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 (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.

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 it's 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 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	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