



PGCPB No. 11-112

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File No. CDP-0501/01

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on December 1, 2011, regarding Comprehensive Design Plan CDP-0501/01 for Smith Home Farms the Planning Board finds:

1. **Request:** The applicant proposes to revise three conditions attached to the previously approved Comprehensive Design Plan CDP-0501 as stated below.

Condition 3: Regarding the construction of the MD 4/Westphalia Road interchange.

Condition 7: Regarding the location and the size of the proposed community center and pool.

Condition 16: Regarding the size of the market-rate single-family attached lots in the R-M Zone.

The rest of the conditions attached to the prior approval of Comprehensive Design Plan CDP-0501 remain unchanged and valid, and will govern the development of the Smith Home Farms project.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	APPROVED
Zone(s)	R-M & L-A-C	R-M & L-A-C
Use(s)	Residential, Commercial/Retail	Residential, Commercial/Retail
Acreage	757	757
Dwelling units	3,648	3,648
Of which R-M Zone Residential	2,124	2,124
R-M Zone Mixed Retirement Development	1,224	1,224
L-A-C Zone Multifamily condominium	300	300
Commercial/retail uses (GFA in square feet)	170,000	170,000

3. **Location:** The subject property is a large tract of land consisting of wooded, undeveloped land and active farm land, located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, within the Developing Tier in Planning Area 78, Council District 6.
4. **Surrounding Uses:** The site is bounded to the north by existing subdivisions and undeveloped land in the R-R (Rural Residential), R-A (Residential Agricultural), C-M (Commercial

Miscellaneous), C-O (Commercial Office) and R-T (Residential Townhouse) Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the I-I Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-I and M-X-T Zones.

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

On February 23, 2006, the Planning Board approved (through PGCPB Resolution No. 06-56(C)) Comprehensive Design Plan CDP-0501 for the entire Smith Home Farm project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions. On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-64(A)) a Preliminary Plan of Subdivision 4-05080 for 1,176 lots (total 3,628 dwelling units) and 355 parcels with 77 conditions. On July 27, 2006, the Planning Board approved (through PGCPB Resolution No. 06-192) an infrastructure Specific Design Plan SDP-0506 for portions of roadways identified as C-631 (oriented east/west, also known as MC-631) and C-627 (oriented north/south, also known as MC 635) in the R-M Zone. On December 12, 2007, the Development Review Division as designee of the Planning Director approved Specific Design Plan SDP-0506-01 for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout.

In addition to the prior approvals for the site, two later actions by the District Council have revised several conditions of Comprehensive Design Plan CDP-0501. The *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* was approved by the District Council on February 6, 2007. In Resolution CR-2-2007, the District Council modified several conditions in the CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range from 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M (Market rate) Zone to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10-23 in Comprehensive Design Plan CDP-0501 for Smith Home Farm to require submission of an

SDP for the Central Park following approval of the Westphalia sector plan and SMA and not as the second SDP as stated in Condition 23.

On October 26, 2010, the District Council approved a resolution concerning *Public Facilities Financing and Implementation Program District Westphalia Center* to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods in order to ensure the timely provision of adequate public facilities for larger projects such as Westphalia.

6. **Design Features:** This revision to the previously approved Comprehensive Design Plan CDP-0501 is limited to three conditions which were attached to the original approval with limited physical impact on the previously approved site layout, except in regard to the community building. The major design features as included in the approved Comprehensive Design Plan CDP-0501 remain valid and unchanged. Any changes to the previously approved layout that is not related to the above three conditions are prohibited.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment applications A-9965 and A-9966:** The District Council heard the zoning map amendment applications on January 23, 2006 and affirmed the Zoning Hearing Examiner's recommendations. The District Council's approval became effective on February 13, 2006 with a total of three conditions. Conformance with the requirements of the basic plans was found at the time of Comprehensive Design Plan CDP-0506 approval. This application is a revision to three specific conditions attached to the previously approved comprehensive design plan and does not impact the previous conformance findings.
8. **Comprehensive Design Plan CDP-0501:** The Planning Board approved Comprehensive Design Plan CDP-0501 for the entire Smith Home Farms project with 30 conditions on February 23, 2006. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with a total of 34 conditions. This application proposes to revise three specific conditions as follows:
 - a. **Condition 3** attached to the previously approved Comprehensive Design Plan CDP-0501 establishes specific triggers for the construction and completion of the critical intersection of MD 4 at Westphalia Road in order to provide major vehicular access to the Westphalia development. Condition 3 includes the following three parts:
 3. **The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of**

this improvement shall also be determined at the time of preliminary plan of subdivision.

- a. Prior to the issuance of the first building permit, the above improvement shall have full financial assurances through private funding, full CIP funding or both.**
- b. Prior to the issuance of the 1,000th building permit for the residential units, the MD 4/Westphalia Road interchange must be open to traffic.**
- c. The applicant has agreed to construct a flyover at Westphalia Road and MD 4. The construction timing shall be as follows:**
 - (1) The flyover shall be financially guaranteed prior to the initial building permit.**
 - (2) The flyover shall be open to traffic prior to issuance of the 1,000th building permit for the residences, or prior to use and occupancy of the commercial portion of the development.**

Applicant's proposal: The applicant has proposed a new condition to completely replace the above condition based on County Council Resolution CR-66-2010, which is a resolution concerning the Public Facilities Financing and Implementation Program (PFFIP) District that provides various financing strategies for large scale, critical infrastructure such as the MD 4 at Westphalia Road interchange as alternatives to satisfy traditional adequate public facilities (APF) requirements for transportation. County Council Resolution CR-66-2010 specifically designates the Westphalia Project as a Public Facilities Financing and Implementation Program District and makes the MD 4/Westphalia Road interchange and its interim improvements eligible for various financing strategies. County Council Resolution CR-66-2010 amends the applicable provisions regarding the requirements of adequate public facilities for transportation in both Subtitle 27-Zoning Ordinance and Subtitle 24- Subdivision Regulations. In addition to the funding mechanisms as stated in the previously approved condition above, other financing strategies included in County Council CR-66-2010 are pro-rata contributions, sale leasebacks, funding "clubs," the Surplus Capacity Reimbursement Procedure, and other methods to ensure equity in the PFFIP District. Meanwhile, CR-66-2010 establishes a cost cap for the MD 4/ Westphalia Road Interchange and associated improvements at \$79,990,000. The County Council Resolution further mandates that any Owners/Developers, their heirs, successors and/or assignees that are subject to this legislation shall be required to pay a share of the cost ("Fee") for the planning, engineering, construction and administrative cost of the interchange and interim improvements as set forth in County Council Resolution CR-66-2010. The Fee shall be paid into the Westphalia PFFIP District Fund at time of the issuance of each building

permit. Fees paid by an Owner/Developer, their heirs, successors and/or assignees into the Fund prior to the issuance of building permits shall be credited against the fee at the time of issuance of the initial building permits of that Owner/Developer, their heirs, successors and/or assignees, until repaid. In no case shall the fee exceed the maximum cost allocations as set forth in Exhibit B of County Council Resolution CR-66-2010, which is estimated at \$79,990,000. As the result of this County Council Resolution, the applicant proposes a new condition as follows:

- 3. Prior to the issuance of each building permit for the Smith Home Farm development, applicant and the applicants heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010, pay to Prince George's County (or its designee) a fee per dwelling unit. Evidence of payment must be provided to the Planning Department with each building permit application.**

The applicant for Comprehensive Design Plan CDP-0501 Smith Home Farms proffered to construct the MD 4/Westphalia Road interchange at the time of Planning Board review and approval of the comprehensive design plan as a way to fulfill the project's obligation to meet the adequate public facility requirements for transportation. The Planning Board attached Condition 3 to memorialize the proffer and further established triggers for construction and completion of the interchange. The economic downturn made the proffer unrealistic for the applicant. To assist with moving the project forward, the District Council approved a resolution (CR-66-2010) to provide alternative financing mechanisms to fund the construction of this critical infrastructure for the Westphalia Project. County Council Resolution CR-66-2010 does not provide a specific fee associated with each building permit. However, the County Council Resolution requires the Planning Board to determine the specific fee prior to issuance of the building permit. This new condition has been included in this resolution.

- b. Condition 7 of Comprehensive Design Plan CDP-0501 requires a community center building and associated swimming pool to be provided at the time of specific design plan:**

7. Prior to acceptance of the applicable SDPs:

- a. The following shall be shown on or submitted with the plans:**
 - (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
 - (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.**

Applicant's proposal: The applicant proposes to construct more than one community building to best serve future residents. Specifically, a 10,000-square-foot community building is proposed to be constructed during the first phase of the development to serve approximately 1,650 market rate units, which is approximately sixty-eight percent of all approved market rate dwelling units. The remaining 5,000 square feet are proposed to be constructed in a separate community building to serve the rest of the market-rate units. A third community building will be built to serve the approved age-restricted community consisting of a total of 1,224 dwelling units. In addition, the applicant proposes to relocate the previously approved community center to the north quadrant of the intersection of C-627 and C-631, across C-631 from the proposed central park. The proposed revised Condition 7 is as follows (underlined text is added/changed):

7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The Community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 25-meter, 8-lane competition pool, and minimum of 4,000 square foot wading/activity pool.

The design scheme as approved in Comprehensive Design Plan CDP-0501 envisioned one community center in a central location where multifamily and single-family attached dwelling units are concentrated. The community center is also adjacent to the proposed L-A-C-(Local Activity Center) zoned town center area with an Olympic-size pool and a wading/activity pool for younger children. The community center has been included as an amenity in the density increment analysis. There is no doubt that an additional community building will provide more amenities to future residents of the Westphalia project. However an additional community center could result in more maintenance costs to be borne by the residents. During the public hearing for this application on December 1, 2011, the applicant expressed the desire to have more flexibility in provision of community buildings and indicated that they would like to have options of providing smaller satellite community buildings in addition to the 10,000 square-foot main community building. The Planning Board acknowledged uncertainty in future real estate market and showed willingness to accommodate the applicant's request. At the conclusion of the public hearing, the Planning Board decided and further agreed upon by the applicant that if more than two community buildings

will be built, the minimum gross floor area for each subsequent building shall not be less than 2,500 square feet. The Planning Board reserved the right to review and approve additional community buildings at time of appropriate SDPs.

According to the revised comprehensive design plan, the site where the previously approved community center is located will be utilized for another community center serving the age-restricted community of 1,224 dwelling units. The Planning Board believes a separate community center servicing the age-restricted community is a reasonable design decision because the residents in the age-restricted community will have different schedules than the residents in the market-rate community.

The revision also reduces the length of the previously approved eight-lane pool from 50 meters to 25 meters and at the same time doubles the area of the wading/activity pool. This revision is acceptable, given the fact that many families with children will be living in the area. The Planning Board decided that Condition 7 be modified as follows:

7. Prior to acceptance of the applicable SDPs:
 - a. The following shall be shown on or submitted with the plans:
 - (1) The Community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - (2) The swimming pool shall be a 25-meter, 8-lane competition pool, and minimum of 4,000-square-foot wading/activity pool.

To ensure timely completion of the first community center and the construction of the second one for the market-rate residential dwelling units, two new conditions have been included in this resolution as follows:

- Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.
- If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact

size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.

- c. Condition 16 of Comprehensive Design Plan CDP-0501 prescribes development standards for both the R-M Zone and R-M/M-RD (Mixed-Retirement Development) Zone as follows:

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

R-M ZONE

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

Notes:

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

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

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

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

Applicant's proposal: In accordance with County Council Resolution CR-2-2007, the certified plans for the Smith Home Farms CDP, Preliminary Plan of Subdivision 4-05080, and the CDP resolution provide for a minimum single-family attached lot size of 1,300 square feet. The approved square footage, however, is not reflected on the County Council Resolution. The applicant is requesting a clarification to reflect the approved minimum square footage and further requesting that the minimum lot size to be 1,300 square feet for all lots in the R-M Zone. The lot size of the single-family attached units in the R-M/M-RD is also 1,300 square feet.

Comprehensive Design Zones were introduced in the Westphalia project to encourage flexible and imaginative utilization of land. The CDZ allows the developer to propose its own development standards that are different from those of the traditional zones, subject to the review and approval by the Planning Board and District Council, in order to provide the developer sufficient flexibility to achieve the above goals and high quality development. The Smith Home Farms project was rezoned from the traditional Euclidean zones to the comprehensive design zones, and all design standards for the development were approved with Comprehensive Design Plan CDP-0501, including the lot size for single-family attached units. Following the approval of CDP-0501, a Preliminary Plan of Subdivision 4-05080 was also approved by the Planning Board. Both Comprehensive Design Plan CDP-0501 and Preliminary Plan of Subdivision 4-05080 have the minimum lot size for single-family attached units at 1,800 square feet.

County Council Resolution CR-2-2007 approving the Westphalia Area sector plan was adopted by the District Council one year after the approvals of the Comprehensive Design Plan CDP-0501 and Preliminary Plan of Subdivision 4-05080. Within the resolution, under Amendment 1, the sector plan recommends the following:

- **Add text on page 12 to recommend that single-family attached residential lot sizes near the town center area may range from 1,300 to 1,800 square feet and the minimum finished floor area should be determined at site plan review. Within the town center urban areas there should be a range of lot sizes for single-family attached dwelling units with a minimum of 1,000 square feet. The finished floor area for dwelling units in the town center should be determined during site plan review in order to ensure an urban character of development. The percentage of townhouses and other dwelling**

unit types to be allowed in the town center and surrounding development projects should be determined at site plan review based on the policies and exhibits referenced in the sector plan text.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (SMA) envisions a mixed-use, pedestrian-friendly, transit-oriented, high-density urban town center core area with defined edge and fringe areas. In order to support the land use vision, residential areas in the edge and fringe areas should maintain higher density. As such, the sector plan recommends smaller lot sizes for single-family attached dwelling units. Specifically under Policy 5-Residential Area of Development Pattern Element, the sector plan (p. 31 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (SMA)) calls for lot sizes for single-family attached dwelling units near the town center to be from 1,300 to 1,800 square feet. The Smith Home Farms site is located to the north of the designated Westphalia Town Center. According to the approved comprehensive design plan, most of the single-family attached dwelling units are concentrated near the town center.

On the other hand, it is also desirable to ensure that a variety of lot sizes are available to provide enough design flexibility for high quality housing products and to achieve an interesting fine-grained development pattern around the town center core area. In general, the Planning Board agrees with the applicant on the reduction of the minimum lot size for single-family attached units in accordance with the intent of the sector plan. However, the Planning Board believes it is prudent to recommend a condition that will prevent the creation of a predominantly small-lot development pattern around town center area while at the same time not significantly reducing the developer's flexibility. A proposed condition below would simply require that no more than 50 percent (or 276) of the single-family attached lots could be smaller than 1,600 square feet. Meanwhile, the minimum lot width of the attached units should also be limited to not less than 16 feet to ensure enough design flexibility for achieving high quality residential architecture. The Planning Board decided that Condition 16 be revised to reduce the minimum lot size for the single-family attached units to 1,300 square feet with a new note added as follows (underlined and bolded text is added):

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

R-M ZONE

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

Notes:

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

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

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

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

†No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width

ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.

9. The requirements of the Zoning Ordinance governing development in the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone:
 - a. **Density Increments:** This application does not propose any revision to the previously approved density for the project.
 - b. **Development Standards:** A comprehensive set of development standards has been approved with Comprehensive Design Plan CDP-0501 for the entire Smith Home Farms project. This application proposes to revise the lot size for the single-family detached lots only in the R-M-zoned section based on the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. See above Finding 8 for detailed discussion. The rest of the development standards as approved in Comprehensive Design Plan CDP-0501 remain valid and will govern the development of the site.
 - c. Section 27-521 of the Zoning Ordinance, Required Findings for Approval in the Comprehensive Design Zones, requires the Planning Board to find conformance with the following findings for approval of a comprehensive design plan:
 - (1) The plan is in conformance with the approved Basic Plan;
 - (2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;
 - (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;
 - (4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;
 - (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:
 - (A) Amounts of building coverage and open space;
 - (B) Building setbacks from streets and abutting land uses; and
 - (C) Circulation access points;

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;
- (7) The staging of development will not be an unreasonable burden on available public facilities;
- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:
 - (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;
 - (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;
- (9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and
- (10) The Plan is in conformance with an approved Tree Conservation Plan.

The Planning Board made the above findings at the time of Comprehensive Design Plan CDP-0501 approval as stated in the resolution (PGCPB Resolution No. 6-56). This revision to Comprehensive Design Plan CDP-0501 is limited to three conditions attached to the approval and does not alter any required findings. Therefore, the subject Comprehensive Design Plan CDP-0501-01 is in conformance to all the above required findings for approval.

- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible;

According to the review by the Environmental Planning Section, this application conforms to the previously approved NRI and Type I Tree Conservation Plan. Previously approved CDP also requires that certain sections of the streams within the Smith Home Farms project area be restored. At the time this report was written, an SDP for stream restoration has been accepted by the Development Review Division. As such, the plan demonstrates

the preservation and restoration of the regulated environmental features in a natural state to the fullest extent possible.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Section 27-226(f)(4) is the District Council procedure for approving a Comprehensive Design Zone application as a part of Sectional Map Amendment. This provision is not applicable to the subject application because the property was rezoned to the Comprehensive Design Zone through a Zoning Map Amendment Application, not through a Sectional Map Amendment.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This provision is not applicable to the subject application because the Smith Home Farms project is not a Regional Urban Community.

10. **Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance:** This site is subject to the Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A natural resources inventory (NRI), NRI/006/05 and a Type I Tree Conservation Plan TCPI/38/05 were approved with Comprehensive Design Plan CDP-0501. No revisions to the TCP have been proposed with this application. This application is limited to the revision of three previously approved conditions and is in substantial conformance with the approved TCPI/38/05 regarding impacts to the primary management area (PMA).

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, which was adopted after the Comprehensive Design Plan CDP-0501 approval, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy. L-A-C-zoned properties are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property includes both R-M and L-A-C zoning categories. The amount of tree canopy required for the 728.73 acres in the R-M zone is 109.31 acres, and the required amount for the 30.04 acres in the L-A-C Zone is 3.00 acres, resulting in 112.31 acres total tree canopy required for the property.

During future review of the specific design plans and building permits, the applicant must demonstrate conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance. A Tree Canopy Coverage Schedule will be required to be added to each specific design plan or permit plan, whichever is applicable, to show how the tree canopy requirement is being met.

11. **Further Planning Board Findings and Comments from Other Entities:** Referral requests concerning compliance of the subject CDP with current ordinances and regulations have been sent to the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and to other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

- a. **Community Planning**—This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application also conforms to the 2007 Westphalia sector plan land use recommendation for residential development. The Community Planning South Division has concerns that the proposed revision to Condition 16 to lower the minimum lot size to 1,300 square feet without providing a range of lot sizes is not consistent with the sector plan.

The development pattern element of the 2007 approved Westphalia sector plan and sectional map amendment calls for lot sizes varying from 1,300 to 1,800 square feet for those single-family attached dwellings that are close to Westphalia Town Center. The Planning Board believes that to reduce the minimum lot size from 1,800 square feet to 1,300 square feet meets the intent of the sector plan. However, it is desirable and necessary to ensure a variety of lot sizes to promote design flexibility and to encourage high quality development, and also to avoid monotonous streetscapes, which is one of the goals that the development pattern element of the sector plan was attempting to achieve.

- b. **Environmental Planning**—Comprehensive Design Plan CDP-0501-01 is consistent with previously approved Natural Resources Inventory (NRI), NRI/006/05 and Type I Tree Conservation Plan TCPI/38/05. The site's conformance to the requirements of the Tree Canopy Coverage Ordinance will be reviewed at time of subsequent site plan or issuance of permit for the site.
- c. **Transportation Planning**—County Council Resolution CR-66-2010, is an ordinance regarding the Westphalia Public Facility Financing and Improvement Program (PFFIP) for the financing and construction of the MD 4/Westphalia Road interchange. Based on the applicable provisions of CR-66-2010 and the Planning Board's decisions on several similar projects in the Westphalia area, the Planning Board concludes that the proposed development meets the requirements of Section 27-521, Required Findings for Approval of a Comprehensive Design Plan, of the Zoning Ordinance.

The District Council approved County Council Resolution CR-66-2010 on October 26, 2010 to establish a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. County Council Resolution CR-66-2010 also capped the maximum total cost at \$79,990,000, which is an estimate of the total cost at the time of council bill approval. According to CR-66-2010, the actual cost of the interchange and interim improvements should be based on the contractor's cost of construction, which shall be in accordance with the Federal Highway Administration (FHWA) National

Environmental Policy Act (NEPA) guidelines, the Interstate Access Permit Approval (IAPA), and applicable FHWA, State Highway Administration (SHA) and Prince George's County Department of Public Works (DPW&T) specifications and standards. The Council also allows the project within the PFFIP proceeding prior to the conclusion of the NEPA and IAPA process to pay the fee based upon the current cost. At the same time, CR-66-2010 requires that the Planning Board should determine the fee prior to the issuance of the first building permit for the affected property, and that payment of the fee into the fund shall be deemed to satisfy the Adequate Public Facilities requirement for those improvements for each said project and the Planning Board's condition of approval for the MD 4 at Westphalia Road Interchange and Interim Improvements.

According to the applicant, they have already started the NEPA and IAPA processes. Once the processes are completed, the actual cost of the interchange will be available. Since this is a revision to previously approved CDP-0501, the applicant is required to obtain necessary specific design plan approval before the issuance of a building permit for the development. In accordance with the intent of County Council Resolution CR-66-2010, the Planning Board believes that it is premature to determine the specific fee amount based on a current estimate with this comprehensive design plan and recommends that the specific fee amount based on average daily traffic (ADT) of each project be finalized at time of specific design plan approval.

The proposed revisions to three previously approved conditions do not impact either bike or pedestrian facilities approved in Comprehensive Design Plan CDP-0501 and Preliminary Plan of Subdivision 4-05080. The Planning Board concluded that this application fulfills the intent of the applicable sector plan and functional master plan, meets the requirements of prior approvals and satisfies the findings required for a comprehensive design plan.

- d. **Historic Preservation**—The proposed revisions to the CDP conditions will have no adverse effects on archeological resources. The reviewer also pointed out that the location of the Blythewood Historic Site (#78-013) and its Environmental Setting are not shown on the plan.

No changes have been proposed regarding Historic Site Blythewood (#78-013) and its environmental setting.

- e. **Special Projects**—The Planning Board concluded that there is adequate police, fire and rescue as well as water and sewer facility capacity to serve the proposed development. As far as school capacity is concerned, the reviewer indicated that the school test will be conducted at the time of subdivision application.

A Preliminary Plan of Subdivision 4-05080 was approved by the Planning Board on July 27, 2006 for the entire Smith Home Farms property after the District Council approved the Comprehensive Design Plan CDP-0501 on June 12, 2006. A determination was made at

the time of the preliminary plan of subdivision approval that County Council Bill CB-31-2003 school surcharge is applicable to this project. The applicant will pay the per-unit charge at time of issuance of each building permit.

- f. **Subdivision**—The proposed revisions will not lead to the modification of the findings and conditions for the previously approved preliminary plan of subdivision.
- g. **The Washington Suburban Sanitary Commission (WSSC)**—WSSC has indicated that a previous submittal (DA4358Z06) for this project has been conceptually approved. Existing WSSC project number DA4358Z06 will require an amendment/revision submittal to reflect the changes shown on the current plan.

This revision to the previously approved Comprehensive Design Plan CDP-0501 is limited to three conditions with limited impact on the physical layout of the plan as approved in CDP-0501.

- h. **The Maryland State Highway Administration (SHA)**—SHA stated that they had no objection to revisions to the CDP conditions and site plan and a detailed review letter would be forthcoming.

No further review comments from SHA had been received at the time of the public hearing for this case.

- i. **Prince George's County Department of Parks and Recreation (DPR)**—DPR indicated that the proposed amendments to Comprehensive Design Plan CDP-0501 conditions have no impact on public parks and recreational issues associated with this project.
- j. **The Westphalia Sector Development Review Advisory Council**—The Westphalia Sector Development Review Advisory Council has no opposition to Comprehensive Design Plan CDP-0501-01.
- k. **The Department of Public Works and Transportation (DPW&T)**—DPW&T offered no comment.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Comprehensive Design Plan CDP-0501/01, Smith Home Farms for the above described land, subject to the following conditions:

- l. Prior to certificate approval of this comprehensive design plan, the applicant shall:
 - a. Reflect the Westphalia Sector Plan right-of-way designations and widths, including MC-637, which shall all be reflected on the subsequent SDP and record plats.

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

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

R-M ZONE

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

Notes:

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

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

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

[†]No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP

approval, based on the design merits of specific site layout and architectural products.

3. Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.
4. If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.

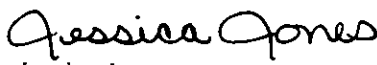
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

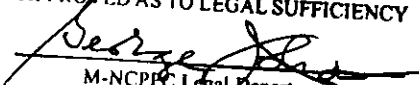
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 1, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 12/13/11