

Case No.: CDP-0501/01

Applicant: Smith Home Farms

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

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

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

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of this comprehensive design plan, the applicant shall:
 - a. Reflect the Westphalia Sector Plan right-of-way designations and widths, including MC-637, which shall all be reflected on the subsequent SDP and record plats.
 - b. Remove vehicular connections to surrounding properties. Label and clarify the legend for the additional "arrow" connections.
 - c. Remove the single-family dwelling unit development pod which is located along the east side of the easternmost access along D'Arcy Road, consistent with the approved preliminary plan of subdivision.

2. The following three conditions attached to previously approved Comprehensive Design Plan CDP-0501 shall be revised as follows (underlined text is added/changed):
 - 3.¹ **Prior to issuance of each building permit for the Smith Home Farms, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD4/Westphalia interchange and interim improvements or, if determined, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farms, the applicant, its heirs, successors and/or assigns exceed the current or final cost estimate of \$80 million and any overpayment of the total per dwelling unit fees may be reimbursed to the applicant.**
 7. **Prior to acceptance of the applicable SDPs:**
 - a. **The following shall be shown on or submitted with the plans:**
 - (1) **The community building or buildings shall be shown as a combined minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
 - (2) **The swimming pool shall be a 25-meter, 8-lane competition pool, and a minimum of 4,000-square-foot wading/activity pool.**
 16. **The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant).**

¹ As modified by the District Council.

R-M ZONE

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

Notes:

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

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

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

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

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

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

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

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

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

Opposed:

Abstained:

Absent: Council Member Turner

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council