



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 06-56(C)(A)

File No. CDP-0501

AMENDED CORRECTED RESOLUTION

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

†WHEREAS, by letter dated November 20, 2015, Robert J. Antonetti Jr. of Shipley & Horne, P.A., on behalf of the applicant, SHF Project Owner, LLC, 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; and

†WHEREAS, on December 17, 2015, the Planning Board approved the request for reconsideration based on mistake and other good cause in furtherance of substantial public interest; and

†WHEREAS, on December 17, 2015, the Planning Board heard testimony regarding the reconsideration; 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.

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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

DWELLING TYPES		Approximate % of Total Units	Number of Units
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

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, in Planning Area 78, Council District 6.
4. **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] †the original staff report, [the] Zoning Map Amendment Applications A-9965 and A-9966 were pending final approval by the District Council.

†On March 6, 2006, the Planning Board approved CDP-0501 with 30 conditions. On June 12, 2006, the District Council reviewed the CDP and included the Planning Board conditions

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and added four conditions, for a total of 34 conditions. At a public hearing on December 17, 2015, the applicant, SHF Project Owner, LLC, requested a waiver of the Rules of Procedure for a reconsideration request submitted beyond the 14 days of the final decision (Section 10a of the Prince George's County Code) and the Planning Board granted the waiver. The applicant then proceeded to request a reconsideration of the case, specifically for the purpose of amending Conditions 10, 11, 24, 31, and 32 of the final action on the case. The Planning Board found that the reconsideration was warranted based on furtherance of the substantial public interest based on mistake and other good cause due to the substantial discrepancy of the cost differential that was originally estimated in the development of Phase I of the Westphalia Central Park (Central Park) and new updated estimates of total costs based on actual and bid estimates.

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.

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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~~ *fourth 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 the 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.

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

***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 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

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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

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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.

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

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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 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

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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.

- *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

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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;

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.

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- (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;

- (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;

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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.

***(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.

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- 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.

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 George's 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.]~~

†On November 20, 2015, Robert J. Antonetti, Jr. of Shipley & Horne, P.A., on behalf of the applicant, requested a reconsideration of Conditions 10, 11, 24, 31, and 32 related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits. The applicant provided the following justification for the reconsideration request:

†“The CDP established the requirement that the Applicant provide certain services for the design, grading and construction of the Westphalia Central Park (the “Central Park”). The Central Park is a future regional park under the ownership of the M-NCPPC to serve the

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recreational needs of future residents of Westphalia as well as the residents of Prince George's County and primarily consists of land donated to the M-NCPPC by the Applicant. The Central Park is intended to be funded in part by the Applicant and other developers within the Westphalia Planning Area through excess permit fees that are obtained at the time of obtaining building permits. Further, SDP-1003-06 has a condition of approval (i.e., Condition 3) requiring the approval of a specific design plan for the Central Park prior to the issuance of the 200th building permit for Parkside. Unfortunately, the current language in the conditions of approval in the CDP and SDP-1003-06 make the design, funding and construction of the Central Park unachievable. As such, in order to achieve the ultimate build out of the Central Park as intended by the Planning Board and District Council, the Applicant respectfully requests that the Planning Board agree to reconsider the structure and wording of the following conditions:

†"CDP-0501 – Conditions 10, 11, 24, 31 and 32"

†The Planning Board waived the appropriate portion of Section 10(a) of its Rules of Procedure to allow for reconsideration of the CDP, specifically for reconsideration of Conditions 10, 11, 24, 31, and 32. It should be noted that Conditions 31 and 32 are not conditions of the Planning Board, but were added to the final approval of the plan by the District Council in their final action. The Planning Board found that the conditions should be reconsidered in the furtherance of substantial public interest based on mistake and other good cause. Specifically, the original conditions were incorrectly premised upon the applicant providing "in-kind" services for the design and construction of Phase I of the Central Park worth a minimum of \$5,000,000 which the applicant and DPR contends are wholly insufficient. The Planning Board accepted the applicant and DPR's unified conclusion, in that the estimate for Phase I of the construction of the Central Park will cost approximately \$22,000,000.

†The applicant provided the following updated cost estimate for the reconsideration request:

†"The cost differential between \$5,000,000 and \$22,000,000 is substantial. In essence, the estimates of money needed for the design and construction of nearly every portion of the Central Park in the CDP were significantly deficient. For example, the valuations of "in-kind" services set forth in Condition 10 of the CDP were underestimated as follows:

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<u>†“In-Kind Service</u>	<u>Required Amount</u> <u>per Condition</u>	<u>Actual Cost/Estimate</u>
<u>10(a) Master Plan</u>	<u>\$100,000</u>	<u>\$100,000</u>
<u>10(b) Schematic design and Development</u>	<u>\$200,000</u>	<u>\$400,000</u>
<u>10(c) Central Park Construction Documents</u>	<u>\$200,000</u>	<u>\$500,000</u>
<u>10(d) Grading (Phase I only)</u>	<u>\$300,000</u>	<u>\$2,378,000</u>
<u>10(e) Construction of Central Park (Phase I only)</u>	<u>\$4,200,000</u>	<u>\$18,600,000+</u>
<u>Total Contribution \$5,000,000</u>		
<u>Total Funds \$21,978,000+ Required</u>		

†“As shown in the above table, the difference between the amounts of money required by Condition 10 and the actual/estimated costs for the same services is approximately \$16,978,000. Without changes to the existing language of the conditions, it is not possible that any consequential portions of the Central Park will be fully designed and/or constructed by the applicant or any other developer in the foreseeable future. Moreover, the inherent timing and funding defects in the current permit triggers set forth in the conditions have prevented the release of building permits to the applicant, thus jeopardizing the development of the important Parkside project. The fact that the required in-kind services for development of the Central Park were based on significantly underestimated dollar figures represents a fundamental “mistake” in the Planning Board’s decision in the CDP and SDP-1003-06. Notwithstanding, the need to recognize the actual costs for the design and construction of the Central Park and to have such costs appropriately reflected in the language and permit triggers of the conditions, represents other good cause for reconsideration of the CDP.

†“The applicant has spent the last four months diligently meeting with DPR in an attempt to collaboratively determine the best method for revising the conditions in a way that allows for the Central Park to become a reality without triggers inhibiting the release of building permits for the Parkside development.”

†DPR recommended to the Planning Board the following findings and amendments to the previously approved conditions, as outlined in their memorandum dated November 30, 2015 for CDP-0501:

†In 2006, the Planning Board approved CDP-0501 and SDP-1003-06 with conditions requiring the applicant to dedicate 147 acres of parkland and provide in-kind services in the amount of \$5 million dollars for the design, grading, and construction of the Central

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Park. It was decided that in-kind services shall be counted as a credit against the developer's required financial contribution of \$3,500 per dwelling unit in 2006 dollars to the Westphalia Park Club, as set forth in Condition 22 of CDP-0501. Specific Design Plan SDP-1003-06 also established the timing for the preparation of the SDP for Phase I of the Central Park.

†Master Plan

The applicant developed a master plan for the Central Park in 2006. The master plan included: a 36-acre lake and surrounding recreational facilities including a waterfront activities center, overlook/picnic areas, a restaurant, an adventure playground, a tennis center, an amphitheater, a recreation center, a skate park, group picnic areas, an extensive trail network, as well as an historic setting for the Blythewood historic site. In order to determine the feasibility of the lake construction as a core element of the Westphalia Central Park, M-NCPPC hired the URS Corporation in 2009 to design the lake and obtain construction permits from the Army Corps of Engineers and the Maryland Department of Environment (MDE). Due to the complexity and lengthy process involved in obtaining the necessary approvals for an in-stream lake and the high costs associated with relocation of the existing sewer line within the stream valley and the construction of the lake, DPR made the decision to stop the lake design and redesign the Central Park.

†Schematic Design Plan

Per Condition 10(b) of CDP-0501, the applicant, in cooperation with a design team from DPR, County Council staff, and the Westphalia Advisory Group developed a schematic design plan for the Central Park. The Central Park is designed as an urban park with an art and nature theme. The schematic design plan includes: a promenade, a plaza with a shade structure (designed in the shape of a cloud including a water feature), restrooms, a concession building, a grand performance lawn, an amenity pond, adventure playgrounds, picnic areas, volleyball courts, basketball courts, an amphitheater with a plaza and restroom facility, a tennis center, skate park, group picnic areas, sculptures, gardens, a dog park, parking lots in four locations providing vehicular access to the recreational amenities of the park, a nature center, formal and community gardens, and an extensive network of pedestrian, bicycle, and equestrian trails.

†Specific Design Plan (SDP) for Phase I Westphalia Central Park

The applicant is in the process of developing an SDP for the Westphalia Central Park. The SDP is being prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and the Urban Design Section (M-NCPPC). Urban Design

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Section and DPR reviewed the consultant's credentials and approved the design consultants for the development of the SDP plans.

†Construction Drawings

The applicant is in process of developing construction drawings for the Phase I Central Park. The applicant is working in cooperation with the design team from DPR.

†The applicant and their consultants developed proposals, including cost estimates, for the master plan, the schematic design plan, the SDP for Phase I, construction documents, and the grading and construction plans for Phase I of the Westphalia Central Park as follows:

- †• Master plan – \$100,000.
- †• Schematic Design Plan and SDP for Phase I Central Park – \$400,000.
- †• Construction documents – \$500,000.
- †• Grading of entire SDP Phase-1 area and structural pond grading and construction – \$2,378,000.
- †• Phase I construction including: a promenade, a plaza with a shade structure (designed in the shape of a cloud including a water feature), restrooms, a concession building, a grand performance lawn, an amenity pond, adventure playgrounds, picnic areas, volleyball courts, basketball courts, an amphitheater with a plaza and restroom facility, a tennis center, skate park, group picnic areas, sculptures, gardens, a dog park, parking lots in four locations providing vehicular access to the recreational amenities of the park, a nature center, formal and a community gardens, and an extensive network of pedestrian, bicycle, and equestrian trails. The total cost of Phase I construction is estimated to be \$18,600,000.

†The cost estimate provided by the applicant demonstrates that the costs for design, grading, and construction services exceed the costs anticipated in CDP-0501. The funds allocated for each specific service will not cover the actual cost of desired services, and the timing for delivery of design and construction services are not in line with available funds to pay for the services.

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†DPR diligently worked with the applicant in an attempt to determine the best solution that would allow the applicant to continue development of Parkside and at the same time insure that an appropriate portion of Phase I Central Park facilities will be constructed by the applicant. DPR and the applicant developed mutually acceptable revisions to the conditions previously described.

†Existing CDP-0501, Condition 10:

†10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make 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).

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- †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 shall review the actual expenditures associated with each phase described above.

†The condition above does not provide for adequate funds for the development of Phase I or future phases of the park development, therefore, the Planning Board considered the following substitute condition:

†Recommended Amendment to CDP-0501, Condition 10:

- †10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC) and the applicant's heirs, successors, and/or assignees will 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 will be reimbursed from the applicant's generated park club permit fees, and the balance of \$7,400,000 will 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.

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- †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 will work together to determine how the available funding will 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. The applicant's obligation to provide services for the design, grading, and

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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 will 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. 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 will assign its current contracts to the Maryland-National Capital Park and Planning Commission (M-NCPPC) to complete 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 will 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.

†Denotes Amendment

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†The Planning Board was concerned about the statement “Such payments shall be made by DPR to the applicant on a priority basis” and modified the language to be defined in the Park Fund Agreement and adopted the substitute condition.

†Existing CDP-0501, Condition 11:

- †11. Per the applicant’s offer, the recreation 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>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</u> <u>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</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</u> <u>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>		

†The condition above combines both public and private recreational triggers which should be clarified by deleting lines one and three of the chart above and adding language identifying the improvements associated with HOA facilities only. Therefore, the Planning Board considered the following substitute condition:

†Recommended Amendment to CDP-0501, Condition 11:

- †11. Per the applicant’s offer, the recreational 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>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 Planning Board agreed with and adopted the proposed substitute condition.

†Existing CDP-0501, Condition 24:

†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 including parkland dedication. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

†DPR recommended deletion of CDP-0501, Condition 24, because this condition is addressed in amended Condition 10, as stated above. The Planning Board agreed with the recommendation to delete the condition.

†Existing CDP-0501, Condition 31, from final action of the District Council dated June 12, 2006:

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†31. The SDP for the Central Park shall provide for the construction of a tennis facility during the first phase of construction.

†DPR recommended deletion of CDP-0501, Condition 31, because the cost of the tennis facility, its location in proximity to Phase I, and the topography of the existing site is such that it is unrealistic at this time to be included in the first phase of the construction of the park. The Planning Board agreed with the recommendation to delete the condition.

†Existing CDP-0501, Condition 32, from final action of the District Council dated June 12, 2006:

†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.

†DPR recommended deletion of CDP-0501, Condition 32, because the cost of the tennis facility, its remote location in proximity to Phase I of the Central Park, and the topography of the existing site is such that it is unrealistic to be included in the first phase of the construction of the park.

†The Planning Board agreed with the applicant and DPR and understands that their authority is limited in regard to revisions to conditions of the District Council; therefore, the Planning Board recommends to the District Council, based on the information provided above, that they eliminate Conditions 31 and 32 above.

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

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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 (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. ~~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.~~

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- [e. ~~\$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.]

†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.

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- †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 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. 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

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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 recreation facilities shall be bonded and constructed in accordance with the following schedule:~~

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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.]		

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

PHASING OF AMENITIES		
<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>		

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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, 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. ~~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.] †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.

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- [26:] †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.
- [27:] †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.
- [28:] †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.
- [29:] †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.
- [30:] †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.

†The Planning Board RECOMMENDS to the District Council that they adopt the revisions to the three conditions as stated above and delete Conditions 31 and 32 of the District Council's original action on this case as follows:

- [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:] †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.
- [34:] †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.

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.

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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 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.

†This is to certify that the foregoing is a true and correct copy of the reconsideration 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, Geraldo, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 17, 2015 in Upper Marlboro, Maryland.

†Adopted by the Prince George's County Planning Board this 7th day of January 2016.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 1/7/16

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SHL:rpg

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