of this SDP or the boundary limits of this SDP should be revised to include all proposed grading.
- (4) The applicant should, prior to issuance of a grading permit, obtain approval of the road closure process and submit evidence of the abandonment and/or the quit claim deed to the benefit of the applicant, as deemed appropriate by the Department of Public Works and Transportation (DPW&T) for the grading of existing Melwood Road, or revise the SDP to remove the proposed grading within the public right-of-way of historic Melwood Road.

Conditions of this approval address the Planning Board's above subdivision-related concerns.

- c. **Trails**—The Planning Board has reviewed the subject specific design plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Review Comments (Master Plan Compliance and Prior Approvals)

The subject application is an SDP for rough grading and water and sanitary sewer installation for Section 4 of the larger Parkside (formerly Smith Home Farm) development. Bicycle, pedestrian, and trail facilities were required through the multiple prior approvals, including CDP-0501, 4-05080 and SDP-1003. The Melwood Legacy Trail runs through Section 4 and the adjoining Central Park. The area master plan included the following description of this planned trail/bikeway:

Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trail head at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.

Conditions of approval addressed issues including the location and timing of trail construction, sidewalk construction, and road cross-section issues. Section 4 will include a segment of the Westphalia Legacy Trail, which will utilize segments of the historic Westphalia Road as a trail corridor. See Finding 7 for a discussion of the Basic Plan A-9965 trails-related condition recognizing the importance of preserving the Melwood Road corridor relevant to the subject project.

The site is subject to previously approved CDP-0501 (PGCPB Resolution No. 06-56), which included several conditions related to bicycle and pedestrian facilities. See Finding 8 for a discussion of the trails-related conditions of that approval. The site is also subject to the requirements of Preliminary Plan of Subdivision 4-05080 (PGCPB Resolution No. 06-64(A)).

Conclusion

The subject project would be in conformance with prior approvals provided the project is adopted with the following conditions:

- (1) At the time of the full-scale SDP, the design of the Melwood Legacy Trail shall incorporate resting intervals along the trail consistent with the Americans with Disabilities Act (ADA), Accessibility Standards Table 1017.7.1.
- (2) At the time of the full-scale SDP, the Americans with Disabilities Act (ADA) accessibility of the Melwood Legacy Trail in the vicinity of the stormwater management ponds and Central Park Drive will be evaluated. Rest intervals, switchbacks, and/or shifts in the alignment may be recommended in this area.

The trail issues will be addressed when a full-scale SDP is submitted for Section 4.

- d. **Prince George's County Department of Parks and Recreation (DPR)**—In a telephone conversation on July 11, 2016, DPR stated that the area of land in the subject Section 4 that is to be dedicated to DPR must be shown on the plan by metes and bounds. A condition of this approval requires that the applicant revise the plans to describe the portion of the site labeled "Future Parkland Dedication" and include it on Sheets 13 and 14 of the SDP plan set by metes and bounds.
- e. **Environmental Planning**—The Planning Board has reviewed the subject specific design plan for infrastructure and the Type II tree conservation plan for Parkside, Section 4. The initially submitted plans showed rough grading for the entire site. The plans were subsequently revised to limit rough grading for three stormwater management ponds only and their limits of disturbance and access.

Background

The Planning Board 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. 06-56.
CDP-0501 Reconsideration	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	3/28/2016	PGCPB No. 06-56(C)(A)

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
CDP-0501-01	TCPI-038-05	Planning Board	Approved	12/01/2011	PGCPB No. 11-112
CDP-0501-01	TCPI-038-05	District Council Affirmation of Planning Board Approval amending Conditions 3, 7 and 9	Approved	5/21/2012	PGCPB No. 11-112
4-05080	TCPI-038-05-01	Planning Board	Approved	10/14/2005	PGCPB No. 06-64(A)
SDP-0506	TCPII-057-06	Planning Board	Approved	7/27/2006	PGCPB No. 06-192
SDP-0506-01	TCPII-057-06-01	Planning Board	Approved	2/23/2012	PGCPB No. 12-14
SDP-0506-02	TCPII-057-06-02	Planning Board	Approved	2/12/2015	PGCPB No. 15-18
SDP-1002	NA	Planning Board	Approved	1/26/2012	PGCPB No. 12-07

The above chart reflects the history of approval for the overall Smith Home Farm site, currently known as Parkside. The project site for this application is subject to the conditions of approval of A-9965C, A-9966C, CDP-0501, CDP-0501-01 and 4-05080.

In addition to those previous approvals, this approval is also subject to the conditions of Specific Design Plan SDP-1002 for stream restoration. There are six identified stream restoration projects identified in SDP-1002 which covers the overall Smith Home Farm site, and one is located within Section 4 along Reach 6-2.

Because of the limited nature of the current approval, the required stream restoration will be addressed with the approval of an overall rough grading SDP for Section 4.

Activity Herein Approved

The current approval is for rough grading limited to access and stormwater management infrastructure only for three stormwater management ponds (Ponds 4A, 4B and 4C).

Grandfathering

The subject approval is grandfathered from the requirements in Subtitle 27 that came into effect on September 1, 2010 because the project has a preliminary plan approved prior to that date.

The approval is also grandfathered from the current requirements of Subtitle 25, Division 2 that became effective September 2010 because it has a tree conservation plan for the proposed activity that was approved before that date.

Site Description

The site is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road. The area of Section 4 is of 97.20 gross acres, of the overall 760.93-acre development and is located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro,

MD. The site is zoned R-M, and includes a Mixed Retirement Development (M-R-D). The property is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCPI-038-05 and a revision, TCPII-038-05-01, were previously approved for the site. According to the *Prince George's County Soil Survey* (1967), the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafra and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch, but is not found in exposed locations in Section 4. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. Westphalia Road, which is located approximately 250 feet from the northern point of the overall development on the north, is a designated historic road. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. The site is in the Environmental Strategy Area 2 (ESA), formerly known as the Developing Tier, according to Plan Prince George's 2035, the most current comprehensive (General Plan).

Review of Previously Approved Conditions

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

District Council Final Decision for Zoning Map Amendment A-9965-C

The basic plan for Zoning Map Amendment A-9965-C was approved by the District Council on March 9, 2006 subject to the following environmental conditions:

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.

7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.

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

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

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

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

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

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

- 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 over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

The above conditions of zoning approval were carried forward for implementation at the appropriate juncture.

With the review of all SDPs and their associated TCPs, the overall woodland conservation threshold of 159.09 acres for the development must be met on-site. Review for conformance with the threshold requirement is addressed below.

District Council Final Decision for Zoning Map Amendment A-9966-C

The basic plan for Application Zoning Map Amendment A-9966-C was approved by the District Council on May 22, 2006, subject to the following conditions:

- 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.**
 - 7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall**

be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.

9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.

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

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

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

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

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

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

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

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

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 over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

The above conditions of zoning approval were carried forward for implementation at the appropriate juncture.

With the review of all SDPs and their associated TCPs, the overall woodland conservation threshold of 159.09 acres for the development must be met on-site. Review for conformance with the threshold requirement will be addressed below.

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

The comprehensive design plan and Type I Tree Conservation Plan, TCPI-038-05, were approved by the District Council on June 12, 2006 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:**
 - 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 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 expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.**

An amended stream corridor assessment dated March 2006 was reviewed with the preliminary plan of subdivision for the development, and was found by the Planning Board to adequately address the existing conditions of the on-site stream system. An estimate of expenditures, dated March 10, 2006, was also submitted with a total estimated cost of \$1,480,000.

A specific design plan (SDP-1002) for stream restoration only was subsequently approved by the Planning Board. The following are the relevant environmental conditions of that approval:

- d. **Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.**
- i. **Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.**
- j. **Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.**
- 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 TCP II will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
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- (17) Have the plans signed and dated by the qualified professional who prepared them.

The revisions required by Conditions 1(d), 1(i), 1(j) and (n)(1) through (17) were addressed prior to CDP certification.

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. **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 Owner's Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.**

These conditions were carried forward to be addressed with the preliminary plan of subdivision.

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

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

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
30. Prior to approval of the Preliminary Plan, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property.

The conditions above will be carried forward to be addressed at the appropriate juncture.

District Council Final Decision for Reconsideration of CDP-0501

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan, TCPI-038-05, were reconsidered by the Planning Board and District Council. By a letter dated November 20, 2015, SHF Project Owner, LLC, the applicant, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits. The reconsideration was approved by the Planning Board on December 17, 2015 in corrected and amended PGCPB Resolution No. 06-56(C)(A), adopted on January 7, 2016, formalizing that approval. The case was later affirmed by the District Council on March 28, 2016 subject to conditions. The previously approved environmental conditions were not corrected or amended by this reconsideration.

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

Prince George's County Planning Board Resolution No. 06-64(A) for Preliminary Plan of Subdivision 4-05080 and Type I Tree Conservation Plan TCPI-038-05-01 contains the following environmental condition for the subject property.

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

This condition is addressed with each SDP application for the development.

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 condition will be addressed prior to issuance of building permits for residential structures.

21. **The plant materials located within the reforestation areas within the 100-year floodplain, within the central park (M-NCPPC), shall be mutually agreed upon by the DRD and DPR.**

This condition will be addressed with the development of the SDP and Type II Tree Conservation Plan for the central park in coordination with the Department of Parks and Recreation.

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

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

This condition will be addressed at the time of final plat review.

53. **Prior to signature approval of the preliminary plan, and the Type I Tree Conservation Plan the following road impacts shall be re-evaluated and revised:**

Road crossings A and B shall be revised to make crossing A perpendicular to the stream and crossing B shall be relocated to be combined with the stream impact for the sanitary sewer connection and shall also be designed to be perpendicular to the stream.

54. **Prior to signature approval of the preliminary plan, all plans shall be revised to identify all proposed stormwater management ponds; show conceptual grading for all proposed stormwater management ponds; and redesign all ponds to eliminate impacts to the PMA associated solely with pond grading.**

These conditions were addressed prior to signature of the preliminary plan.

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

This condition will be addressed during the review of all tree conservation plans.

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

The limited SDP for stream restoration shall:

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

the density increment granted in the M-R-D portion of the project (see Findings 8 and 15 of CDP-0501).

The required limited specific design plan for stream restoration, SDP-1002, was approved by the Planning Board on January 26, 2012, and subject to conditions contained in PGCPB Resolution No. 12-07 adopted by the Planning Board on February 16, 2012, formalizing that approval. The SDP was certified in August 2012 prior to the SDP for the first phase of development.

The approved SDP-1002 addressed the timing and location of the required stream restoration, and included a cost estimate for recommended segments. The total cost estimates fell significantly short of the required total cost; however, the plan did include a note that the total installation cost shall require \$1,476,600 of stream restoration work.

Section 4, approved herein, is the first SDP application approved that includes one of the stream restoration sites (Reach 6-2) to be implemented.

- 57. Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) shall be delineated clearly and correctly on all plans in conformance with the staff-signed Natural Resource Inventory (NRI). A written explanation shall be provided regarding how the floodplain woodland acreage was reduced by approximately 10 acres from previous submissions. The text shall be accompanied by a plan at 1" = 300' scale that shows where the floodplain woodland limits changed. The NRI shall be revised as appropriate to reflect the changes.**

This condition was addressed prior to signature approval of the preliminary plan.

- 58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources.**

The final plat shall contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

This condition will be addressed with future SDPs for this section when grading for the remainder of the site and/or buildable lots/parcels is proposed.

59. **Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.**

This condition was addressed prior to signature of preliminary plan. The current approval is limited to SWM infrastructure, so the contours as determined by the latest Air Installation Compatibility Zone study are **not** needed with the SDP and TCPII, but will be required at the time of a full-scale SDP for Section 4.

60. **Prior to the approval of final plats, the proposed road network shall be evaluated at an interagency meeting attended by the US Army Corps of Engineers, the Maryland Department of the Environment, and the Department of Environmental Resources. The meeting minutes shall reflect the direction provided by these agencies and the road network shall consider the direction provided which is determined at the time of permit applications.**

This condition shall be addressed prior to approval of any final plat.

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

This condition shall be addressed prior to the issuance of grading permits which require federal or state wetland permits.

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

This condition shall be addressed prior to building permit, and preferably with the review of SDPs for architecture.

63. **Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that the individual sheets reflect the same land area for both plans.**

- 64. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised as follows:**
- a. Eliminate woodland conservation from residential lots, proposed road corridors, existing road corridors planned for preservation, or areas where woodlands already exist;**
 - b. Show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan that match the lot and parcel numbers on the preliminary plan;**
 - c. Show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown.**
 - d. Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**
 - e. Eliminate the background shading on all symbols for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted, and revise the legend accordingly;**
 - f. Eliminate all woodland conservation areas less than 35 feet wide;**
 - g. Identify all off-site clearing areas with a separate label showing the acreage for each;**
 - h. Show clearing only for those areas that are necessary for development;**
 - i. Revise the font of the existing and proposed contours so that they are legible;**
 - j. Revise the limits of disturbance to accurately reflect the proposed area of disturbance;**
 - k. Eliminate woodland conservation within the Melwood Road right-of-way;**
 - l. Revise the limits of disturbance so that the PMA is preserved where impacts are not approved;**

- m. Revise the worksheet as necessary; and**
- n. Have the plans signed and dated by the qualified professional who prepared the plans.**
- o. Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.**

Conditions 63 through 64(n) were addressed prior to signature approval. Condition 64(o) does not appear to have been complied with in the approval of the revised TCPI. A revision to the TCPI is not required, as long as all TCPIs approved are in conformance with this condition. Conditions of this and future approvals will bring the project into conformance by removing woodland preservation from land to be dedicated to M-NCPPC.

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

A phased worksheet, as well as an individual TCPII worksheet, was provided (see discussion below). The sheet layout of the TCPII matches the layout of the SDP for Section 4.

- 66. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI-038-05-01). The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI-038-05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

The required plat note shall be addressed at the time of final plat.

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

The current SDP is for limited grading only and does not propose lots.

- 68. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reflect the following:**
- a. Impacts for road crossings as reflected on exhibits A, B, C, E, J, M, N, N1, and S shall be revised on the SDP to reduce the impacts to the fullest extent possible;**
 - b. Impacts shown for road crossings on exhibits Q, R, T, and U shall be eliminated;**
 - c. Impacts for sanitary sewer installations as reflected on Exhibit 3 shall be revised on the SDP to reduce the impacts to the fullest extent possible; and**
 - d. Impacts for trail construction as reflected on Exhibit 1 shall be revised on the SDP to reduce the impacts to the fullest extent possible.**

This condition was addressed prior to certificate approval of the preliminary plan. Further evaluation for the minimization of environmental impacts will occur with any future SDP and TCP proposing full grading of the site.

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

No trails are approved herein.

- 70. Prior to signature approval of the preliminary plan, the letter of justification shall be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the "Con-Span" or "Bridge-Tek" bridges"; to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI shall be revised as necessary to show where the bridge structures will be used.**

This condition was addressed prior to certificate approval.

71. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

This condition shall be addressed at the time of final plat review, and may be amended in some cases to address unique situations related to this site.

72. **All afforestation/ reforestation and associated fencing shall be installed prior to the issuance of the building permits adjacent to the afforestation/ reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

This condition shall be carried forward and addressed prior to the issuance of building permits adjacent to afforestation/reforestation area in Section 4.

73. **Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan shall be submitted. All conditions contained in the concept approval letter shall be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan shall be revised to conform to the Planning Board's approval.**

This condition was addressed prior to signature approval.

A revised SWM Concept Approval Letter and Plan, 14846-2006-01, was issued for Sections 4, 5, and 6 (identified as phases) on June 21, 2013, which was valid until June 21, 2016. The expiration date of the SWM concept plan was extended on June 15, 2016 to provide an expiration date of May 4, 2017. This approval is separate from the SWM concept approval for stream restoration of Section 6-2.

The original approval of the SWM concept prior to May 2010 resulted in this site being administratively waived from environmental site design standards, relative to the maximum extent practicable requirements. However, the waiver does not eliminate the requirement that the SMW facilities must be constructed before May 4, 2017.

As a result, the applicant has limited the scope of this SDP to what is necessary to move forward to meet the May 4, 2017 deadline, which requires that all stormwater management waived from the current SWM requirements be installed prior to May 4, 2017.

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

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

This condition shall be addressed at the time of final plat.

76. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.

This condition was addressed prior to signature approval. This will be further addressed at the time of SDP in compliance with Condition 69 above.

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

On July 27, 2006, the Planning Board approved Type II Tree Conservation Plan TCPII-057-06 and Specific Design Plan SDP-0506 for the construction of Central Park Drive and Rock Spring Drive, which provide access and frontage to this section of the Smith Home Farm/Parkside development, subject to the following conditions:

- 1. Prior to certificate approval of this SDP, the applicant shall:**
 - d. Revise the layout of the entrance road to be in conformance with all previous approvals and revise the limits of disturbance to be limited to only that area of construction proposed.**
 - e. Revise the TCPII-057-06 to show the followings:**
 - (1) A phased worksheet.**

- (2) The noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.**
 - (3) All woodland clearing areas within the limits of disturbance.**
 - f. Remove the following note from the TCPII-057-06:**

“All reforestation requirements will be provided offsite. The location of the off-site property has yet to be determined.”
 - g. Revise the SDP to show the same limits of disturbance. The limits of disturbance shall accurately reflect the proposed area of disturbance.**

For those areas outside the limits of disturbance, the proposed grading shall be removed from the plans.

These conditions were addressed prior to signature approval of the TCPII and SDP.

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

The limited SDP for stream restoration shall:

-
- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to M-NCPPC, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management**
 - b. Consider the stormwater management facilities proposed;**
 - c. Include all land necessary to accommodate the proposed grading for stream restoration;**

- d. **Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. **Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**
- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Findings 8 and 15 of CDP-0504).**

This condition was carried forward from 4-04080. See Condition 56 of Preliminary Plan 4-04080.

- 3. **Prior to issuance of a grading permit, the applicant shall redesign the stormwater management pond and road grading for the segment along the park's frontage, if necessary, in accordance with the approved central park concept plan for review and approval by the Department of Parks and Recreation.**

This condition is not applicable within the limits of the subject approval.

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

The Prince George's County Planning Board approved SDP-1002 on January 26, 2012, subject to the following conditions:

- 1. **Prior to certificate approval of this SDP, the applicant shall revise the plans for the project as follows:**
 - a. **Show Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 that is not on land to be dedicated to the Department of Parks and Recreation as priority areas for restoration. Identify the approximate land area necessary for the associated grading, and revise all charts and information as necessary.**

- b. Provide two additional columns in the stream restoration chart that include:**

 - (1) A column for the estimated cost for the restoration of each stream segment, with the cost typed in; and**
 - (2) A column for the actual cost (to be typed in upon completion of each restoration project).**
- c. The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.**
- d. The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George's County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.**
- e. The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.**
- f. The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.**
- g. The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. Lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.**

The approved SDP-1002 addressed the timing and location of the required stream restoration, and included a cost estimate for recommended segments. The total cost estimates previously included in this SDP fell significantly short of the required total cost; however, the plan did indicate that the total installation cost shall require \$1,476,600 of stream restoration work.

Specific Design Plan SDP-1601 for Section 4, herein approved, is the first SDP application submitted that includes one of the stream restoration sites (Reach 6-2) to be implemented. Review of the approved SDP-1002 for stream restoration indicates that most of the above conditions were addressed prior to certification, except for Condition 1(f), which required the limited SDP to be revised to reflect the location of master-planned trails and associated connector trails. A further result of this omission is that the location of boardwalks, bridges, or underpasses have not been identified for design with applicable SDPs and TCPs.

Since this SDP does not include stream restoration, the issue will be reviewed at the time of a full-scale SDP for Section 4.

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

A conceptual stream restoration plan was submitted, but then withdrawn. This issue will be reviewed at the time of a full-scale SDP for Section 4.

3. **Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.**

This condition is applicable to Section 4 prior to issuance of building permits, and requires that stream restoration measures be completed and verified with documentation before the issuance of building permits. A revision to the SDP and TCPII will also be required prior to issuance of building permits because the current SDP is for infrastructure only and limited to the installation of and provision of access to three stormwater management ponds.

4. **Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised and additional priority area(s) recommended as necessary so as to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all**

other requirements of the SDP approval, until such time as the required minimum expenditure is met.

The identified priority stream restoration projects in SDP-1002 may not fulfill the minimum required stream restoration expenditure. The approved SDP estimates that the cost for the six priority project locations will total \$775, 065, or 52 percent of the required minimum.

Four of the restoration sites are located in Section 7, which is under separate ownership. These four project areas in Section 7 make up the majority of Reach 7, leaving no additional restoration opportunities within Section 7.

Within the remaining sections under the ownership of the current applicant, only two projects areas are identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). If additional priority projects need to be identified, they will have to be located within Sections 1 through 6, and cannot occur on property to be dedicated to M-NCPPC.

A cost estimate has been prepared for Reach 6-2 based on conceptual design approval, and conceptual design approval and estimate for Reach 3-4 is anticipated. With current cost estimates for these two projects, a potential gap between the required minimum and actual expenditures can be quantified. It is very likely that revisions to identify the location and cost of additional stream restoration segments will be required, and that a plan and process will need to be determined before approval of any further SDPs for overall grading beyond the limit of grading for SWM infrastructure to ensure that the intent of this condition is met. Bonding of the difference between the estimated cost of currently identified stream restoration projects, and the total required stream restoration expenditures may be appropriate with the issuance of overall grading permits for Sections 4, 5, and/or 6.

The Planning Board requires that a plan to fulfill the required minimum expenditure for stream restoration, as established with SDP-1002, be developed by the applicant and the Planning Board prior to approval of any future SDP beyond applications limited to stormwater management infrastructure.

5. **Prior to issuance of any grading permits, all specific design plans (SDPs) for the Smith Home Farm project shall be revised to conform to the certified stream restoration SDP.**

Because each section will have a detailed technical plan, the SDP shall be revised as necessary to conform to that plan.

6. **Prior to acceptance of all specific design plans (SDPs) for each section of development of Smith Home Farm, a separate Type II tree conservation plan for that area of the plan shall be submitted. Both shall conform to the**

certified stream restoration SDP and contain detailed engineering for the stream restoration for that phase.

The current approval includes an SDP and TCP, but was accepted without a detailed stream restoration plan due to the limited scope of purpose. A conceptual stormwater management concept approval has already been approved for Reach 6-2, and detailed engineering for the stream restoration shall be provided with any future SDPs and TCPs.

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

This condition will be evaluated with the review of individual SDPs. A revision to SDP-1002 may be required to identify additional stream restoration projects necessary to fulfill the full value of the stream restoration expenditure on-site required by prior conditions.

Environmental Review

Natural Resource Inventory

During the review of Zoning Map Amendments A-9965 and A-9966, the Planning Board required that an approved natural resources inventory (NRI) be submitted as part of the CDP. 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, which was approved by the Planning Board on November 11, 2006. A further revision, NRI-006-05-02, was approved by the Planning Board on July 25, 2012 to revise the extent of wetlands on the site.

The approved NRI-006-05-02 was submitted for the subject project and the information on the NRI is correctly shown on the SDP and the TCPII.

Stream Restoration

A detailed stream restoration plan for implementation for Reach 6-2 is not required with the current SDP due to the limited scope of the SDP, but will be required with any future SDP that proposes grading of the remainder of the site. An approved SWM Management Concept Letter and Plan (48330-2016) for Reach 6-2 was approved by DPIE on September 20, 2016, as the first step towards final technical approval.

The SWM concept approval letter included ten conditions of approval, two of which were a concern for the Planning Board:

Condition 8 required stream monitoring for a minimum of three years after the construction and the submittal of monitoring information to M-NCPPC. The Planning Board has since determined that the stream restoration work will require permitting from the Maryland Department of the Environment (MDE), which will require monitoring and reporting in accordance with statewide requirements.

Condition 10 indicated that M-NCPPC would maintain the stream restoration improvements. Because the project is not located on park property, M-NCPPC shall not take responsibility for maintenance of the project. Responsibility lies with the underlying property owner, which will be the homeowners association. Both of these conditions shall be revised at the time of technical approval.

The SWM concept approval was found to be acceptable for the current SDP, which is limited to the SWM ponds. Prior to approval of any future SDP for overall grading, the final technical approval must be approved and shown on the SDP and TCPII.

Protection of Regulated Environmental Features

Condition 71 of Preliminary Plan of Subdivision 4-05080 requires:

At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

Because there are impacts proposed for the required stream restoration within the PMA, this condition might seem to indicate that the conservation easement should not include the area of the stream restoration project; however, the Planning Board requires that the conservation easement include the areas of the stream restoration in order to protect the project from future disturbance and has included a revision to the standard condition to address this concern, with the caveat that access into the stream restoration areas to perform necessary maintenance is allowed consistent with technical and functional requirements.

Conformance with the CDP

Prior to approving an SDP for infrastructure, the Planning Board must find that the plan conforms to the approved Comprehensive Design Plan. The current SDP has been limited

to the installation of stormwater management infrastructure only. The placement of stormwater management ponds in Section 4, as herein approved, is in general conformance with the CDP and preliminary plan, as well as the SWM concept and final technical approval for Sections 4, 5 and 6.

Woodland Conservation

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

There have been minor changes to the layout of Section 4 since approval of the preliminary plan, which for the most part do not effect regulated features of the site or the woodland conservation areas proposed under TCPI-038-05-01. The TCPII approved herewith is in general conformance with the approved TCPI. However, there is one area where conformance must be demonstrated. A condition of approval for Type I Tree Conservation Plan TCPI-038-05-01, approved with the preliminary plan of subdivision, has the following requirement:

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

This condition was intended to address the encumbrance of the dedicated parkland with woodland conservation which would limit its usefulness for park development. In order to find conformance with the approved TCPI, all woodland conservation and reforestation outside of the floodplain needs to be eliminated from the parcels to be dedicated to M-NCPPC.

The TCPII shows boundaries for the area to be dedicated to M-NCPPC, but the boundaries are not described by metes and bounds, and no measure of area is provided. Within the proposed boundaries, an area of woodland preservation is herein approved with acreage measurement.

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

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire development to confirm that the overall woodland conservation requirement for the site is being met, as well as the requirements of the Final Decision of the District Council in A-9965-C and A-9966-A that the woodland conservation threshold be met on-site. Based on the overall site area of 617.94 net tract acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet considered in the current approval only provides 148.72 acres of woodland conservation on-site, with a deficit of 10.32 acres of on-site woodland conservation.

The total woodland conservation requirement for the overall development based on a net tract area of 617.94 acres and replacement related to clearing of 103.55 acres of net tract woodlands, 4.24 acres of woodland floodplain, 3.38 acres of wooded primary management area (PMA) and 2.95 acres of off-site woodland clearing results in a total woodland conservation requirement of 251.45 acres, which is distributed over the various development sections.

With the approval of Specific Design Plan SDP-1003, and the associated TCPIIs for Section 1A, 1B, 2 and 3, all sections were evaluated for the provision of on-site woodland conservation, and the significant off-site requirement which could not be satisfied on-site was distributed among all sections of the project, so the woodland conservation requirements would be provided on and off-site in sequence with development, and not be front-end loaded with the early sections, or deferred until the end of development. With the most recent reviews of the overall worksheet, with Section 2 (TCPII-010-02) and Westphalia Park (TCPII-021-2015) the amount of total woodland conservation to be provided in Section 4 was 20.02 acres on-site. The quantity of on-site woodlands provided in Section 4 has been reduced in the current application by 6.62 acres, which contributes significantly to the on-site deficit and delays the provision of woodland conservation requirements.

Other changes in the quantities of preservation and afforestation/reforestation may result from other revisions to the TCP, with a resultant effect on the amount of total woodland conservation provided, but the total amount of woodland conservation required with Section 4 of 20.02 acres, either on-site or off-site, shall not be changed at this time. This quantity was previously agreed to as a fair distribution of the total requirements, and further deferral does not support the intent of the Woodland Conservation Ordinance to provided woodland conservation and replacement concurrent with development.

The TCPII also requires various technical revisions to the plan to be in accordance with the WCO and the Environmental Technical Manual. The necessary revisions are included in conditions of this approval.

- (1) The specific design plan and TCPII are found in conformance with Zoning Map Amendments A-9965-C and A-9966-C, as the TCPII shall be revised in accordance with conditions of this approval to meet the woodland conservation threshold on-site.
 - (2) The current limited infrastructure SDP for stormwater management facilities and TCPII are in conformance with CDP-0501 and TCPI-038-05, as they shall be revised in accordance with certain conditions of this approval.
 - (3) The current limited infrastructure SDP for stormwater management facilities and TCPII are in general conformance with Preliminary Plan 4-05080 and TCPI-038-05-01, as they shall be revised in accordance with certain conditions of this approval.
 - (4) The regulated environmental features on the subject property are found to be preserved and/or restored to the fullest extent possible and consistent with previously approved impacts based on the limited scope of site disturbance, as the plans shall be revised in accordance with certain conditions of this approval.
- f. **Public Facilities**—Adequacy of public facilities shall be determined when a full-scale SDP is submitted for the subject Section 4 of the Parkside development.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**— In a memorandum received October 17, 2016, the Department of Permitting, Inspections and Enforcement (DPIE) offered the following regarding the subject project:

The subject property is located on the east side of the future right-of-way for master-planned roadway C-627 (Rock Spring Drive), south of the intersection of Westphalia Road and Melwood Road, which is bisected by the existing/relocated Melwood Road, from Westphalia Road to the future right-of-way for master-planned roadway MC-631 (Central Park Drive). The existing/proposed roadway network that is summarized is to be constructed in accordance with County roadway standards. These roadways are to be consistent with the approved master plan for this area.

Existing Melwood Road is to remain in service from Westphalia Road to the southern property line of Parcel 115. Existing Melwood Road is to be terminated by a cul-de-sac, approximately 1, 533 linear feet south of Westphalia Road, under a separate permit.

Prior to issuance of a grading permit, the developer shall submit a County Executive Order declaring the affected sections of Melwood Road approved for closure.

The proposed site development is consistent with the approved Stormwater Management Concept Plan, 14846-2006-01, originally approved on August 25, 2009 and updated on June 21, 2013.

Due to the approval of conceptual stormwater management prior to May 2010 and approval of final stormwater management and final erosion/sediment prior to May 2013, this site is administratively waived from environmental site design (ESD) requirements. Stormwater management ponds are to be built prior to May 4, 2017, otherwise revision to meet ESD to the maximum extent practical shall be required.

Pond	Permit #	Stormwater Management Plans PGSCD Approval Number	Technical Approval Date	Constructed	Other Comments
4A	25817-2012	Smith Home Farm Phase 4 (P#41/13)	12/20/2012	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.
4B	27512-2012	Smith Home Farm Phase 4 (P#42/13)	1/7/2013	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.
4C	30907-2012	Smith Home Farm Phase 4 (P#43/13)	1/7/2013	No	Pond is not built yet, but the lake will provide retention for water quality volume (WQv). The lake provides quantity control.

Final Erosion and Sediment Control Plan:

Originally approved on January 11, 2013, (Approval No. 74-13-01);
Updated to January 11, 2015 (Approval No. 74-13-01);
Updated to January 6, 2017 (Approval No. 74-13-02);

All stormwater management facilities/drainage systems, are to be constructed in accordance with the Specifications and Standards of the Department of Permitting, Inspections and Enforcement (DPIE), DPW&T and the Department of the Environment (DoE). Approval of all facilities are required, prior to permit issuance. A 50-foot 5 to 1 slope landscape buffer is required from the proposed right-of-way line to the 100-year water surface elevation.

All disturbances are to be consistent with the approved Specific Design Plan SDP-1601.

United States Army Corp of Engineers (USACOE)/Maryland Department of the Environment (MDE) approval, with respect to the wetland impacts, and waters of United States are required.

The proposed site development has an approved 100-year floodplain FPS 200457 dated October 17, 2005. Floodplain easement is to be dedicated prior to issuance of fine grading permits.

Stormwater management and storm drain easements are to be approved by DPIE, and recorded prior to the technical approval/issuance of permits.

DPIE then stated that their memorandum incorporated their site development plan review pertaining to stormwater management (County Code 32-182(b)). DPIE offered the following comments pertaining to this approval phase:

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

DPIE then requested that the applicant submit the additional information described above for further review, at the time of final stormwater management permit review.

DPIE's proposed condition regarding provision of an Executive Order regarding the closure of Melwood Road prior to issuance of grading permits has been included as a condition of this approval.

Conformance with DPIE's requirements regarding the technical stormwater management plan will be enforced through their separate approval process.

- h. Prince George's County Department of Public Works and Transportation (DPW&T)—DPW&T did not provide comment regarding the subject project.**
- i. Prince George's County Police Department—The Police Department did not provide comment regarding the subject project.**

- j. **Prince George's County Health Department**—In an e-mail dated July 8, 2016, a representative of the Health Department stated that the office had no comment on the subject project.
- k. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated June 2, 2016, WSDRAC stated that they had no comment on Specific Design Plan SDP-1601, Parkside, as indicated by the information provided to the WSDRAC Council from the M-NCPPC Development Review Division. However, the WSDRAC stated that should there be any changes after the staff review, or additional conditions added before the project can move forward, the WSDRAC needs to be informed.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPIL-014-2016), and further APPROVED Specific Design Plan SDP-1601 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
 - a. Applicant shall revise the plans to remove all proposed water and sewer lines, stream restoration measures, future Melwood Road legacy trail alignment, buildings to be removed and future parkland dedication. The SDP shall be limited to the proposed three stormwater management ponds, grading, and the abandonment of Melwood Road as identified on an exhibit submitted on October 13, 2016 by the applicant.
 - b. The SDP and Type II tree conservation plan shall be revised as follows:
 - (1) Land dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly labeled on the plans and the acreage shall be provided;
 - (2) The parcel boundaries for land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be clearly shown and labeled with bearings and distances; and
 - (3) All credited tree conservation and/or reforestation areas on land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be removed.
 - (4) A copy of the approved technical stormwater management plan shall be submitted.
 - c. The applicant shall demonstrate that the woodland conservation threshold requirement of 159.04 acres is met on-site by revising the overall woodland conservation worksheet for the site and any affected Type II tree conservation plans.

- d. A note shall be added under the overall woodland conservation table on all revised Type II tree conservation plans as follow:

“Per the Final Decision of the District Council on A-9965-C and A-9966-C, the woodland conservation threshold for the Parkside (formerly Smith Home Farm) development shall be met on-site.”

- e. Both the overall and individual woodland conservation worksheets, shall be revised to retain no less than 20.02 acres of woodland conservation being provided with Type II Tree Conservation Plan TCPII-014-2016 for Section 4;

- f. The Type II tree conservation plan (TCPII) shall be revised as follows:

- (1) On all plan sheets the TCPII number in the correct format shall be added to the approval block, and wherever the TCPII number is referenced on the plan, including the cover sheet and match lines within the plan set.
- (2) On all plan sheets, the key map shall reflect the change in boundaries between Section 6 and the Central Park.
- (3) On all plan sheets, the DRD case number shall be added to the TCP approval block.
- (4) Bearings and distances shall be provided on all property lines, along boundaries which abut previously approved SDPs or rights-of way.
- (5) The coversheet shall be revised to show the revised limits of the Central Park and of Section 6; and the acreages for each shall be confirmed and consistent with the overall woodland conservation worksheet.
- (6) On all sheets, when afforestation/reforestation is proposed which does not meet the minimum width or size requirement, any adjacent woodland conservation area which supplements the size or width of the area shall be shown as a “ghost” (lighter) graphic image to demonstrate that minimum design guidelines have been met.
- (7) On all sheets where applicable, make the stormwater management easement line bolder so it can be clearly identified.
- (8) On sheets that include off-site clearing onto adjacent property which is not owned by the applicant, the off-site clearing shall be labeled, and the following note shall be added:

“Off-site grading proposed with this plan is subject to the submittal of written permission from the property owner prior to the issuance of grading permits.”

- (9) On all plan sheets, show the limit of disturbance associated with the proposed activity. If the critical root zones of specimen trees to be retained are impacted, show the location of temporary tree protection fencing to protect the trees during grading operations.
- (10) On the coversheet, the future park dedication shall be shown with a bolder line weight and the labeling arrow shall point more directly to the parcel.
- (11) Add an “Owner’s Awareness Certificate” on the coversheet for signature at the time of certification.
- (12) On Sheet 3, remove the two elements which appear to be entrance features/signage adjacent to the roundabout.
- (13) On Sheet 12, provide additional information about why the wooded wetland area with specimen trees on the east side of Rock Spring Drive is indicted as retained but not credited. It is a priority area for woodland conservation.
- (14) On Sheet 15 add the “Post-type Signage Mounting’ detail for use on the site as an alternative, subject to approval by the field inspector.
- (15) On the overall woodland conservation worksheet, revise as follows:
 - (a) Revise the project name as “Parkside (formerly Smith Home Farm).
 - (b) Complete the most recent information for Section 2.
 - (c) Complete the information for Section 4.
 - (d) Revise the worksheet to indicate that a minimum of 20.02 acres or more of woodland conservation will be provided with the development of Section 4.
- (16) Revise the Individual Woodland Conservation Worksheet to reflect revisions made to the overall woodland conservation worksheet and to the TCPII plan.
- (17) Revise all tables and summary tables on the plan to reflect all revisions to the plan.
- (18) Have the revised TCPII signed by the qualified professional who prepared it.

2. Prior to issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit valid copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
3. Prior to approval of any future specific design plan (SDP) and Type II tree conservation plan (TCPII) for Section 4, the SDP and TCPII shall be revised as follows:
 - a. To reflect the location of the master plan trail. The location of the master plan trail shall be confirmed by the trails coordinator.
 - b. The SDP, TCPII, and detailed stream restoration plan shall indicate the removal of the roadbed and culvert crossing the stream at a diagonal and, if a crossing is needed within the primary management area, it shall be provided by a bridge or boardwalk which provides dry passage over the stream and allows free flowing of water under the conveyance structure within the 100-year floodplain.
4. Prior to issuance of the first building permit for lots located within Section 4, the required stream restoration project for Reach 6-2 shall be completed and evidence of completion, including a summary of all work performed and photographs, shall be submitted to the Environmental Planning Section as designee of the Planning Board, following a confirmatory site visit by an Environmental Planning Section staff member as designee of the Planning Board.
5. Prior to approval of any future specific design plans for Section 4, the applicant shall work with the Environmental Planning Section as designee of the Planning Board and appropriate County staff to develop a strategy and schedule for the fulfillment of the \$1,476,600 minimum expenditure in stream restoration concurrent with on-going development of the site.
6. Prior to approval of any future specific design plan (SDP) for grading the remainder of the site, the detailed stream restoration approved as a final technical stormwater management plan by the Prince George's County Department of Permitting, Inspections and Enforcement shall be shown on the SDP and Type II tree conservation plan.
7. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/reforestation except for areas of approved impacts, and also protect the limits of stream restoration projects after implementation. The easement shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Access into the conservation easement shall

not be denied for the performance of necessary maintenance requirements to maintain technical and functional performance.”

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

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 27, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 1st day of December 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 11/3/16

May 21, 2019

SHF Project Owner, LCC
1999 Avenue of the Stars, Suite 2850
Los Angeles, CA 90067

Re: Notification of Planning Board Action on
Specific Design Plan SDP-1601-02
Parkside, Section 4

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **May 16, 2019** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **May 21, 2019** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: 
Reviewer

Attachment: PGCPB Resolution No. **19-51**

cc: Redis C. Floyd, Clerk to the County Council
Persons of Record

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on April 25, 2019, regarding Specific Design Plan SDP-1601-02 for Parkside, Section 4, the Planning Board finds:

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

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

OTHER DEVELOPMENT DATA

Parking Requirements

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

Note: *The 60 parking spaces for visitors are not evenly distributed, particularly in Blocks J and K, which contain single-family attached townhomes. The Planning Board determined that additional on-street parking be provided, wherever feasible, in these areas, in order to ensure sufficient parking for visitors, and approved the location of additional parking spaces, as shown on the applicants parking exhibit that was presented at the Planning Board hearing on April 25, 2019. See a detailed discussion in the findings below, and a condition has been included in this resolution requiring this revision.

3. **Location:** The larger Parkside subdivision (formerly Smith Home Farm) is a tract of land consisting of wooded and partially developed land, approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 757 acres, in Planning Area 78, Council District 6. The subject property, Section 4 of the Parkside development, is located in the north-central portion of the development, north of Central Park Drive at the terminus of Melwood Road, approximately 1,570 feet south of its intersection with Westphalia Road.
4. **Surrounding Uses:** The subject site is bounded to the north by vacant land and single-family detached residential units in the Rural Residential (R-R) and Open Space Zones; to the east by Section 7 of the Parkside development, which is currently undeveloped and in the Local Activity Center (L-A-C) and R-M Zones; to the south by Section 3 of the Parkside development, Central Park Drive, and the proposed Westphalia Central Park; and to the west by the proposed Rock Spring Drive, with Section 2 of the Parkside development in the R-M Zone and some scattered existing development in the Commercial Shopping Center, Commercial Office, Commercial Miscellaneous, and the R-R Zones beyond.
5. **Previous Approvals:** The subject application is for Section 4 within a larger project currently known as Parkside, formerly known as Smith Home Farm, which is comprised of 757 gross acres, including 727 acres in the R-M Zone and 30 acres in the L-A-C Zone. The larger Parkside project was rezoned from the Residential-Agricultural Zone to the R-M Zone (3.6–5.7 dwelling units per acre) and to the L-A-C Zone, with a residential component including a mixed retirement component for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space, through Zoning Map Amendments A-9965 and A-9966. The Prince George's County District Council approved both zoning map amendments on February 13, 2006, and the Orders of Approval became effective on March 9, 2006.

On February 23, 2006, the Prince George's County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 (PGCPB Resolution No. 06-56(C)) for the entire Parkside project, with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding construction of the MD 4/Westphalia Road interchange, Condition 7 regarding the location and size of the proposed community center and pool, and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning

Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions. On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

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

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

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

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

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

several stream restoration projects identified in SDP-1002 as priority projects that are located within Section 4.

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

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

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

The submitted site plan shows the proposed alley rights-of-way at 20 to 28 feet wide to accommodate parallel parking and drive aisles that are generally 18 feet in width, with the exception of Alley 2 on Parcel K2, which is shown as 16 feet in width and shall not be less than 18 feet to provide safe, efficient, vehicular access to individual lots pursuant to Section 24-128(b)(7) of the Subdivision Regulations. A condition has been included herein requiring that all of the alleys be shown at 18 feet in width. The public and private rights-of-way are 50 feet wide and propose a pavement width of 26 feet. Victoria Park Drive runs along the southern portion of the site and connects Rock Spring Drive with Section 7 of the Parkside development, east of the subject site. Victoria Park Drive includes a 60-foot-wide right-of way and 36 feet of pavement.

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

It was noted that there is a lack of sufficient parking for visitors in the proposed development. Overall, Section 4 provides more parking than required. However, not counting the visitors' parking spaces, Section 4 provides less parking than required. As such, the real number of parking spaces for visitors will be less than that shown in the parking table. For example, in Section 4, the applicant provides six spaces less than the required parking for townhouses units. This means that a reduced number of visitor parking spaces will be available if they are occupied by homeowners. Therefore, additional parking spaces for visitors should be provided. At a

minimum, five percent of the total required parking spaces will be needed for visitors. The parking spaces for visitors in Section 4 meets the five percent minimum. However, additional spaces are needed and should be provided for the proposed townhouses and distributed amongst the pods in Section 4 in the appropriate locations.

At the Planning Board hearing on April 25, 2019, the applicant presented an exhibit showing additional parking locations and relative revised condition, which the Planning Board found acceptable. The condition is included in this resolution requiring a revision to the plan per the applicant's parking exhibit.

Recreational Facilities

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

Architecture

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

Lighting

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

Signage

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

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to conditions that are relevant to the review of this application, as follows:
 1. **The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

A. Land use types and quantities:

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

R-M Zone Proposed Land Use Types and Quantities:

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

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

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

The Planning Board adopted herein by reference a memorandum, dated March 28, 2019 (Onyebuchi to Bishop), and noted that the CDP established the dwelling unit limit for the entire property at 3,648. Subsequently, PPS 4-05080 was approved for 3,648 dwelling units and PPS 4-16001 was approved for 441 lots and 81 parcels containing a total of 527 dwelling units. The 527 dwelling units approved with PPS 4-16001 shall be counted against, and not in addition to, the 3,648 dwelling unit limit established by CDP-0501, which still governs the overall site development limitation. The Planning Board noted that during the review, the applicant provided this information within the tracking table,

in order to clarify the relationship between the two PPSs and the CDP. The revised chart has been adopted as an attachment in the backup of this resolution and notes that the SDPs approved with Sections 5 and 6 of the Parkside development propose a total of 84 parcels, 3 more than approved. The revised plans should show the addition of PPS 4-16001 with the associated development, and clarify the lots, parcels, and unit counts proposed for the overall development.

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

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

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

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

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

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

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

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

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

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

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

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

The Planning Board reviewed the revised TCPH and determined that this condition has been addressed.

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

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

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

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

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

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

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

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

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

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

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

An MRD is defined in the Zoning Ordinance as a residential community for retirement-aged persons developed under a uniform scheme of development containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two types of dwelling units. This use is permitted in the R-M Zone, subject to Footnote 28 of Section 27-515(b), which reads as follows:

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

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

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

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

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

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

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

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

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

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

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

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

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

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

The Planning Board adopted herein by reference a memorandum dated March 27, 2019 (Finch to Bishop), that noted the subject project is in conformance with TCPH-014-2016-02, subject to conditions that have been included in this resolution.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

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

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

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

- f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided**

from the stream valley trail to adjacent residential development as shown on the CDP.

- g. A trailhead facility for the Cabin Branch Trail.
- h. The architectural design around the Central Park and the view sheds and vistas from the Central Park.
- i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.

An updated trails network exhibit has been provided with this SDP and it was noted that the Cabin Branch Trail is located south of Section 4 and will be accessed via the Melwood Legacy Trail, the internal sidewalk network, and the shared-use path along MC-631.

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

<u>PHASING OF AMENITIES</u>		
<u>FACILITY</u>	<u>BOND</u>	<u>FINISH CONSTRUCTION</u>
<u>Private Recreation Center Outdoor Recreation Facilities on HOA property</u>	<u>Prior to the issuance of the 200th building permit overall</u>	<u>Complete by 400th building permit overall</u>
<u>Pocket Parks (including Playgrounds) within each phase on HOA property</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>Trail system within each phase on HOA property</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</u>		

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

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

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

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

R-M Zone

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

Notes:

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

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

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

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

R-M MRD Zone

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

Notes:

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

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

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

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

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

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

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

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

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

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

R-M ZONE

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

Notes:

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

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

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

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

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

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

10. **Preliminary Plan of Subdivision 4-05080:** The Planning Board approved PPS 4-05080 for the entire Parkside development (formerly Smith Home Farm) on March 9, 2006. PGCPB Resolution No. 06-64 was adopted on March 16, 2006, formalizing that approval. The approval was reconsidered several times, including on April 6, 2006 (PGCPB Resolution No. 06-64(A) and adopted on September 7, 2006); on July 27, 2006 (PGCPB Resolution No. 06-64(A/1)(C) and adopted on September 7, 2006); and, most recently, on May 24, 2012 (PGCPB Resolution No. 06-64(A/2)(C) and adopted on June 14, 2012), with 77 conditions. The conditions that are applicable to the review of this SDP are discussed below.

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

A TCP II has been submitted with this application, and the Planning Board approved this plan, with conditions.

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

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

16. **The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

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

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

The Planning Board adopted herein by reference a memorandum dated March 14, 2019 (Burton to Bishop) and noted that the proposed development occupies approximately 97 acres of the original Smith Home Farm PPS area. The PPS was approved with a trip cap (Condition 50), and the overall property is being developed under several specific development plans. Table 1 below illustrates the summary of trips that are being assigned to various SDPs.

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

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

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

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

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

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

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

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

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

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

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

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

The applicant has provided adequate turnaround capability within these alleys.

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

- 2. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all**

SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.

The limited SDP for stream restoration shall:

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

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

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

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

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

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

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

At the Planning Board hearing on April 25, 2019, the applicant proposed a revised condition that was found acceptable by the Planning Board. This condition has been included in this resolution and requires the applicant to provide evidence to the Environmental Planning Section of the total amount that is spent for stream restoration, prior to the issuance of the first building permit within Section 4.

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

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

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

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

The SDP and TCPII reflect the location of the master-planned trails, as confirmed by the trails coordinator. The detailed stream restoration plan presented on the SDP and TCPII do not currently address dry trail passage of the Melwood Legacy Trail across the stream or the connector trail to the park. The Planning Board noted that the SDP and TCPII shall be revised to show the measures and grading impacts necessary to provide dry passage within

the delineated PMA impacted by the Melwood Legacy Trail and the Westphalia Central Park connector trail, and is conditioned herein.

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

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

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

This condition was not addressed with the approval of SDP-1602-01 because the revision was limited to stream restoration and was approved at Planning Director level. This condition needs to be addressed with the current SDP. Therefore, a condition has been included in this resolution indicating that prior to issuance of the first building permit, the applicant, his heirs, successors and/or assignees shall provide evidence to the Environmental Planning Section of the total amount spent for stream restoration within Section 4.

SDP-1601-01 was approved on December 19, 2017 by the Planning Director for infrastructure, including rough grading and detailed engineering for restoration of stream Reach 6-2, and did not include any conditions. The current application includes the approved stream restoration work, which has not yet been implemented.

14. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. The proposed residential development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan demonstrating conformance with these sections.
15. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This property is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, but is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is grandfathered due to the previously approved Type I Tree Conservation Plan, that

was approved prior to September of 2010. The gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and a Type I Tree Conservation Plan, TCPI-38-05-01 was approved for the site with PPS 4-05080.

- a. The most current plan, Natural Resources Inventory NRI-006-05-03, approved on March 7, 2018, was submitted with the review package for the current application. The NRI indicates that streams, wetlands, 100-year floodplain, and areas of steep slopes are found within the limits of the SDP and comprise the PMA. The information on the NRI is correctly shown on the current SDP and TCPII submittals.
 - b. The total woodland conservation requirement for the overall development is 253.52 acres, which is distributed proportionally over the development sections. The TCPII associated with Section 4 is TCPII-014-2016, and the -02 revision to TCPII-014-2016 was submitted with the subject application and was approved, with conditions. The Woodland Conservation Worksheet meets the requirements for Section 4 and is being satisfied with 6.07 acres of on-site preservation and 16.44 acres of on-site afforestation. The conditions of approval have been included in this resolution and, if implemented, the project shall be in conformance with the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.
16. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject application provides the required schedule demonstrating conformance to this ordinance.
17. **Further Planning Board Findings and Comments from Other Entities:** The subject case was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation**—The Planning Board adopted herein by reference a memorandum dated January 24, 2019 (Stabler to Bishop) and noted that a Phase I archeological survey was conducted on the subject property in 2005. Four archeological sites were identified within the area included in the subject application: 18PR766, 18PR767, 18PR770, and 18PR772. A Phase II investigation was conducted on Site 18PR766. The Planning Board determined that significant information was gained from this excavation, and no further work was required on the other three archeological sites.

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

In addition, it was noted that the subject application includes a portion of the Melwood Legacy Trail. The Planning Board determined that interpretive signage shall be placed along the trail to provide information on the significant findings of the archeological investigations that were conducted near the trail, and be installed at the time of the trail construction as conditioned in this resolution. The subject application will not affect any historic sites or resources.

- b. **Community Planning**—The Planning Board adopted herein by reference a memorandum dated January 24, 2019 (Wooden to Bishop) and noted the SDP's conformance with the *Plan Prince George's 2035 Approved General Plan*, and indicated that master plan conformance is not required for this application.
- c. **Transportation Planning**—The Planning Board adopted herein by reference a memorandum dated March 14, 2019 (Burton to Bishop) and noted the relevant previous conditions of approval that are incorporated into the findings above. The site plan was revised to show the proposed Victoria Park Drive with a 60-foot-wide roadway terminating at the property line, separating Sections 7 and 4, and this is acceptable. Overall, from the standpoint of transportation, the Planning Board found that this plan is acceptable and meets the findings required for an SDP.
- d. **Subdivision Review**—The Planning Board adopted herein by reference a memorandum dated March 28, 2019 (Onyebuchi to Bishop), and noted the relative conditions of approval, as discussed in Finding 11 above, in addition to minor technical corrections that need to be made to the site plan, which have been incorporated into this resolution.
- e. **Trails**—The Planning Board adopted herein by reference a memorandum dated February 1, 2019 (Shaffer to Bishop) and noted the SDP application's conformance with all applicable conditions of prior approvals. The relevant comments have been included in the above findings. The Planning Board approved this SDP with conditions included in this resolution regarding sidewalk connections and interpretative and wayfinding signage, as shown on the bicycle and pedestrian impact statement exhibit.
- f. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopted herein by reference a memorandum dated February 11, 2019 (Zyla to Bishop), and DPR recommended approval of this SDP with three conditions that have been included in this resolution.
- g. **Environmental Planning**—The Planning Board adopted herein by reference a memorandum dated March 27, 2019 (Finch to Bishop) and noted the SDPs conformance with all applicable environmental-related conditions attached to previous approvals that have been included in above findings. Additional comments are as follows:

Stream Restoration

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

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

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

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

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

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

Protection of Regulated Environmental Features

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

Stormwater Management

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

The Planning Board approved SDP-1601-02 and TCPII-014-2016-02, subject to four environmental conditions that have been included in this resolution.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 19, 2019 (Giles to Bishop), adopted herein by reference, DPIE provided comments on issues such as right-of-way, dedication, and frontage improvements, in order to be in accordance with the requirements of DPW&T. These will be addressed with DPIE in their separate permitting process. Key issues discussed in the referral are as follows:

- (1) The Master Planned Roadways C-626 (Collector), C-627, MC-631 (Major Collector), MC-634, MC-635, and MC-637 impacting this property will require coordination with the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPIE.
- (2) Frontage improvements are required for Rock Spring Drive (C-627), MC-631, and Victoria Park Drive in accordance with the County Road Ordinance, and Prince George's County Department of Public Works and Transportation's (DPW&T) Specifications and Standards.
- (3) Applicant shall provide right-of-way dedication and road construction, in accordance with the County road ordinance, DPW&T Specifications and Standards, and the Americans with Disabilities Act.

- i. **Prince George's County Police Department**—At the time of the writing of this resolution, the Police Department did not provide comments on the subject project.
- j. **Prince George's County Health Department**—The Planning Board adopted herein by reference a memorandum dated February 6, 2019 (Adebola to Bishop), in which the Health Department noted that affordable and healthy food options should be made available due to the health impacts associated with eating fresh produce. In addition, it was noted that conversion of large areas of open space to impervious surface, such as proposed with this application, could have impacts on the sustainability of groundwater resources, and requested that the application demonstrate that the site is in compliance with the County's Watershed Implementation Plan.
- k. **Prince George's County Fire/EMS Department**—The Planning Board adopted herein by reference a memorandum dated December 28, 2019 (Reilly to Bishop), in which the Fire/EMS Department provided standard comments regarding the 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 Type II Tree Conservation Plan TCP11-014-2016-02, and further APPROVED Specific Design Plan SDP-1601-02 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
 - a. The SDP and Type II tree conservation plan shall be revised to show measures and grading impacts necessary to provide dry passage within the delineated primary management area impacted by the Melwood Legacy Trail and the Westphalia Park connector trail.
 - b. Include the Melwood Legacy Trail amenities and improvements within Section 4, as approved with the Bicycle and Pedestrian Impact Statement Exhibit of Specific Design Plan SDP-1302-03.
 - c. Alleys shall have a minimum pavement width of 18 feet.
 - d. Clearly label the dedication of right-of-way for Melwood Road East on the plans.
 - e. Revise the tracking chart to reflect both preliminary plans of subdivision (PPS) approved for the overall development and organize the approved SDP information according to the relevant PPS. Move Specific Design Plan SDP-1302 for part of Sections 5 and 6 in the tracking chart and place its data under Preliminary Plan of Subdivision 4-16001.
 - f. Provide lighting and lighting levels for all private streets and alleys.

- g. Relocate the proposed retaining wall located adjacent to Lot 28 in Block B to be at least 10 feet from the lot line.
 - h. Revise the plans to clearly indicate Section 4 as a mixed retirement development.
 - i. Distribute the visitor parking spaces throughout the townhouse pods within Section 4, to be reviewed and approved by the Urban Design Section, as designee of the Prince George's County Planning Board, as shown on Applicant's Parking Exhibit.
- 2. Prior to final plat of subdivision within Specific Design Plan SDP-1601, the applicant shall enter into a public recreational facilities agreement for construction of the 8-foot-wide asphalt hiker/biker trail on the property to be conveyed to The Maryland-National Capital Park and Planning Commission.
- 3. Prior to issuance of the first building permit, the applicant shall provide the text, images, and details of the interpretive signage for archeological Site 18PR766. The wording and placement of the interpretive signage shall be reviewed and approved by the Historic Preservation Section.
- 4. Prior to issuance of building permits for Lots 22 and 23, Block B, construct the 8-foot-wide asphalt hiker/biker trail. The final alignment shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation prior to construction.
- 5. Prior to approval of the 148th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the interpretive sign for archeological Site 18PR766. The details and specifications for the sign shall be reviewed and approved by the Historic Preservation Section prior to installation.
- 6. Long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner.
- 7. Monitoring and reporting on the Reach 6-2 stream restoration project shall be in accordance with conditions established by permits issued by the Maryland Department of the Environment (MDE) for projects proposed to occur in stream and wetland areas. Copies of the periodic monitoring and reporting information required by MDE shall be submitted to the Environmental Planning Section during the required 3-year monitoring period.
- 8. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.):

R-M Zone

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

Notes:

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

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

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

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

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

9. Prior to issuance of the first building permit, the applicant, his heirs, successors and/or assignees shall provide evidence to the Environmental Planning Section of the total amount spent for stream restoration within Section 4.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, April 25, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of May 2019.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:NAB:gh

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 5/7/19

February 26, 2020

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

RE: **REVISED STATEMENT OF JUSTIFICATION**
Parkside - Section 4 (formerly "Smith Home Farm")
Specific Design Plan (SDP) - SDP-1601/03

Dear Ms. Kosack:

Enclosed is an application for SDP-1601/03 for the Parkside project, Section 4. The application proposes 187 single family detached lots and 96 single-family attached lots, for a total of 283 dwelling units. Architectural elevations have been included with the subject application as well as a Landscape and Lighting plan and Type-II Tree Conservation Plan showing areas proposed for clearing, preservation and afforestation.

PURPOSE OF PROPOSED APPLICATION

This application proposes the development of 187 single-family detached lots, 96 single-family attached lots, and all associated roads and infrastructure needed for the mixed retirement development (MRD) area of Parkside known as Section 4. This application also proposes to slightly modify the development standards previously approved with SDP-1601/02 and seeks approval of the architecture for the attached and detached products within Section 4. The subject application proposes to include all site design elements for the proposed MRD, such as the location and design of public and private roadways and alleys, lot and parcel layout, on-street parking, landscaping, utility locations, fencing, sidewalks, as well as the proposed recreational amenities. Stormwater is being accommodated within existing ponds within the overall boundary. The application also includes minor revisions to the lot standards approved for single-family detached units as previously shown in SDP-1601/02.

Previously, SDP-1601 was approved for three stormwater management ponds, which have been constructed. Subsequently, SDP-1601/01 was approved for rough grading, which is currently in progress. SDP-1601/02 and Type II Tree Conservation Plan, TCPII-014-2016-02, were approved on May 16, 2019 for 168 single-family detached units and 127 single-family attached, (PGCPB Resolution No. 19-51). This SDP included the location and design of the public roadways and private alleys, the lot and parcel layout, on-street parking, landscaping, utility location, fencing, and sidewalks, but excludes architecture. The development that is proposed with the subject application does not exceed the number of lots/units reflected in Section 4 in the approved Preliminary Plan of Subdivision (4-05080).

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

CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE

Relationship to Requirements in the Zoning Ordinance:

Section 27-530 – Amendments.

- (a) All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.
- (b) The Planning Director (or designee) may approve a minor amendment in the location of structures shown on an approved Specific Design Plan due to an engineering necessity if the Planning Director finds that:
 - (1) It is in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and
 - (2) It does not increase the floor area ratio.

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

Section 27-527 - Contents of Plan.

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

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

- (b) The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:
 - (1) A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;

- (2) **Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
- (3) **A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**
- (4) **A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard Letter of Exemption;**
- (5) **An approved Natural Resource Inventory; and**
- (6) **A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible.**

RESPONSE: The proposed specific design plan has been prepared to meet all the applicable drawing and plan submission requirements set forth in Section 27-527(b). Architectural elevations are included with the subject submission.

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

RESPONSE: The instant specific design plan is not limited to infrastructure and includes all elements for development of Section 4.

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

RESPONSE: The applicant agrees with the above.

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

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

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

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

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

Section 27-528 – Required findings for approval.

- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**
- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

RESPONSE: The subject SDP conforms to the approved Comprehensive Design Plan CDP-0501. Specifically, the approved CDP for the project shows that the area of Section 4 is to be developed with various residential uses consistent with the MRD classification. Further this application's desired development is consistent with the location and amount of residential units approved in the preliminary plan of subdivision for Parkside. The instant application will establish the lots and parcels required to support said residential units and includes architecture and site details such as landscaping, lighting and recreational amenities. The upland public parkland dedication shown on the CDP is also shown on the subject SDP and TCPH. The site has been designed with the applicable standards of the Landscape Manual.

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

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

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

RESPONSE: This proposal is consistent with the approved Stormwater Management Concept Plan for the site. Concept Plan #14846-2006-03 was approved for Sections 4, 5 & 6 and the infrastructure for Central Park Drive (MC-631) and Woodyard Road (MC-632). Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties. The three stormwater management ponds to which Section 4 drains have already been constructed.

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

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

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

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

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

RESPONSE: The instant amendment request conforms to the approved CDP and preliminary plan for Parkside as mentioned herein. Further, the proposed layout and associated development details will not be detrimental to the health, safety, welfare of any resident or property owner within the County. The Parkside project as a whole does contain numerous regulated environmental features including streams, wetlands, and floodplain (FPS #200457), all of which are contained within the PMA as shown on approved NRI/006/05. The proposed development in this application is necessary to implement the planned residential development for Section 4 as

reflected in the approved basic plan, CDP and preliminary plan for the Parkside project. The ultimate development of the residential uses slated for Section 4 will promote the health, safety and welfare of the existing residents of the County by providing a variety of new living opportunities as well as increasing the overall tax base for Prince George's County. Additionally, all grading activities will be performed pursuant to a validly issued site development permit from DPIE and will respect all approved limits of disturbance established for Section 4. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion or pollution discharge.

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

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

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

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

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

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

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

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

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

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

CONFORMANCE TO PREVIOUS APPROVALS

The subject property is subject to previous approvals A-9965, CDP-0501, CDP-0501/01, 4-05080, and SDP-1002 and is in conformance with all previous approvals. The conditions from the aforementioned prior approvals that are applicable to this SDP revision are listed below:

Comprehensive Design Plan CDP-0501: CDP-0501 was approved by the District Council on June 12, 2006. The following conditions are applicable to this SDP:

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.

RESPONSE: The required chart is shown on Sheet 2 of the SDP.

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.

RESPONSE: Appropriate bufferyards have been provided. The application is proposing woodland conservation and proposed parkland dedication adjacent to the existing Westphalia Estates Subdivision to the Northeast and the Spirit of God Deliverance Church Property to the North. Surrounding the existing homes along Melwood Road is proposed woodland conservation and open space. The closest proposed lot to an existing lot along Melwood Road is 43 feet. Since they are both single family detached homes, this is more than an adequate buffer.

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.

RESPONSE: The models proposed on this SDP are all within the maximum residential building height allowed as set forth in the development standards previously approved for this section.

Comprehensive Design Plan CDP-0501/01: CDP-0501/01 was approved by the District Council on May 21, 2012. The following conditions are applicable to this SDP:

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

	<u>Condominiums</u>	<u>Single-family Attached</u>	<u>Single-family Detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1,300 sf</u>	<u>6,000 sf</u>
<u>Minimum frontage at street R.O.W: Minimum frontage at</u>	<u>N/A</u>	<u>N/A</u>	<u>45*</u>
<u>Front B.R.L. Maximum Lot Coverage</u>	<u>N/A</u>	<u>N/A</u>	<u>60'*</u> <u>75%</u>

<u>Minimum front setback from R.O.W.</u>	<u>10'****</u>	<u>10'****</u>	<u>10'****</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>0'-12'****</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>10'</u>	<u>15'</u>
<u>Minimum corner setback to side street R-O-W.</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Maximum residential building height:</u>	<u>50'</u>	<u>40'</u>	<u>35'</u>

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.

RESPONSE: The above condition allows for the Planning Board to approve variations to the design standards on a case-by-case basis. A variation to these standards was done as part of SDP-1601/02 through the addition of single-family detached standards for the MRD in Section 4, (as such standards for single-family detached units in the MRD did not previously exist).

The instant application requests a revision to the standards for single-family detached units as set forth in this statement of justification (see discussion on Page 13 herein for details). Revisions to the single-family detached standards are needed for numerous reasons. First, there is a growing demand for senior housing options by consumers. By 2030, it is predicted that there will be 222 million people over the age of 60. It is estimated by the National Investment Center for Seniors Housing & Care (NIC) that 881,000 new senior units will be needed between now and 2030. In Prince George's County there are over 170,000 adults over the age of 60 representing 18.6% of the total County population. By 2021 it is anticipated that 20% of the County's population will be over the age of 60. Without an increase in the number of housing geared towards seniors, there simply will not be enough supply to meet the consumer demand. The development within Section 4 is the only MRD currently under development in Prince

George's County (rough grading has already begun in this section). The requested modification to allow slightly smaller lots will result in the ability of Section 4 to yield a reasonable amount of additional single-family detached lots for a growing senior population in Prince George's County.

Second, consumer preferences of seniors in today's market typically involves some form of "downsizing" Such a concept reflects a lifestyle that includes smaller living spaces, first floor accessibility, and lot sizes that offer outdoor opportunities that are not overly burdensome from a maintenance standpoint. The requested revisions to the lot standards for single-family detached units in the MRD portion of Parkside (i.e., Section 4) will allow for the development of units that will meet all of the above stated market preferences. The proposed lots in this SDP will allow for appropriately sized units to be built with first floor living opportunities while allowing each single-family detached unit to have an appropriate amount of outdoor space. The standards proposed in this application are in large part reflective of the requests of the future builder of the units shown in this SDP. This builder is experienced in the senior housing market and is confident that said lot standards will allow for development of units that the local age-restricted population desires.

Third (and perhaps most importantly), senior consumers typically desire all of the above housing preferences at a price that is affordable. Despite the great need for senior housing, the cost to develop property in the metropolitan area remains high. Costs for available land that is entitled and ready for development can be exorbitant and place substantial pressures on the affordability of senior units. Specifically, site development costs such as roads, grading, stormwater management, and related amenities place significant pressures on the affordability of residential units. Development within Westphalia also carries with it additional expenses including, but not limited to, contributions to the MD 4/Westphalia Road interchange (per CR-66-2010), a public facilities surcharge, and a Westphalia Central Park Fee. The totality of all the above costs are reflected in individual lot prices. An increased number of lots that can be sold within Section 4 can help absorb/reduce the development costs prorated to each lot. The requested modifications to the single-family detached lot standards will allow for an appropriate increase in the number of units to be built in Section 4 while keeping the future unit prices affordable.

Preliminary Plan of Subdivision 4-05080: Preliminary Plan of Subdivision 4-05080 was approved by the Planning Board on September 7, 2006. On May 24, 2012, the Planning Board approved a reconsideration of PPS 4-05080 and adopted a resolution of approval of June 14, 2012 which was administratively corrected on February 19, 2013, (PGCPB Resolution No. 06-64(A/2)(C). The following conditions are applicable to this SDP:

- 58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:**

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, MNCPPC and DER."

RESPONSE: There is no Marlboro Clay in the area of the subject SDP. Thus, no 1.5 safety factor line and 25-foot building restriction line for Marlboro clay can be shown for this Section.

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

RESPONSE: The TCPII contains a phased worksheet and the sheet layouts for the SDP and TCPII match.

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

RESPONSE: The proposed location of the trails and associated grading are shown on the submitted SDP and TCPII.

Specific Design Plan SDP-1601

SDP-1601 was approved by the Planning Board on December 1, 2016 with conditions. Stream Reach 6-2 within Section 4 was identified on SDP-1002 to be restored. Construction plans for the stream restoration were previously approved by DPIE and reviewed by the M-NCPPC Environmental Planning Section as part of SDP-1601/01 approval.

The conditions applicable to this SDP revision are listed below along with how they have been addressed:

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

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

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

Board, following a confirmatory site visit by an Environmental Planning Section staff member as designee of the Planning Board.

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

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

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

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

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

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

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

Specific Design Plan SDP-1601/02

SDP-1601/02 and Type II Tree Conservation Plan, TCPH-014-2016-02, were approved by the Planning Board on May 16, 2019 with 9 conditions, (PGCPB Resolution No. 19-51). The conditions applicable to this SDP revision are listed below:

- 2. Prior to final plat of subdivision within Specific Design Plan SDP-1601, the applicant shall enter into a public recreational facilities agreement for construction of the 8-foot-wide**

asphalt hiker/biker trail on the property to be conveyed to The Maryland-National Capital Park and Planning Commission.

RESPONSE: The Applicant agrees with this condition.

- 3. Prior to issuance of the first building permit, the applicant shall provide the text, images, and details of the interpretive signage for archeological Site 18PR766. The wording and placement of the interpretive signage shall be reviewed and approved by the Historic Preservation Section.**

RESPONSE: The Applicant agrees with this condition.

- 4. Prior to issuance of building permits for Lots 22 and 23, Block B, construct the 8-foot-wide asphalt hiker/biker trail. The final alignment shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation prior to construction.**

RESPONSE: The Applicant agrees with this condition. However, the lot numbers in the above condition will need to be updated to correspond with the current SDP revision.

- 5. Prior to approval of the 148th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the interpretive sign for archeological Site 18PR766. The details and specifications for the sign shall be reviewed and approved by the Historic Preservation Section prior to installation.**

RESPONSE: The Applicant agrees with this condition.

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

RESPONSE: The Applicant agrees with this condition.

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

RESPONSE: The Applicant agrees with this condition.

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

R-M Zone

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

Notes:

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

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

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

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

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

RESPONSE: The above condition permits the Planning Board to approve variations at the time of specific design plan if circumstances are warranted. The Applicant is proposing the following variations to the development standards approved with SDP-1601/01, (all proposed changes are underlined);

PROPOSED DEVELOPMENT STANDARDS

R-M ZONE - <u>MRD OVERLAY</u>			
	CONDOMINIUM	SINGLE FAMILY ATTACHED	SINGLE FAMILY DETACHED
MINIMUM LOT SIZE:	N/A	1,300 SF†	<u>5,000 SF</u>
MINIMUM FRONTAGE AT STREET R.O.W.	N/A	N/A	45*
MINIMUM FRONTAGE AT FRONT B.R.L.	N/A	N/A	50*
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	<u>0'-10'</u> **
MINIMUM REAR SETBACK	N/A	10'	<u>10'</u>
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 THE 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 MULTI-STORY, MULTIFAMILY CONDOMINIUM BUILDING, THE MINIMUM SETBACK FROM THE 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 16-30 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. Prior to issuance of the first building permit, the applicant, his heirs, successors and/or assignees shall provide evidence to the Environmental Planning Section of the total amount spent for stream restoration within Section 4.

RESPONSE: The Applicant concurs with this condition. This information will be provided to the Environmental Planning Section prior to the issuance of the first building permit in Section 4.

CLOSING

In closing, the above requested revisions to the development standards are needed to facilitate an appropriate development of MRD units within Parkside. The details related to the lot standards are necessary to bring quality age-restricted units that are desired in the market. In essence, prevalent trends in the age-restricted housing market calls for units with first (1st) floor living elements, (e.g. first (1st) floor bedrooms), with smaller lots for ease of maintenance. The changes to the above development standards will accommodate the dwelling units proposed in this application.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Rachel Leitzinger".

Rachel Leitzinger / Dewberry

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

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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

June 4, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Section

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

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

SUBJECT: **SDP-1601-03 Parkside, Section 4**

Findings

1. The subject property includes 96.49 acres and is located on the east and west sides of Melwood Road, approximately 314 feet south of Westphalia Road. The subject application proposes a revision to the layout of 187 single-family detached and 96 single-family attached lots. The subject property is Zoned M-I-O and R-M.
2. A Phase I archeological survey was conducted on the subject property in 2005. Four archeological sites were identified within the area included in the subject application: 18PR766, a multi-component site containing a Late Woodland period lithic scatter, an early to mid-eighteenth-century farmstead, and a nineteenth to twentieth-century farmstead; 18PR767, a mid-twentieth century barn; 18PR770, a nineteenth to early twentieth-century house site; and 18PR772, a post-1930 outbuilding. Phase II investigations were conducted on site 18PR766. Several features, including a cellar, related to an early to mid-eighteenth-century house site, was partially excavated. Significant information on the eighteenth-century occupation of this portion of the subject property was obtained from the excavations. No further work was required on the other three archeological sites.
3. The subject property is near but is not adjacent to the Blythewood Historic Site (78-013). One early nineteenth-century tobacco barn, 78-012, was documented within the subject property in 1974. The barn was no longer standing when the cultural resources survey was conducted on the subject property in 2005 and appears from aerial photographs to have collapsed by 1977.
4. The subject application includes a portion of the Melwood Legacy Trail. Interpretive signage could be placed along the trail to provide information on significant findings of the archeological investigations that were conducted near the trail. Phase II investigations were conducted on site 18PR766 and information from the excavations determined that this site was occupied in the early eighteenth-century. The other sites were occupied from the nineteenth through twentieth-centuries. The land within this specific design plan (SDP) was once owned by the Digges and Berry families, who occupied the Melwood Park (78-015) and Blythewood (78-013) Historic Sites to the south.

5. In its review of SDP-1601-02 Parkside, Section 4, the Planning Board placed two conditions on the proposed development regarding interpretive signage for archeological site 18PR766 (PGCPB No. 19-51) and other historic resources in the overall development:
 3. *Prior to issuance of the first building permit, the applicant shall provide the text, images, and details of the interpretive signage for archeological Site 18PR766. The wording and placement of the interpretive signage shall be reviewed and approved by the Historic Preservation Section.*
 5. *Prior to approval of the 148th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the interpretive sign for archeological Site 18PR766. The details and specifications for the sign shall be reviewed and approved by the Historic Preservation Section prior to installation.*

Conclusions

1. The subject application will not affect any historic sites or resources. No further work was recommended on any of the four archeological sites found within the area of the subject application.
2. Conditions 3 and 5 of PGCPB No. 19-51 have not been satisfied and remain in effect.

Recommendations


Historic Preservation staff recommend approval of SDP-1601-03 Parkside, Section 4, with no additional conditions.

June 5, 2020

MEMORANDUM

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

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

FROM: Adele Gravitz, ASLA, Senior Planner, Placemaking Section, Community Planning Division 

SUBJECT: SDP-1601-03 Parkside Section 4

FINDINGS

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

BACKGROUND

Application Type: Detailed Site Plan for property outside of an overlay zone.

Location: Located on the East and West sides of Melwood Road approximately 314 feet south of Westphalia Road.

Size: 96.49 acres

Existing Uses: Vacant

Proposal: Amendment from SDP 1601-02 to SDP 1601-03. Request approval of revised layout including 187 SFD lots, 96 SFA lots and architecture for 4 SFD models and 3 SFA models
This change also resulted in the addition of one single family detached lot, bringing the SFD total to 188 units and the overall Section 4 total to 284 units. All charts/tables have been updated to reflect this change.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located in the Established Communities. The vision for the Established Communities is to create the most appropriate for context-sensitive infill and low-to medium density development. (P. 20)

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

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

Planning Area 78

Community: Westphalia and Vicinity

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

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


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

c: Long-range Agenda Notebook
Adam Dodgshon, Supervisor Placemaking Section

301-952-3680

June 8, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Section, Development Review Division
VIA: Tom Masog, Transportation Planning Section, Countywide Planning Division
FROM:  Glen Burton, Transportation Planning Section, Countywide Planning Division
SUBJECT: **SDP-1601-3 Parkside Section 4**

Proposal: This application proposes the development of 284 dwelling units within a senior adult housing community.

Background

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

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

Pursuant to PGCPB No. 19-51, this application was the subject of a Specific Design Plan (SDP)-1602-02 that was approved on April 25, 2019. The approval covered the location and design of the public roadways and private alleys, the lot and parcel layout, on-street parking, etc. but excludes architecture.

Traffic Impacts

The proposed development consists of 284 dwelling units within a senior adult housing community. This proposed development is projected to generate 54 AM and 66 PM peak-hour trips. Since this development is part of the original Smith Home Farm preliminary plan of subdivision, its traffic generation must be evaluated as part of the overall trip cap referenced in Condition 50. To that end, staff has prepared a table (Table 1) that breaks down the overall trip cap and how it is being re-apportioned through the various specific design plans that are part of the original PPS:

Table 1			
Previous Approvals	Dwelling Units	Peak Hour Trips	
		AM	PM
SDP-1003	1129	740	598
SDP-1302/02	159	103	82
<i>SDP-1601/03 (Pending) – Senior Adult Housing</i>	<i>284</i>	<i>54</i>	<i>66</i>
PPS 4-16001	527	341	273
Total	2099	1238	1019
Original Trip Cap (4-05080)		1847	1726
Remaining (Unused) Trip Cap		609	707

The analysis summarized indicates that Condition No. 50 of PGCPB No. 06-64(A/2) (C) has been met.

Master Plan, Right-of-Way Dedication

The property is in an area where the development policies are governed by the 2007 *Approved Westphalia Sector Plan* and sectional map amendment, *as well as the 2009 Approved Countywide Master Plan of Transportation*. There are 2 master plan roads whose locations are within the area of the subject application. Those roads are:

- MC-630
- C-631

Both planned roads are currently unbuilt along the property's frontage. However, the rights-of-way are accurately depicted on the site plan, and no additional right-of-way will be required.

All other aspects of the site regarding access and circulation are deemed to be acceptable.

Conclusion

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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June 8, 2020

MEMORANDUM

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

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division *T.B.W.*

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division *N.S.*

SUBJECT: Specific Design Plan Review for Pedestrian and Bicyclist Transportation Master Plan Compliance

The following specific design plan (SDP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan* to provide the appropriate pedestrian and bicycle transportation recommendations.

Specific Design Plan Number: SDP-1601-03

Development Case Name: Parkside

Type of Master Plan Bikeway or Trail

Private R.O.W.	_____	Public Use Trail Easement	_____
County R.O.W.	_____	Nature Trails	_____
SHA R.O.W.	_____	M-NCPPC – Parks	_____
HOA	_____	Bicycle Parking	X
Sidewalks	X	Trail Access	X
Add'l Connections	X	Bikeway Signage	_____

Development Case Background	
Building Square Footage (non-residential)	n/a
Number of Units (residential)	187 detached, 96 attached
Abutting Roadways	Rock Spring Drive, Melwood Road East, Central Park Drive
Abutting or Nearby Master Plan Roadways	Rock Spring Drive (C-627), Central Park Drive (MC-631)
Abutting or Nearby Master Plan Trails	Melwood Legacy Trail, shared roadway along C-627(planned)
Proposed Use(s)	Residential
Zoning	R-M
Centers and/or Corridors	n/a

Prior Approvals on Subject Site	CDP-0501, -01, -02, 4-05080, SDP-1601, -01, -02
Subject to 24-124.01:	No
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Background

The subject application proposed 187 detached and 97 attached units within Section 4 of the Parkside development in Westphalia. The site will include a portion of the Melwood Legacy Trail.

Previous Conditions of Approval

The subject site has several prior approvals that include conditions related to pedestrian, bicycle, and transit transportation. Nonetheless, the subject application does not alter the conditions related to the alignment or widths of the required trail, bicycle, and transit facilities. The subject application includes all prior approved pedestrian and bicycle facilities.

Review of Proposed On-Site Improvements

The subject application includes five-foot sidewalk along both sides of internal roadways. Three trail facilities are proposed within the site that include the 10-foot Melwood Legacy Trail throughout the site, a 10-foot multi-use path along MC-631, and an eight-foot-wide hiker/biker trail in the northern portion of the site. Bicycle parking is also included in this application and is located along the southern portion of the proposed Melwood Legacy Trail. Additionally, standard crosswalks are provided at all intersections with the proposed Melwood Legacy Trail, and the intersection with the proposed eight-foot-wide hiker/biker trail.

Comment: Staff recommend additional standard crosswalks be provided at the intersection of Victoria Park Drive and Elizabeth River Drive. Victoria Park Drive will most likely serve the adjacent development in addition to the subject site. The recommended crosswalks will provide a continuous connection for pedestrians. Staff support the proposed trails and recommend that signage along the trail alignments be placed prior to the construction of the development units so that potential and future residents are aware of the planned trail. Staff recommend that the applicant provide an exhibit depicting the details of “future trail” signage as well as the location of signs within the subject site.

Staff find that the proposed facilities included in the SDP conform to the approved comprehensive design plan, pursuant to Section 27-528(a)(1). The proposed pedestrian and bicycle facilities, along with the recommendations, are appropriate and convenient to serve pedestrians, bicyclists, and motorists.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential areas with no current pedestrian or bicycle connections. The planned pedestrian and bicycle facilities included in this development will support future connections.

Review of Master Plan of Transportation Compliance

Three master plan trail facilities impact the subject site, including a planned shared roadway along C-627, a planned sidepath along MC-631, and the planned Melwood Legacy Trail. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

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*.

Comment: The master plan roadway C-627 is not included in the subject application. Though, the submitted plans reflect all the relevant MPOT policies by including sidewalk along both sides of the roadway, multi-use paths throughout the site, and bicycle parking within the subject site. Staff recommend Inverted U-style bicycle racks be provided to allow two points contact to support and secure parked bicycles.

Review of Area Master Plan Compliance

The site is subject to the 2007 *Approved Westphalia Sector Plan* and includes the following policy regarding the accommodation of pedestrians and bicyclists (pg.47):

Sidewalks should be provided throughout the Westphalia community except designated scenic rural roads, highways, bikeways, trails, and lanes.

Comment: The subject site plan shows sidewalk on all internal roads and roadway frontages included in the application.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle access and circulation for this plan conform to the approved comprehensive design plan, pursuant to Section 27-528(a)(1), and is acceptable, if the following conditions are met:

1. Prior to certification of the site plan, the applicant and the applicant's heirs, successors, and/or assignees shall revise the site plan to provide the following:
 - a. Minimum of two inverted-U style bicycle racks at the proposed location
 - b. Standard crosswalks crossing the intersection of Victoria Park Drive and Elizabeth River Drive
2. Prior to certification of the site plan, provide an exhibit displaying temporary signage at 150-foot intervals along the proposed Melwood Legacy Trail and the eight-foot hiker/biker trail indicating the location of the trail.
 - a. Details of the sign, including the language for the sign, the height of its posting at each location, the materials, and color of the sign. Signs shall be directed the lots nearest each sign and to the roadway
3. Prior to the approval of building permits for lots 27 and 28, the applicant and the applicant's heirs, successors, and/or assignees shall construct the portion of the eight-foot wide hiker/biker trail adjacent to the lots.
4. Prior to the approval of 50% of building permits, the applicant and the applicant's heirs,

successors, and/or assignees shall construct the Melwood Legacy Trail in its entirety.

5. Prior to the approval of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall install the "future trail" signs along the trail alignment.



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Countywide Planning Division
Environmental Planning Section

301-952-3650

June 15, 2020

MEMORANDUM

TO: Andrew Bishop, Planner Coordinator, Urban Design Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, CWPDP

FROM: Kim Finch, Master Planner, Environmental Planning Section, CWPDP

SUBJECT: **Parkside (formerly Smith Home Farm), Section 4 (Infrastructure only)**
SDP-1601-03 and TCPII-014-2016-03

The Environmental Planning Section (EPS) has reviewed the amended Specific Design Plan (SDP) and revised Type II Tree Conservation Plan for Parkside (formerly Smith Home Farm), Section 4, received by on June 1, 2020 and other supplemental documents.

The Environmental Planning Section recommends approval of the SDP-1601-03 and TCPII-014-2016-03 subject to findings listed at the end of this memorandum and 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 Reconsideration	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	3/28/2016	PGCPB No. 0656 (C)(A)

CDP-0501-01	TCPI-038-05	Planning Board	Approved	12/01/2011	PGCPB No. 11-112
CDP-0501-01	TCPI-038-05	District Council Affirmation of Planning Board Approval amending Conditions 3, 7 and 9	Approved	5/21/2012	PGCPB No. 11-112
4-05080	TCPI-038-05-01	Planning Board	Approved	10/14/2005	PGCPB No. 06-64(A)
SDP-0506	TCPII-057-06	Planning Board	Approved	7/27/2006	PGCPB No. 06-192
SDP-0506-01	TCPII-057-06-01	Planning Director	Approved	12/12/2997	NA
SDP-0506-02	TCPII-057-06-02	Planning Board	Approved	2/12/2015	PGCPB No. 12-14
SDP-1002	NA	Planning Board	Approved	1/26/2012	PGCPB No. 12-07
SDP-0506-03	TCPII-057-06-02	Planning Board	Approved	7/17/2014	PGCPB No. 14-70
SDP-1601	TCPII-014-2016	Planning Board	Approved	12/27/2016	PGCPB No. 14-70
SDP-1601-01	TCPII-014-2016-01	Planning Director	Approved	12/19/2017	NA
NRI-006-05-03	NA	Planning Director	Approved	3/7/2018	NA
SDP-1601-02	TCPII-014-2016-02	Planning Board	Approved	4/25/2019	PBCPB No.19-51
SDP-1601-03	TCPII-014-2016-03	Planning Board	Pending	Pending	Pending

The current application is for the approval of an amended SDP for a Mixed-Retirement-Development (MRD) in the R-M zone, with 187 single-family detached lots, and 96 single-family attached lots for a total of 283 dwelling units.

Grandfathering

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

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

Site Description

The Parkside development is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road 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, but is not found in exposed locations in Section 4. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aviation traffic into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects the property from northwest to southeast Westphalia Road, which is located approximately 250 feet from the northern point of the overall development on the north and is also a designated historic road. There are no Rare, Threatened or Endangered (RTE) species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP). The site is in Environmental Strategy Area 2 (ESA), formerly known as the Developing Tier, 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 following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

District Council Final Decision for A-9965-C

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

2. **The following conditions of approval shall be printed on the face of the Basic Plan:**
 - H. **At the time of the first Specific Design Plan, the Applicant shall:**

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

The current application is for infrastructure only. Noise mitigation, if required, will be addressed with future site plan applications which address architecture.

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

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

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

This condition has been consistently addressed.

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

The note is on Sheet 1 of the TCP2.

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

No woodland conservation is shown on proposed residential lots.

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

Noise impacts associated with Joint Base Andrews aviation require mitigation and acoustical shell certification shall be submitted prior to the issuance of building permits for all residential units proposed in Section 4.

District Council Final Decision for A-9966-C

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

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

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

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

Mitigation of noise impacts associated with Joint Base Andrews aviation shall be by the submittal of acoustical shell certification prior to the issuance of building permits for all residential units proposed in Section 4.

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

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

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

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

District Council Final Decision for Reconsideration of CDP-0501

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

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

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

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

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

The limited SDP for stream restoration shall:

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

This condition has been addressed for Section 4. The required limited SDP for stream restoration, SDP-1002, was approved by the Planning Board on January 26, 2012, subject to conditions contained in PGCPB No. 12-07. Section 4, which is currently under review, includes the stream restoration for Reach 6-2.

- 61. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal**

and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This condition will be addressed prior to the issuance of grading permits affecting regulated environmental features (REF).

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

A phased worksheet as well as an individual TCP2 worksheet has been provided on TCPII-014-2016-03. The sheet layout of the TCP2 matches the layout of the SDP for Section 4.

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

This condition is evaluated in the Environmental Review section of this memorandum and will be confirmed at time of final plat when the Primary Management Area (PMA), except for areas of approved impacts, will be placed into a conservation easement.

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

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

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

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

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

The stream restoration plan for Reach 6-2 in Section 4 was approved with SDP-1601-01 and TCPII-014-2016-01 which included the submittal of detailed engineered stream restoration plans. The current application shows the approved stream restoration work, which continues to use the existing at grade crossing and culvert.

- 3. Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that**

individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.

- 4. Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised and additional priority area(s) recommended as necessary to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until such time as the required minimum expenditure is met.**

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

Only two projects are identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). The conceptual cost estimate was \$266,125 in 2012 for 950 linear feet of stream restoration. Detailed cost estimates for these two projects now total \$554,185.60, significantly higher than originally estimated. Final construction costs are not yet available.

The remainder of the required minimum expenditure available for the four remaining projects located in Section 7 has not yet been determined. The conceptual cost estimate for priority projects in Section 7 was \$511,924, and addressed 3189 linear feet of stream restoration. It is now anticipated that the remaining four priority projects will exceed the remaining funds available.

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

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

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

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

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

The SDP and TCPII reflect the location of the master planned trails as confirmed by the trail's coordinator. The detailed stream restoration plan presented on the SDP and TCPII does not currently address dry trail passage of the Melwood Legacy Trail across the stream, restoration area or for the park connector trail both of which are using existing stream crossings. Design and timing for the construction of dry passage across the stream restoration area can be best determined after completion of the current design. Future revisions may be required to the SDP and TCP2 to show measures and grading impacts necessary to provide dry passage within the delineated PMA impacted by the Melwood Legacy Trail and the Westphalia Park connector trail.

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

This condition will be addressed prior to the issuance of building permits for Section 4.

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

This condition was not addressed with the approval of SDP-1602-02 because the revision was limited to stream restoration and was approved at the staff level. All future stream restoration projects for the overall Parkside development are located in Section 7.

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

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

Conditions of Approval for SDP-1601-02 Smith Home Farm

The Prince George's County Planning Board and approved Type II Tree Conservation Plan TCPII-014-2016-02, and Specific Design Plan SDP-1601-02, subject to the following conditions which are environmental in nature and have been acknowledged and/or addressed. :

- 6. Long-term maintenance for the stream restoration project on Reach 6-2 in Section 4 of the Parkside development shall be the responsibility of the property owner.**
- 7. Monitoring and reporting on the Reach 6-2 stream restoration project shall be in accordance with conditions established by permits issued by the Maryland Department of the Environment (MDE) for projects proposed to occur in stream and wetland areas. Copies of the periodic monitoring and reporting information required by MDE shall be submitted to the Environmental Planning Section during the required 3-year monitoring period.**
- 9. Prior to issuance of the first building permit, the applicant, his heirs, successors and/or assignees shall provide evidence to the Environmental Planning Section of the total amount spent for stream restoration within Section 4.**

ENVIRONMENTAL REVIEW

Natural Resource Inventory

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

Stream Restoration

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

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

M-NCPPC staff supported the concept as approved, except for the retention of the existing crossing of the Melwood Legacy Trail over the roadbed, and the continued channeling of stream flow through the culvert, which appears to work against the success of the project. Staff recommended the roadbed and culvert be removed and replaced with a boardwalk or bridge which allows for the

free flowing of water from the upstream wetlands, and provides dry passage across the stream, if needed. Removal of this constriction would eliminate an existing impact to wetland and wetland buffers and allow for the restoration of impacted PMA. The Department of Permitting, Inspections, and Enforcement (DPIE) has agreed to this revision, to be incorporated into the final technical design of Reach 6-2 if required permitting is obtained from the Maryland Department of the Environment. The removal of the culvert is not included on the current plan.

Protection of Regulated Environmental Features (REFs)

Prior to approving an SDP for Infrastructure, the Planning Board shall find that the plan demonstrates that the Regulated Environmental Features (REF) are preserved and/or restored to the fullest extent possible in accordance with the requirements of Subtitle 24-130 (b)(5). There have been minor changes to the layout of Section 4 since approval of the preliminary plan, and minor additional impacts. The impacts proposed to the REF on this site are generally consistent with those previously approved with Preliminary Plan 4-05080 and with prior SDP and TCPII approvals for Section 4.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan, TCPI-038-05, and a revision, TCP1-038-05-01, were previously approved for the site with the Comprehensive Design Plan (CDP) and preliminary plan.

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

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

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

A Type II Tree Conservation Plan, TCPII-057-06, was the first TCPII approved for the Parkside development, in association with SDP-0506 for the construction of roads within Phase 1A, 1B, 2 and 3. With the first TCPII, TCPII-057-06, for the Parkside (Smith Home Farm) development an overall woodland conservation worksheet for the entire site was approved, as well as an individual TCPII woodland conservation worksheet for specific sections. The overall woodland conservation

worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities proposed on the property, identifying how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.

The overall worksheet allows for the cumulative tracking of overall woodland conservation on the entire development to confirm that the overall woodland conservation requirement for the site is being met, as well as the requirements of the Final Decision of the District Council in A-9965-C and A-9966-A that the woodland conservation threshold be met on-site. Based on the overall site area of 617.94 net tract acres, the woodland conservation requirement of 24.53 percent results in a woodland conservation threshold of 159.04 acres that must be met on-site. The overall woodland conservation worksheet provided with the current application provides 164.28 acres of woodland conservation on-site, which satisfies the on-site threshold requirement.

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

The TCPII associated with Section 4 is TCPII-014-2016, and the -03 revision to TCPII-014-2016 is associated with the current application. The Individual Woodland Conservation Worksheet for Section 4 indicates that the woodland conservation requirement is 22.68 acres. The woodland conservation requirement is being satisfied in this section with 6.10 acres of on-site preservation and 16.58 acres of on-site afforestation which fulfills the requirement of this section, and the overall requirement for the Parkside development. Technical revisions may be required at time of certification.

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

Stormwater Management

The site has a revised Stormwater Management Concept letter (14846-2006-03) which was approved on March 19, 2019 and expired on May 25, 2020. The plan was found in conformance with Subtitle 32 Water Resources Protection and Grading Code by the Department of Permitting, Inspection and Enforcement (DPIE). The plan is consistent with the previous SWM Concept Plan for Section 4, 5 and 6 which moved forward to implementation prior the May 4, 2017 under grandfathering provisions. Stormwater management structures in Section 4 include three existing extended detention ponds, which are already constructed.

Summary of Recommended Findings and Conditions

The Environmental Planning Section recommends the approval of amended SDP-1601-03 and revised Type 2 Tree Conservation Plans, TCPII-014-2016-03 subject to the following findings with no conditions.

Recommended Findings:

1. The SDP and TCPII can be found in general conformance with Zoning Map Amendments ZMA-9965-C and ZMA-9966-C.
2. The SDP and TCPII can be found in general conformance with CDP-0501, and TCPI-038-05.
3. The SDP and TCPII can be found in general conformance with Preliminary Plan 4-05080 and TCPI-038-05-01.
4. The SDP and TCPII can be found in conformance with the prior approvals of SDP-1601 and SDP-1601-01.
5. The Regulated Environmental Features (REF) on the subject property have been found to be preserved and/or restored to the fullest extent possible and consistent with previously approved impacts.
6. SWM Concept Approval Plan #14846-2006-03 demonstrates that adequate provision has been made for draining surface water so that adverse effects on either the subject property or adjacent properties have been minimized to the extent possible.

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

June 8, 2020

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

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

SUBJECT: SDP-1601-03, PARKSIDE, SECTION 4

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

FINDINGS

The Specific Design Plan (SDP-1601-03) is for approval of revised layout, including 187 single-family detached and 96 single-family attached. The Section 4 of the development is adjacent to Westphalia Park including a parking lot, softball field, tennis courts, picnic shelter, playground and basketball court. At the time of approval of the Preliminary Plan 4-05080, the applicant proposed dedication of 5.5 acres of land for expansion of the public park and construction of an 8-foot-wide asphalt hiker/biker trail connector to the existing trail network within the park. The applicant entered in public Recreational Facilities Agreement (RFA) for the construction of the trail, which is recorded in Liber 43242, folio 76.

The Section 4 of the development also includes major portion of the Melwood Legacy Trail traversing through homeowners open space land and connecting to Central Park Drive, DPR staff recommending placing the trail within public use trail easement to allow the public access to the trail.

RECOMMENDATIONS

The Park Planning and Development Division of the DPR recommends to the Planning Board approval of the above-referenced Specific Design Plan (SDP-1601-03), subject to the following conditions:

1. At the time of final plat of subdivision, the applicant shall provide a Public Use Trail Easement to the M-NCPPC to allow public access to Melwood Legacy Trail.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

Countywide Planning Division
Special Projects Section

June 8, 2020

MEMORANDUM

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

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

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

SUBJECT: **SDP-1601-03 Parkside (Section 4)**

Project Summary:

This project is to review Phase I development for infrastructure only for 17 Parcels and 283 single-family detached residential lots. This property is located outside the I-495 Beltway.

This Specific Design Plan was accepted for processing by the Planning Department on May 1, 2020.

Section 27-528(a)(2) of the Prince George's County Code of Ordinances requires a finding prior to approval that development will be adequately served within a reasonable period of time with existing or programmed public facilities. Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities as set forth below.

RESIDENTIAL

Water and Sewer:

Using Section 24-122.01(b)(1) of the Prince George's County Code of Ordinances, Subdivision Regulations which states "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2018 *Water and Sewer Plan* placed this property in the 2018 *Water and Sewer Plan* placed this property in the Water and Sewer Category 3, Community System.

Capital Improvement Program (CIP):

The Prince George's County FY 2020-2025 Approved CIP identifies three public safety facilities in Planning Area 78-Westphalia & Vicinity: Police Training /Administrative Headquarters, the Fire-EMS Department Headquarters and the Forestville Fire/EMS Station Westphalia.

Police Facilities:

This Specific Design Plan was reviewed for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations. The subject property is in Police District II, Bowie, located at 601 Crain Highway, in Upper Marlboro, Maryland. 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). The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on May 1, 2020.

Reporting Cycle	Effective 12 Month Cycle	Priority	Non- Priority
Acceptance Date <i>May 1, 2020</i>		9	6
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met in the first monthly cycle following acceptance. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Fire and Rescue:

This Specific Design Plan was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven-minutes travel time from the first due station. Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of May 28, 2020 the proposed project appears to pass the seven-minute travel time standard from Station 823, Forestville, located at 8321 Old Marlboro Pike in Upper Marlboro. There may be some lots that fail the seven-minute travel time, which can be re-evaluated at the time of the preliminary plan review.

Schools

This Specific Design Plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Prince George's County Code of Ordinances, Subdivision Regulations, and CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. This property is located outside the I-495 Beltway. Staff conducted an analysis and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Unit Type

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Total Proposed Dwelling Units (DU)	338 DU	338 DU	338 DU
Single-Family Detached DU	283	283	283
Pupil Yield Factor	0.158	0.098	0.127
Total [PYF*DU]	45	28	36
Total Future Subdivision Enrollment	45	28	36
Adjusted Student Enrollment 9/30/2019	12,927	9,220	7,782
Total Future Enrollment [TFE]	12,972	9,248	7,818
State Rated Capacity [SRC]	15,769	9,763	8,829
Percent Capacity [TFE/SRC]	82%	95%	89%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 per dwelling if the building is included within a Basic Plan or Conceptual Site Plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This fee is to be paid to Prince George's County at the time of issuance of each building permit.

Additional Back-up

For

**SDP-1601-03
Parkside, Section 4**

Smith Home Farm (Parkside) (SDP-1601-03)

Revised Conditions

1. Prior to certification of this specific design plan, the applicant shall provide the specified information or make the following revisions to the plans:
 - c. Provide standard crosswalks at the intersection of Victoria Park Drive and Elizabeth River Drive, unless modified by the Department of Permitting, Inspections and Enforcement with written correspondence.
 - d. ~~Provide an exhibit displaying temporary signage at a 150-foot interval along the proposed Melwood Legacy Trail and the 8-foot hiker/biker trail indicating the location of the trail.~~
 - e. ~~Include details of the sign, including the materials, color, text, and the height of its posting at each location. Signs shall be clearly visible and directed towards the lots and roadway nearest to each sign.~~
 - f. ~~Add the following general plan notes:~~
 - (1) ~~During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Conformance to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, is required.~~
 - (2) ~~During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code, is required.~~
 - k. Revise the architecture of the single-family attached and detached dwelling units to provide a minimum of two standard end wall features. On all highly visible side elevations and provide three end wall features ~~on all highly visible side elevations~~ in addition to the use of brick, stone, or masonry along the water table of the building for the single-family attached and detached homes.
 - m. Include a general note on the plans stating that the following buildings are deemed highly visible and shall receive the highly visible treatments, and be labeled as "HV" on the site plan:

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Underline represents added language

Block A, Lots 1, 4, 6, 7, 9, 12, 14, 15, 19, 22
 Block B, Lots 1,3,4,27,28,33, 34,45
 Block C, Lots 1,3,4,6
 Block D, Lots 1,3,8,9,12,21,22
 Block E, Lots 1,4, [10, 11, 18, 19, 24, 28](#) ~~20,22,28,29,33,34, 42, 43~~
 Block F, Lots 1,4,6,7, [8](#), 18, 21, 34, [35](#) ~~38~~
 Block G, Lots 1,10,11,24
 Block H, Lots 1,5,6,17,18, 30
 Block J, Lots 1,17,18,22,23,41

- ~~n. Update and correct the density chart for tracking purposes, to demonstrate full conformance with the previously approved comprehensive design plan, the preliminary plan, and specific design plans for the overall site, in accordance with Condition 12 of Comprehensive Design Plan CDP-0501.~~
- ~~o. Show, label, and provide full details of all proposed private recreational facilities on the plan.~~
- 2. Prior to the approval of [the](#) building permits for [either](#) Lots 27 [or](#) and 28 ([whichever is approved last](#)), the applicant and the applicant's heirs, successors, and/or assignees shall construct the portion of the 8-foot-wide hiker/biker trail adjacent to the lots.
- 3. Prior to issuance of the 142nd building permit, the applicant and the applicant's heirs, successors, and/or assignees shall construct [the Melwood Legacy Trail from Victoria Park Drive to the northern boundary of Section 4 in its entirety. Prior to issuance of the 264th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall construct the Melwood Legacy Trail from Victoria Park Drive to the southern boundary of Section 4.](#)
- 6. The proposed private recreational facilities shall be constructed in accordance with the following schedule, which shall be incorporated into the recreational facilities agreement:
 - a. Construct wayfinding and pedestrian crossing signage, a picnic pavilion, picnic tables, benches, trash receptacles, bocceball court, and a butterfly garden on Parcel D1 by the 95th building permit.
 - b. Construct the sitting areas, octagon pavilion and exercise stations on Parcel H1 by the 175th building permit.
 - c. Construct the Bike rack on Parcel J1, and the dog park on Parcel E2 with, trash receptacles, and seating area the 225th permit.

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction become available. Phasing of the recreational facilities may be adjusted by written permission of the Prince George's County Planning Board, or [the Planning Director as](#) its designee under certain circumstances, such as the need to modify construction

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[Underline](#) represents added language

sequence due to engineering necessity. An increase in the number of permits allowed to be released prior to construction of any given facility shall not exceed 10 percent over the number originally approved by Planning Board.

7. The following standards shall apply to the development. (Variation 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 – MRD Overlay			
	Condominiums	Single-family Attached	Single-family
Minimum Lot size:	N/A	1,300 sq. ft.†	5,000 sq.
Minimum frontage at street R.O.W:	N/A	N/A	45*
Minimum frontage at Front B.R.L.	N/A	N/A	50' ** <u>50'</u> *
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'-10' *** <u>0'-10'</u> **
Minimum rear setback:	N/A	10'	10'
Minimum corner setback to side street R.O.W.	10'	10'	10'
Maximum residential building height:	50'****	40'	35'

Notes:

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

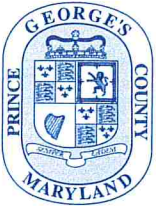
**See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.

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

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Underline represents added language

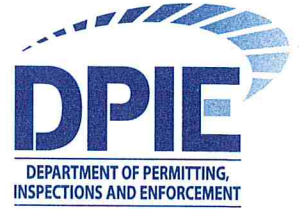
****Additional height up to 75 feet may be permitted at time of specific design plan, with sufficient design justification.

† 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~~ 30 feet. The 50 percent limit can be modified by the Planning Board at the time of specific design plan approval, based on the design merits of specific site layout and architectural products.



Angela D. Alsobrooks
County Executive

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



MEMORANDUM

June 10, 2020

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

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

Mary C. Giles 7/1/2020

RE: Parkside - Section 4
Specific Design Plan No. SDP-1601-03.

CR: Rock Spring Drive (C-627)

CR: Central Park Drive (MC-631)

CR: Melwood Road

In response to the Specific Design Plan No. SDP-1601-03 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located on the east and west sides of Melwood Road, approximately 314 feet south of Westphalia Road.
- Master Plan Road, Rock Spring Drive (C-627), has right-of-way width of 80 feet. Therefore, right-of-way dedication and road construction are required in accordance with DPW&T's Urban 4-Lane Collector Road STD. 100.03 prior to issuance of a fine grading permit.
- Master Plan Road, Central Park Drive (MC-631) has right-of-way width of 100'. Therefore, right-of-way dedication and Road construction are required in accordance with DPW&T's Urban Major Collector Road standard STD. 100.02 Prior to issuance of a fine grading permit.
- Proposed publicly maintained roadways Elizabeth River Drive, Louise Stream Drive, Edward Bluff, Mary Stream Road and George Creek Way shall be designed and permitted as per DPW&T's Urban Secondary Residential Road standard STD. 100.07 prior to issuance of fine grading permit.

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

- Proposed publicly maintained roadway Victoria Park Drive shall be designed and permitted as per DPW&T's Urban Primary Residential Road standard STD. 100.06 prior to issuance of a fine grading permit.
- Melwood Road is County-maintained road. Right-of-way dedication is required.
- It is proposed to remove Albert Bluff Way which connects north to south of the subdivision between Elizabeth River Drive and Victoria Park Drive. This will change the traffic distribution within the subdivision. As such, the applicant should be able to upgrade Edward Bluff Road and Elizabeth River Drive from the secondary residential standard roadways to primary residential standard to handle the traffic due the proposed revision.
- In the original development layout, the Melwood Legacy Trail was located along Albert Bluff Way. This creates the Melwood Legacy Trail crossing to be located at the intersections of Albert Bluff Way at Victoria Park Drive, Mary Stream Road, Louise Stream Drive and Elizabeth River Drive. However, Albert Bluff is removed in the proposed revision. As a result, Melwood Legacy Trail crosses Victoria Park Drive, Mary Stream Road, Louise Stream Drive and Elizabeth River Drive at a mid-block. Mid-block crossing is unsafe for pedestrian as it is generally unexpected by the motorist. As such the applicant should provide safety assessment of all mid-block crossings based on MD SHA ADA guideline.
- Capacity and queuing analysis shall be performed at Rock Springs Drive and Elizabeth River Drive intersection.
- The intersection of Rock Spring Drive and Westphalia Road was warranted based on the 2006 signal warrant analysis performed for the entire Smith Home Farm. The applicant should clarify the status of the re-construction of the intersection and the installation of the signal.
- At all proposed crosswalk in the subdivision, the centerline of pedestrian ramp and crosswalk should be aligned.

- The applicant should provide separate left and right turn lane on Elizabeth River Drive approach at Rock Spring Drive intersection.
- Private roadways are to be designed, bonded and permitted in accordance with applicable County codes, standards and specifications.
- Sidewalks and sidewalk ramps are required along roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- Pedestrian crosswalks shall have proper sight distance and be constructed in accordance with ADA requirements.
- Conformance with DPW&T street lighting and street tree standards is required.
- Street construction or fine grading permits are required for improvements within public roadway rights-of-way, and for the proposed private internal roadways. Maintenance of private streets is not the responsibility of DPW&T.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- The proposed Specific Design Plan is consistent with the Approved Site Development Concept Plan No. 14846-2006-03 updated on March 19, 2019 (Originally approved on August 25, 2006; Parent Approval No. 36059-2005).
- All storm drainage systems and stormwater management facilities are to be in accordance with DPW&T's and the Maryland Department of Environmental (MDE) requirements.
- The proposed project must obtain an approved floodplain delineation in accordance with DPIE's requirements.
- A floodplain easement is to be dedicated prior to issuance of any permit.

Andrew Bishop
June 10, 2020
Page 4

- Easements are to be approved by DPIE and recorded prior to technical approval.
- A soils investigation report which includes subsurface exploration and a geotechnical engineering evaluation for the subdivision streets and Marlboro clay is required.

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

MA:SJ:dar

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Selam Jena, Engineer, S/RPRD, DPIE
Dewberry, 4601 Forbes Boulevard, Suite 300, Lanham, MD, 20706
SHF Project Owner, LLC, 1999 Avenue of the stars, Suite 285,
Los Angeles, CA, 90067

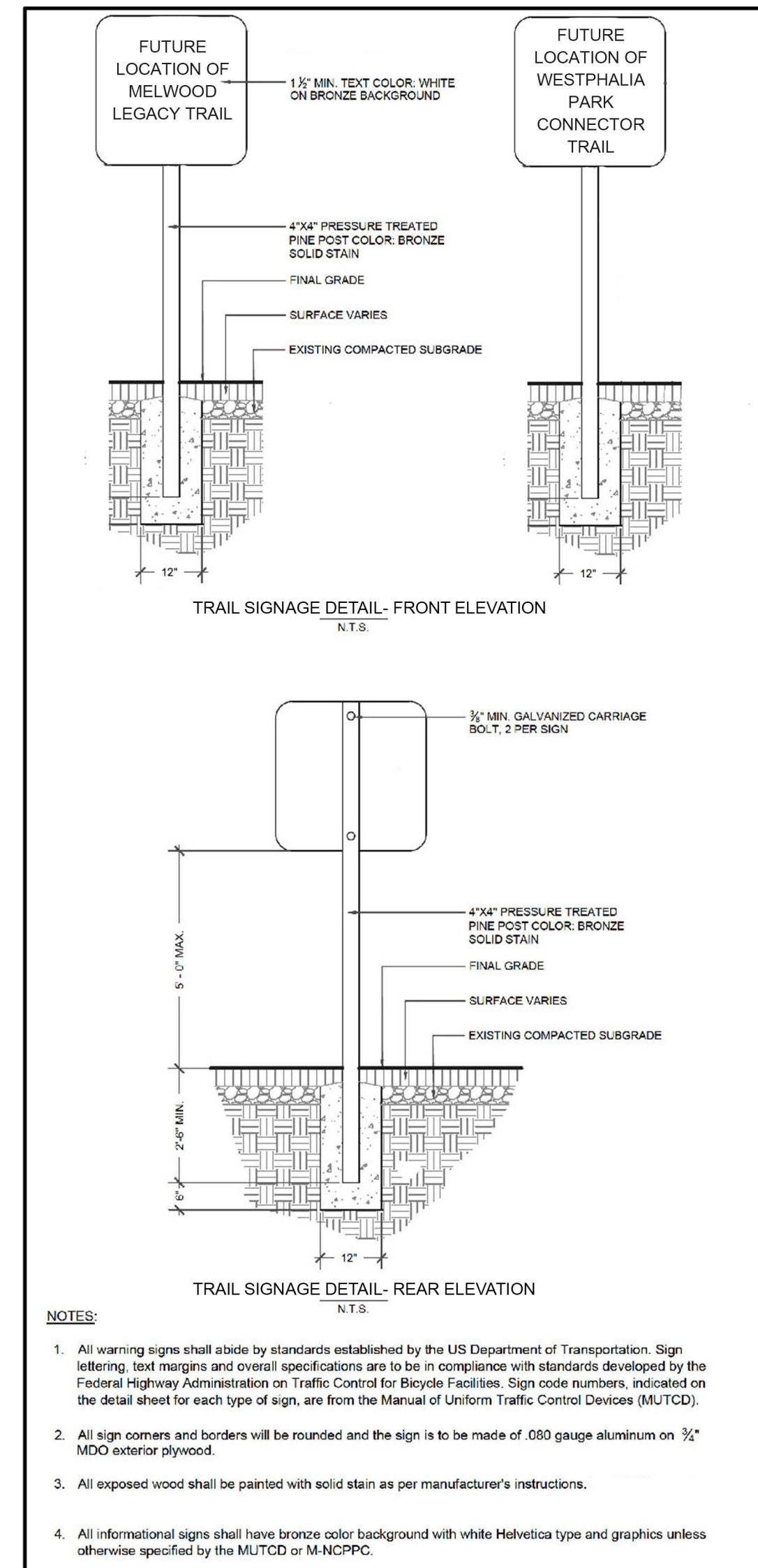


APPROXIMATE SIGN LOCATIONS



- =APPROXIMATE SIGN LOCATION (WESTPHALIA PARK CONNECTOR TRAIL)
- =APPROXIMATE SIGN LOCATION (MELWOOD LEGACY TRAIL)

SIGN SECTION



Dewberry®

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F 301. 731. 0188

The information provided hereon, which is subject to change, is for conceptual purposes only and is based on current regulations and existing information available. Detailed planning and engineering must be completed and all jurisdictional approvals must be obtained prior to finalization of this plan.