

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 12-21

File No. SDP-1003

## RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on March 1, 2012 and March 8, 2012, regarding Specific Design Plan SDP-1003 for Smith Home Farm, Specific Design Plan for Infrastructure for Sections 1A, 1B, 2, and 3, the Planning Board finds:

1. **Request:** The subject application is for approval of a specific design plan (SDP) for infrastructure for 1,078 residential dwelling units (786 single-family attached and 292 single-family detached) and attendant recreational facilities in the Residential-Medium (R-M) Zone for Sections 1A, 1B, 2, and 3 of the Smith Home Farm project.
2. **Development Data Summary:**

	<b>Existing</b>	<b>Approved</b>
<b>Zones</b>	R-M	R-M
<b>Uses</b>	Vacant	Residential
<b>Acreage (in the subject SDP)</b>	265	265
<b>Lots</b>	0	1,078

### **Parking Schedule**

<b>Description</b>	<b>Units</b>	<b>Required</b>		<b>Provided</b>		
				Garage	Driveway	Per Unit Type
Single-family	292	(x 2.00)	584	584	584	1,168
Townhouses	786	(x 2.04)	1,603	1,107	1,171	2,278
Sub-Total	1,078		2,187	1,691	1,755	3,446

<b>Clubhouse</b>	<b>Required</b>	<b>Provided</b>
Standard Parking Spaces	67	76
Handicap Spaces (1 per 25)	4	4
Sub-total	71	80
Total	2,258	3,526

3. **Location:** Smith Home Farm is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and

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Pennsylvania Avenue (MD 4), and measuring approximately 757 acres, in Planning Area 78, Council District 6. Sections 1A, 1B, 2, and 3, totaling 265 acres, are located in the western portion of the larger Smith Home Farm development.

4. **Surrounding Uses:** The larger Smith Home Farm project is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Miscellaneous Commercial (C-M), Commercial Office (C-O), and Townhouse (R-T) Zones; to the east by undeveloped land in the R-R and R-A Zones; to the south by existing development, such as the German Orphan Home, existing single-family detached houses, and undeveloped land in the R-A Zone; and to the west by existing development (Mirant Center) in the Light Industrial (I-1) Zone, existing residences in the R-R and R-A Zones, and undeveloped land in the I-1 and Mixed Use—Transportation Oriented (M-X-T) Zones. Sections 1A, 1B, 2, and 3 are 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 other portions of the Smith Home Farm development; to the south by existing development, such as the German Orphan Home and single-family detached houses, and undeveloped land in the R-A Zone; to the west by existing development (Mirant Center) in the I-1 Zone, and 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:** The larger Smith Home Farm development measures 757 gross acres, including 727 acres in the Residential Medium Development (R-M) Zone and 30 acres in the Local Activity Center (L-A-C) Zone, which was rezoned from the R-A Zone through Zoning Map Amendments A-9965-C and A-9966-C for 3,648 dwelling units (a mixture of single-family detached, single-family attached, and multifamily condominiums) and 140,000 square feet of commercial/retail space. Zoning Map Amendments A-9965-C and A-9966-C were approved by the District Council on February 13, 2006 (Zoning Ordinance Nos. 4-2006 and 5-2006), subject to three conditions. On May 22, 2006, the District Council amended this zoning approval once, to move the L-A-C line further south about 500 feet, retaining the same acreage in the L-A-C Zone.

On February 23, 2006, Comprehensive Design Plan CDP-0501 for Smith Home Farm was approved by the Planning Board, subject to 30 conditions, and was finally approved with conditions by the District Council on May 22, 2006. A single revision to the CDP, CDP-0501-01, was approved by the Planning Board on December 1, 2011 with conditions, as formalized in PGCPB Resolution No. 11-112, adopted by the Planning Board on January 5, 2012. On January 23, 2012, the District Council elected to review the case, but a date for oral argument has not yet been set.

On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for Smith Home Farm, as formalized in PGCPB Resolution No. 06-64, adopted by the Planning Board on the same date. Subsequently, a reconsideration of 4-05080 was filed and, after being continued three times (June 1, 2006, June 15, 2006, and July 6, 2006), the reconsideration was approved as memorialized in PGCPB Resolution No. 06-64(A), adopted by the Planning Board on September 7, 2006.

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Specific Design Plan SDP-0506 was approved by the Planning Board on July 27, 2006 and PGCPB Resolution No. 06-192 was adopted on September 7, 2006 formalizing that approval. Specific Design Plan SDP-0506/01 was approved on December 12, 2007 by the Development Review Division as designee of the Planning Board to revise A-67 to a 120-foot right-of-way and to add bus stops and a roundabout. Specific Design Plan SDP-0506-02 was approved by the Planning Board at its February 23, 2012 meeting. A condition of this approval requires revision to the subject plan if its approval is impacted by the requirements of SDP-0506-02.

The site is also subject to the requirements of Specific Design Plan SDP-1002, approved by the Planning Board on January 26, 2012; as formalized in PGCPB Resolution No. 12-07, adopted by the Planning Board on February 16, 2012.

As the approvals of CDP-0501-02, SDP-1002, and SDP-0506-02 are not yet final, a condition of this approval requires that the subject SDP be revised as and if necessary to conform to the requirements of the final Planning Board resolution or District Council order in these cases.

Lastly, the project is subject to approved Stormwater Management Concept Plan 24819-2006-01 dated July 26, 2011 and valid until May 4, 2013.

6. **Design Features:** The subject project is divided into four separate sections and the 1,078 units to be included in the development are divided as follows:

Section No.	Single-Family Detached	Single-Family Attached
1A	100	216
1B	57	98
2	135	258
3	0	214
<b>Total</b>	<b>292</b>	<b>786</b>
<b>Total Units Attached &amp; Detached: 1078</b>		

The originally proposed design of Sections 1A, 1B, 2, and 3 varied from that approved in the prior preliminary plan of subdivision and comprehensive design plan for Smith Home Farm. Conditions of this approval require design modifications to bring the layout for the SDP into conformance with the prior approvals.

As this is not a phased project, the word "phase" has been replaced by the word "section" in reference to the various portions of Smith Home Farm, SDP-1003 by condition of this approval.

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**Specific Design Plan SDP-1003, as originally presented**

The SDP is designed with Suitland Parkway extended (MC-631) providing the main spine of the subdivision, running diagonally through the site in a northeastern direction from its intersection with Presidential Parkway. D'Arcy Road is another main travel way, extending in a northerly direction from its intersection with Suitland Parkway in the central portion of the site. The various local streets alternate between streets under the jurisdiction of the Department of Public Works and Transportation (DPW&T) in the single-family detached areas and private streets indicated for the single-family attached units.

The main recreational facilities for the site are contained in the v-shaped wedge of land, measuring approximately 182,594 square feet and to be dedicated to the homeowners association, located north of the intersection of Suitland Parkway extended (MC-631) with D'Arcy Road extended in Section 3 of the development, comprised exclusively of single-family attached units. The recreational facilities offered in this section include a 10,000-square-foot community building, in addition to the space proposed to be occupied by the pool facilities, a 25-meter, 8-lane competition pool, and a minimum 4,000-square-foot wading/activity pool and a smaller recreational facility.

These central recreational facilities are augmented by three smaller recreational facilities in all, though only two are indicated on the plans. One of the smaller recreational facilities, scheduled to be located in the far southern tip of the proposed project in Section 1A, includes a tot lot for children ages 2 to 5. The proposed equipment to be included in the tot lot, which will have a surface of mulch contained by a poly-timber border, is as follows:

- 1 play structure
- 1 bench
- 1 handicapped seating area
- 1 curved balance beam
- 1 mini spinner
- A two-seat T-rex spring rocker.

A second smaller recreational facility is scheduled to be located in Phase 3 adjacent to the major recreational facility containing the community building and pools. In addition to a tot lot, similar to the above (but also including a "tot-bucket" dual swing set), the play area includes a playground for children ages 6 to 12. Specifically, the play equipment for the older children will include:

- 1 play structure
- 1 chin-up bar
- 1 curved balance beam
- 1 Eagle rock climbing wall

Similar to the tot lot referenced above, the ground cover will be mulch contained by a poly-timber border.

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As details for only two of the three play areas were included on Sheet 46 of the landscape plan set, a condition below requires that, prior to signature approval of the plans, the applicant revise the plans to include the location and details of the play areas for Section 1B, to be approved by staff as designee of the Planning Board. The applicant has submitted a separate "Playground Exhibit" to indicate the precise location of the three additional smaller play areas.

The original layout of various residential sections seemed to alternate with no clear design intent between areas of single-family attached and single-family detached units. For example, Section 1A's southern tip of the development is exclusively single-family attached (along Road W, Road Z, Road AA, Road CC, and Road DD). Just to the north of this most southern tip are single-family detached home lots both south and north of Suitland Parkway, with the area south of Suitland Parkway designated as Section 1A and the area north of the Suitland Parkway designated as Section 1B (along Road W, Road X, Road Y, Road U, Road V, Road NN, Road LL, Road EE, Road FF, Road GG, and Road HH). To the north and east of this single-family detached area are additional one-family attached residential dwelling units, some in identified Section 1B and some in identified Phase 2. To the east and north of these one-family attached residential dwelling units are more single-family detached lots, alternating again in the northwestern tip of the subdivision with single-family attached dwelling units. In the originally presented development pattern of the project, there was very little residual land or open space. Nearly every portion of the available land was lotted out.

#### **Site Plan Revisions Required**

In order to be supportive of the vision expressed in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as incorporated into the carefully considered urban design layout of the comprehensive design plan and the preliminary plan, the project as presented has been revised by conditions of this approval. The need for revision had been consistently expressed to the applicant's representative in numerous meetings and through transmitted referral comments, but revised plans submitted for the project did not evidence changes in response. The strongest objections to the proposed layout were made with respect to conformance of the project to urban design principals, the layout of the comprehensive design and preliminary plans, and to community planning and urban design goals and objectives as discussed in the above-cited sector plan.

- Residential density should be highest near the town center edge and decrease proportionally with distance from the urban town center core. In other terms, lower density residential development should be further away from the core than high-density residential.
  - Multifamily residential development, including the three condominium buildings with structured parking indicated on both the comprehensive design plan and the preliminary plan of subdivision, should be included proximate to the urban town center core, as it was in the comprehensive design plan and the preliminary plan of subdivision for the project (Phase 1-A, Sheets 19 and 22).
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- The townhomes included in the northwestern portion of the SDP should be replaced by single-family detached homes (Phase 2, Sheets 3 and 5). The area was approved for 175 single-family detached units and now is proposed for 130 single-family attached units and 317 one-family attached residential dwelling units, with approximately 100 townhomes furthest away from the town center and backing up to Westphalia Road, an increase in density at the furthest location from the town core and a decrease in density in the area most proximate to the town core.
- The vehicular circulation development pattern as expressed in the Westphalia Sector Plan should be followed. As expressed on page 18 of the above-cited sector plan, the specific design plan should promote a street grid system with compact blocks of development that provide easy automobile, transit, and pedestrian accessibility. As per page 26 of the sector plan, streets should be designed to include high levels of interconnectivity between neighborhoods. Culs-de-sac should not be used, except to avoid sensitive environmental features. Deviation from this principal is particularly evident in Phase 1B. The neo-traditional street pattern approved with the preliminary plan on the east side of D'Arcy Road extended and west of the RM mixed-retirement area should be reinstated.
- The open space provided in the comprehensive design plan and the preliminary plan of subdivision that has been lotted out in the subject SDP should be restored.
- The cultural heritage of scenic and historic Westphalia Road, which dates from the third quarter of the 18th century, should be respected. The 11 one-family attached residential dwelling unit lots backing up to Westphalia Road should be removed.
- The previously approved single-family dwelling unit land bay in the area of high noise impacts (65-70 dBA Ldn) of the Joint Base Andrews Naval Air Facility Washington flight operations, should replace the currently proposed townhomes.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments A-9965-C and A-9966-C:** On August 18, 2006, the District Council approved Zoning Map Amendment A-9965-C to rezone 757 acres of the subject property from the R-A Zone to the R-M Zone, and Zoning Map Amendment A-9966-C to rezone 30 acres of the subject property from the R-A Zone to the L-A-C Zone, both subject to three conditions. The relevant requirements of those approvals are included below in **bold** face type, followed by Planning Board comment:
  2. **The following conditions of approval shall be printed on the face of the Basic Plan:**
    - H. **At the time of the first Specific Design Plan, the Applicant shall:**
      1. **Provide a comprehensive trail and sidewalk map for the entire site.**

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**2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.**

A comprehensive trail and sidewalk map was previously provided for the entire site. However, since revisions to the layout of the subject portion of the subdivision occur as a result of this approval, a condition of this approval requires that the applicant provide, prior to signature approval, a revised comprehensive trail and sidewalk map for the entire site. With respect to Subpart 2 of this condition, a condition of this approval requires that, prior to issuance of each residential building permit for the project, the plans be certified by an acoustical engineer that internal noise levels shall be 45 dBA Ldn or lower, in accordance with the requirements of this condition.

**3. Before approval of the first Specific Design Plan, staff and Planning Board shall review and evaluate the buffers between this development project and the adjoining properties, to determine appropriate buffering between the subject property and existing development on adjacent properties.**

The buffers between the subject property and adjoining properties have been evaluated and found to be adequate with respect to the requirements of the 2010 *Prince George's County Landscape Manual*. However, certain layout changes affecting the buffering are required by condition of this approval further limit the project's impact on adjacent historic Westphalia Road to the north and impacts by the flight pattern of the nearby Joint Base Andrews Naval Air Facility on the subject project, as well as better conform to the vision expressed for the development in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

8. **Comprehensive Design Plans CDP-0501 and CDP-0501-01:** On February 23, 2006, Comprehensive Design Plan CDP-0501 for the Smith Home Farm site was approved by the Planning Board, subject to 30 conditions. The District Council finally approved the comprehensive design plan on May 22, 2006. On December 1, 2011, CDP-0501-01 was approved by the Planning Board, subject to four conditions, modifying Conditions 3, 7, and 16 of the original approval. The relevant conditions of these approvals are included below in **bold** face type, with conditions 3, 7, and 16 extracted from the later approval as indicated by asterisking each of these three conditions and including a note below. Each relevant condition of the CDP approval is included in **bold** face type below and is followed by Planning Board analysis:

**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.**

The proposed development will not exceed this trip cap.

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- \*3. Prior to issuance of each building permit for the Smith Home Farm, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate or, if determined, the final cost estimate. In no case shall the fee exceed the current or final cost estimate of \$80 million and any overpayment of the fee shall be reimbursed to the applicant.**

Although this condition is triggered at the time of issuance of a building permit, it warrants discussion here, as it is one of three conditions modified in CDP-0501-01, currently pending oral argument before the District Council. The condition that is included reflects the exact wording of the condition as included in PGCPB Resolution 11-112. Should the requirement be modified in the District Council's final order in the case, a condition of this approval requires that the subject SDP be revised to reflect those modifications.

**\*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.**

This condition warrants discussion here, as it is one of three conditions modified in CDP-0501-01, currently pending oral argument before the District Council. The condition as included reflects that in PGCPB Resolution 11-112. Should the requirement be modified in the District Council's final order in the case, the subject SDP would be required to be modified to conform to the new requirements by a condition of this approval.

Note: The subject project includes a 10,000-square-foot community building. Another future community building would supply the additional required 5,000 square feet.

- 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.**
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A condition of the subject approval requires that, prior to signature approval, staff as designee of the Planning Board confirm that the applicant has submitted the traffic study required above, utilizing new 12-hour counts, analyzing signal warrants under existing and future traffic, and determining if signals are warranted. If any signals are so warranted, a condition of this approval requires that the applicant bond the signals with the Maryland State Highway Administration (SHA) prior to release of the first building permit for the project as directed by that agency.

**9. At time of the applicable SDP, the following areas shall be carefully reviewed:**

- c. The design of the condominiums and parking garage to maximize the application of solar energy.**

A condition of this approval requires the applicant to submit evidence that soils do not support construction of condominium buildings and a parking garage. Therefore, once the evidence is provided as is required, this requirement would become irrelevant to the subject approval.

- 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.**

Pedestrian network connectivity including sidewalks and trails has been examined by the Planning Board. See Finding 12f for a full discussion of that network. The comprehensive pedestrian network map referenced above has been submitted as required and is required to be updated by condition of this approval.

- 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.**

The multi-use stream valley trail along Cabin Branch is reflected on the submitted SDP. Its final location by condition of this approval shall be approved by the Department of Parks and Recreation (DPR). A condition of this approval would require connector trails to be shown and approved by DPR.

- g. A trailhead facility for the Cabin Branch Trail.**

A review of available locations on the subject site indicates that the trailhead should be located on the central park as environmental features and the close proximity of abutting residential lots near possible trail locations appear to make the location of the trailhead undesirable on the subject site. A condition of this approval requires placement of the

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trailhead on the central park at the time of approval of the SDP for the central park's design and development.

**h. The architectural design around the central park and the view sheds and vistas from the central park.**

There is substantial buffering which will reduce views along most of the shared boundary between the subject project and the proposed central park. Furthermore, this is an SDP for infrastructure only, meaning that architecture for the project will be approved in the future in a separate SDP. The above subpart of the condition will be dealt with in more detail when the architecture for the project is approved.

**i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.**

Substantial buffering provides a measure of separation in the few locations where the subject project is planned to be adjacent to 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 50<sup>th</sup> 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.**
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- d. **\$300,000 shall be used by the applicant for the grading of the central park prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> 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 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. A portion of the \$4.2 million contribution from the applicant for the central park shall be allocated to the construction of a tennis facility. The exact amount of the contribution shall be determined at the time of approval of the limited SDP for the central park.**

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

This condition established a schedule for the initial payment of \$5,000,000 to the Westphalia Park Club, or the provision of in-kind services, in lieu of payment for the design and construction of the central park. Condition 10(a) has been satisfied. The developers of the Smith Home Farm and Woodside Village projects have provided funds for the development of the master plan for the central park. Condition 10(b) requires development of the schematic design and design development plan for the central park prior to issuance of the 50th building permit. The schematic design and development plan for the central park has not been approved, but the Planning Board believes that the schematic design and design development plan for the central park should be developed before a SDP for the central park.

Condition 10(c) requires development of the construction documents (permit and bid ready) for the construction of the central park prior to issuance of the 100th building permit. The SDP for the central park should be approved by the Planning Board prior to development of the construction documents for the construction of the central park by condition of this approval.

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

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

The applicable portion of the above phasing schedule has been brought forward as a condition of the subject specific design plan approval.

- 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.**

As the subject SDP-1003 is the first SDP for the Smith Home Farm development which creates lots, there have been no such previous SDPs. However, as the above requirement would apply to revisions of the subject plan, the condition has been made a condition of this approval. This requirement is especially important if the applicant seeks to add additional lots as sometimes is the case in future revisions to plans.

- 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.**

The Prince George's County Health Department, in memorandum dated January 13, 2012, offered these same recommendations and they have been included as conditions of this approval.



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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.

The Prince George's County Health Department, in memorandum dated January 13, 2012, offered these same recommendations and they have been included as conditions of this approval.

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.

The Prince George's County Health Department, in memorandum dated January 13, 2012, offered these same recommendations and they have been included as conditions of this approval.

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

#### R-M ZONE

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

#### Notes:

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

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

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\*\*\*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.

The plans for the project include the above regulation schedule and conform to its requirements.

20. **Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**

This requirement does not have a specific trigger. However, the determination as to when the parkland will be required to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) may be determined when a SDP for the central park is approved by the Planning Board. Requirements for that approval are included in the subject approval.

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 50<sup>th</sup> 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.**

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, on page 51 in the chapter "Infrastructure Elements for Parks and Recreation," states that "a park fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia Sector Plan area fund construction of the public park facilities recommended in the Sector Plan."

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**

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**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.**

County Council Resolution CR-2-2007 indicates that the exact timing for SDP submission, approval, and phasing for the central park shall be established by the District Council in approval of the subject SDP.

- 27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.**

This requirement has been made a condition of the subject approval.

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

Substantial buffering provides a measure of separation in the few locations where the subject project is planned adjacent to existing single-family detached houses.

- 34. Prior to SDP approval, the height for all structures shall be determined, and the density percentages shall be determined based on any variances necessary.**

The height of all structures and the density percentages have been determined as included as "Development Standards" on Sheet 1 of the SDP plan set. No variances were necessary for these determinations.

**Additional conditions of CDP-0501-01, as contained in PGCPB Resolution 11-112:**

- 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 400<sup>th</sup> 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.)**
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Condition 3 has been included as a condition of this approval as conformance to its terms is required during construction of the units to be approved in the subject specific design plan. Condition 4, though its conformance is triggered at a later time, has been included herein to help ensure fulfillment of its provisions.

9. **Preliminary Plan of Subdivision 4-05080:** On April 6, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for Smith Home Farm, as formalized in PGCPB Resolution No. 06-64. The relevant conditions of this approval are included below in **bold** face type below, followed by Planning Board comment:

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

Four Type 2 tree conservation plans (TCP2s) have been reviewed together with the subject SDP and are approved herewith, with conditions. Therefore, it may be said that the subject project is in conformance with this requirement.

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

In a memorandum dated November 23, 2011, DPW&T stated that the proposed site development is consistent with approved Stormwater Management Concept Plans 24819-2006-001, dated July 26, 2011. Therefore, it may be said that the subject project conforms to this requirement.

11. **The submittal requirements for the specific design plan (SDP) filed subsequent to SDP-0506 shall include a proposal for a sequential platting plan (24-119.01(e)(2)) of all of the land within this preliminary plan of subdivision. This plan shall establish a framework for the orderly development of the property.**

As the applicant did not submit the above-referenced sequential platting plan, a condition of this approval requires that such plan be submitted to staff as designee of the Planning Board prior to signature approval in order to establish a framework for the orderly development of the property.

13. **The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.**

The multi-use stream valley trail along Cabin Branch is reflected on the submitted SDP and that the final location of the subject trail should be approved by the Department of Parks and Recreation (DPR). General Note 40 in the SDP plan set obligates the applicant to include the ten-foot-wide trail after DPR staff approves the location of the trail and six-foot-wide connectors from it to the residential neighborhoods. A condition of this approval reflects these requirements

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and would designate staff as designee of the Planning Board to ensure that all connectors are designed and located in accordance with the requirements and the vision of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

14. **The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Millwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**

The Melwood Legacy Trail is located outside of Phases 1A, 1B, 2, and 3. The intersection of the trail with MC-631 should be addressed through the currently pending SDP for infrastructure, SDP-0502-02.

15. **The applicant, his heirs, successors and/or assignees shall provide:**
    - a. **The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.**
    - b. **Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.**
    - c. **Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.**
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- d. **Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.**
- e. **Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.**

The Cabin Branch Trail will be provided by condition of this approval on this SDP after DPR staff approves its final alignment. Several of the trail connections originally shown on previous approvals for the Smith Home Farm had been eliminated. A condition of this approval ensures that needed trail connections are provided on the plans. The Melwood Legacy Trail is not included within the scope of the subject SDP, nor is Suitland Parkway extended (MC-631). These additional trail facilities shall be dealt with at the time of approval of separate SDPs.

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

The submitted plans reflect standard sidewalks along both sides of all internal roads, excluding private alleys. The sidewalk network is comprehensive and, in conjunction with the master plan trails and neighborhood trail connections, provides pedestrian accommodations throughout the site. The community core and L-A-C-zoned property are not the subject of the current SDP approval.

- 19. **Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.**

The required comprehensive trail map, which had been submitted, required updating due to revisions to the layout. A condition of this approval ensures that such revised trail map will be received for inclusion in the case file and that the certified set of plans for the project reflects trails as appropriate prior to signature approval. A second condition of this approval requires that the Cabin Branch Trail be included on the plans after final approval of its location by DPR staff as designee of the Planning Board and that staff as designee of the Planning Board ensure all required connector trails to this main facility are included on the plans.

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20. **A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.**

This condition refined the previous CDP location to a location either in the central park or along the Cabin Branch Trail, in the vicinity of Presidential Parkway. The current plans for the subject SDP show the Cabin Branch Trail ending at MC-631 as this location was evaluated and found unsuitable for a trailhead location due to the steep slopes which abut MC-631 at this location. Also, several residential lots back up to this location, making a parking area where people might gather undesirable. After review of several other potential locations, the Planning Board has concluded that a more viable location should be found in the central park.

31. **The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the central park individually at the time of approval of the final plat of any right-of-way (public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.**

In accordance with this requirement, a condition of this approval requires removal of land south of the park loop road shown on the composite plan (Sheet 2 of the SDP set), currently shown as part of the central park. Plans for the project shall be revised to only show that land area indicated on DPR Exhibit A, referenced above, to be dedicated to M-NCPPC.

32. **Prior to the approval of the first final plat of subdivision, (not infrastructure) the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of the applicant's fees into an account administered by M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR. If not previously determined, it shall establish a schedule of payments and/or a schedule for park construction. The value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. If, the sector plan and sectional map amendment for the Westphalia area establish the exact amount of the required contribution; between \$2,500 and \$3,500 per dwelling unit, the agreement shall incorporate this amount. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia study area. The specifics to accomplish this will be specified in the agreement.**
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**Per the applicant's offer at the time of CDP approval, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth above.**

Though Condition 32 is triggered at a later phase of development, it has been included here for informational purposes as it is germane to the requirements regarding the SDP to be approved for the central park, which are in issue in the subject SDP.

- 36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.**

This condition has been brought forward as a condition of the subject approval so as to assure that dry passage is assured for the trails included in the subject SDP.

- 42. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:**
- a. Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.**
  - b. Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units, the MD 4/Westphalia Road interchange shall be open to traffic.**

On October 26, 2010, the County Council approved CR-66-2010, establishing a Public Facility Financing and Improvement Program (PFFIP) District for the financing and construction of the Pennsylvania Avenue (MD 4)/Westphalia Road interchange. Pursuant to CR-66-2010, staff has created a cost allocation table that allocates the estimated \$79,990,000 cost of the interchange to all of the properties within the PFFIP District (including the subject property) based on the proportion of average daily traffic contributed by each development to the total contributed by all of the developments in the district. In light of the Council action, staff had previously assumed that monetary contribution by the applicant towards the ultimate construction would have been sufficient to fulfill the requirements of Condition 42 of the relevant preliminary plan approval. However, after further discussion with legal staff, it became apparent that a reconsideration of the approved preliminary plan of subdivision will be necessary.

In reviewing the resolution for the approved preliminary plan, there were several intersections that were identified as being critical to making a finding of adequacy. Among those intersections was

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the intersection of Suitland Parkway and Pennsylvania Avenue (MD 4). During the review of the preliminary plan, it was noted that the signalized at-grade intersection was operating inadequately based on the current at-grade geometry. At the time of the approval, however, the intersection of Suitland Parkway and MD 4 was listed in the 2006–2011 Maryland Consolidated Transportation Program (CTP) as being fully funded for upgrade to a grade-separated interchange. Based on the availability of full funding at the time of subdivision approval, the Planning Board was able to find that the intersection would indeed operate adequately with the upgrade to an interchange. Within the last several years, the Maryland Department of Transportation (MDOT) has defunded the project due to state budgetary constraints. Pursuant to Section 27-528(a)(2) of the Zoning Ordinance, the Planning Board shall find that “the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate county Capital Improvement Program or provided as part of the private development.” Given the fact that the intersection of Suitland Parkway and MD 4 currently operates inadequately, and there is no funding available in the current CTP to upgrade the facility to an interchange as was previously assumed, the Planning Board required the applicant to:

- a. Provide evidence that design and construction of the interchange of Suitland Parkway and MD 4 are fully funded in the current CTP, or
- b. Provide other evidence satisfactory to the Planning Board that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities.

At the Planning Board hearing for the subject project, the applicant provided such evidence and because it was found acceptable, the Planning Board finds that the application is in conformance with this requirement.

43. **Prior to the approval of the initial Specific Design Plan proposing development (not infrastructure) within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant should utilize new 12-hour counts, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.**

At the time of the Planning Board hearing for the project they had not received confirmation from the applicant that any signal warrant studies have been submitted to SHA.

Therefore, the Planning Board included as a condition of this approval a requirement that prior to signature approval, the applicant provide evidence that the required warrant studies had been submitted to SHA and that SHA had found them acceptable.

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44. At the time of final plat approval, the applicant shall dedicate the following rights-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan:
- a. 80 feet along MC-635, as shown on the submitted plan
  - b. 100 feet along MC 632, as shown on the submitted plan
  - c. A minimum of 60 feet along P-616, as shown on the submitted plan (70 feet from C 631 to Road M)
  - d. A minimum of 60 feet along P-615, as shown on the submitted plan
  - e. 40 feet from centerline along existing Westphalia Road

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

These alignments may be modified through further environmental study. Further, the alignments referenced in Condition 44 are consistent with the approved Westphalia Sector Plan.

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

The alignment referenced in Condition 46 is consistent with the approved Westphalia Sector Plan.

49. The following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency, with all issues of timing and implementation to be addressed as Specific Design Plans proposing development are reviewed:
- a. MC-631/Presidential Parkway intersection: The applicant shall submit, at the time of the initial Specific Design Plan proposing development, an acceptable traffic signal warrant study to DPW&T. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a

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**signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations.**

The Planning Board has not been provided proof of a signal warrant analysis. See discussion under Condition 43 above. A similar condition of this approval requires conformance with this condition subpart prior to signature approval of plans for the project.

- b. At the intersection of Westphalia Road/D'Arcy Road and MC-635, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the age-restricted portion of the development. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.**

Per DPW&T, a signal is not warranted for this intersection.

- c. At the intersection of MC-631 and MC-635/P-615, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.**

This subpart of the condition is triggered at the later time of SDP approval for either the age-restricted or L-A-C portions of the development.

- d. At the intersection of MC-631 and MC-632/P-616, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.**

This subpart of the condition is triggered at the later time of SDP approval for either the age-restricted or L-A-C portions of the development.

- g. All intersections along the major collector (MC) facilities shall include exclusive left-turn lanes where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes unless specifically waived by**

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**DPW&T. Such configurations shall be verified at the time of specific design plan review for the appropriate sections of roadway.**

This condition had been met.

- h. All proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.**

This condition had not been satisfied. A condition of this approval requires conformance to this requirement prior to signature approval.

- i. All proposed transit facilities, as shown on the plan "Transit Plan—Smith Farm," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.**

This condition has not been satisfied. However, a condition of this approval ensures conformance with this condition prior to signature approval.

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

The proposed development will not exceed the trip cap.

- 55. All Tree Conservation Plans shall not show woodland conservation on any single-family residential detached or attached lot.**

This condition will be addressed during the review of all tree conservation plans.

- 58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:**

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**“No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”**

This condition of approval needs to be addressed with the current SDP and Type 2 tree conservation plan applications, which is the first to indicate specific lot lines which might be affected by the location of the 1.5 safety factor line and the 25-foot building restriction line. The condition related to the plat note will be addressed at the time of final plat.

- 65. At the time of specific design plan, the TCP2 shall contain a phased worksheet for each phase of development and the sheet layout of the TCP2 shall be the same as the SDP for all phases.**

This condition is applicable to the current application. A section worksheet has been provided. The sheet layout of the TCP2 basically matches the layout of the SDP, but there are several technical elements which are missing and will be required to be added to the TCP2 or SDP by condition of this approval to maintain consistency.

The section lines shown on the SDP coversheet do not match the section lines shown on the TCP2. These shall be revised to be consistent by condition of this approval. The individual plan sheets for the SDP and TCP2 do not include the section lines. Section lines shall be added to all plan sheets and legends, and sections shall be labeled on the plans by condition of this approval.

The TCP2 plan as submitted includes many more sheets than the SDP. The TCP2 submitted should only include plan sheets associated with the corresponding SDP and will be addressed with the review of each SDP with an associated TCP2. This shall be required by condition of this approval.

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

This condition has been addressed and will be confirmed at the time of final plat when the primary management area (PMA), except for areas of approved impacts, will be placed into a conservation easement delineated on the plans.

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

Trails are generally indicated on the subject plan, though the final location of the Cabin Branch Trail has not been approved by DPR and some connector trails to the adjacent residential neighborhoods have not been shown. A condition of approval requires that the correct alignment of the Cabin Branch Trail be included on the certified plan set after final approval by DPR and that

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all necessary and required connector trails from the Cabin Branch Trail to the adjacent residential neighborhoods be shown. Final location of the Cabin Branch Trail shall be approved by DPR as designee of the Planning Board. Final location of the connector trails shall be approved by staff as designee of the Planning Board.

10. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:

a. The subject SDP is consistent with Sections 27-274(a)(7), 27-507, 27-508, and 27-509 of the Zoning Ordinance governing development in the Residential Medium Development (R-M) Zone.

b. Section 27-528, requires the following findings for approval of a specific design plan:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

(1) **The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.**

A review of the requirements of the approval of CDP-0501, its revision, CDP-0501-01, and the relevant sections of the 2010 *Prince George's County Landscape Manual* against the plans for the project indicates that the subject plan will be in conformance with their requirements if the proposed conditions below are fulfilled. A condition of this approval ensures that the project is in conformance also with the final District Council Order, as the District Council elected to review the case on January 23, 2012.

(2) **The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Prince George's County Capital Improvement Program (CIP) or provided as part of the private development.

Additionally, the applicant provided other evidence satisfactory to the Planning Board that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities or as provided as a part of private development. More particularly, the applicant's representatives offered the following:

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- That the test regarding provision of adequate transportation facilities is a lesser test for required findings than that applied at the time of approval of a preliminary plan of subdivision.
- That there are multiple ways to get in and out of the development, including Melwood and Westphalia Roads, that will decrease traffic demands on the Suitland Parkway/Pennsylvania Avenue (MD4) intersection.
- That the addition of trips as a result of the development will only have a marginal impact on the level of service to be provided at the subject intersection.
- That the applicant will be providing many transportation improvements on the site and at its periphery including:
  - Many linear feet of roadway (approximately 33 percent of those in the Westphalia sector);
  - A traffic signal at D'Arcy and Westphalia Roads; and
  - Traffic calming facilities throughout the site.
- That improvement of the intersection of Suitland Parkway and Pennsylvania Avenue (MD4) is a priority project for the State Highway Administration (SHA);
- That improvement of the intersection of Suitland Parkway and Pennsylvania Avenue (MD4) is a priority project for Prince George's County, as indicated in the joint signature letter on State Transportation Priorities from the Prince George's County Council and the Honorable Rushern L. Baker III, the Prince George's County Executive.

The Planning Board indicated that the above, as presented by the applicant's representatives, including supporting testimony by Wes Gukert, a Certified Professional Transportation Planner, and as explained in a series of exhibits submitted into the record, was sufficient to make the finding that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities.

- (3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**
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In a memorandum dated November 23, 2012, DPW&T stated that the proposed site development is consistent with approved Stormwater Management Concept Plan, 24819-2006-01, dated July 26, 2011. Therefore, adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

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

Four Type 2 Tree Conservation Plans (TCP2-008-12, TCP2-009-12, TCP2-010-12, and TCP2-011-12) have been submitted and are hereby being approved, with conditions, together with the subject SDP. Therefore, it may be said that the subject project conforms to the requirements of the Prince George's County Woodland Conservation Ordinance.

**(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

The subject SDP is grandfathered from recent relevant requirements of Subtitle 27, as further discussed in Finding 12(e) below. As such, this finding need not be made.

11. **Prince George's County Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there is a previously approved Tree Conservation Plan, TCPI/38/05.
    - a. A Type I Tree Conservation Plan, TCPI/38/05, was approved with conditions with CDP-0501 for the entire Smith Home Farm. Type I Tree Conservation Plan TCPI/38/05/01 was approved with Preliminary Plan of Subdivision 4-05080.
    - b. A Type II Tree Conservation Plan, TCPII/57/06, was approved with conditions with SDP-0502 for infrastructure, that covers a very limited part of the Smith Home Farm project around two segments of two major roadways.
    - c. Four Type 2 Tree Conservation Plans (TCP2-008-12, TCP2-009-12, TCP2-010-12, and TCP2-011-12) are hereby being approved together with the subject SDP. Therefore, it may be said that the subject project conforms to the requirements of the Prince George's County Woodland Conservation Ordinance.
  12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
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- a. **Historic Preservation**—The infrastructure plans for SDP-1003 for Sections 1A, 1B, 2, and 3 were originally found to be inadequate in identifying historic site Blythewood and Cemetery PG: 78-013 and its 33-acre environmental setting on page 1A of the specific design plan. Upon review of submitted revised plans, however the submitted plans were found to remain inadequate in identifying the historic site. Only page 1A was updated from the original submission to include the historic site and environmental setting information requested for Blythewood and Cemetery 78-013 and its 33-acre environmental setting.

Therefore, a condition of this approval requires that all appropriate site and landscape plan pages which include a property having a common border with the property on which the historic site and environmental setting are located be updated to include the historic site name, number, and the boundary of the environmental setting. They also noted that Page 1A was not included in the landscape set.

A condition of this approval ensures that the historic site and its environmental setting is consistently and correctly indicated throughout the plans for the project and that Page 1A is included in the landscape set, prior to signature approval.

b. **Archeology**—

- (1) The larger Smith Home Farm development includes a Prince George's County historic site, Blythewood (78-013), built circa 1830 with later additions. Blythewood is a multi-section frame farmhouse and the principal feature of a large farm complex. The two-story, side-gabled main block of the house was built circa 1830, a shed-roof kitchen wing was added circa 1860 at one end, and a one-story enclosed porch was built at the other end in the 1920s. The principal west façade of the main block is fronted by a two-story portico, also added in the 1920s. The house and domestic buildings stand on high ground overlooking a complex of agricultural outbuildings. Originally developed for William F. Berry, the Blythewood complex is an excellent example of a complete 19th and 20th century farm establishment.
- (2) An architectural assessment included a survey of standing structures within the proposed development boundaries and within a 0.5-mile radius of the development's boundaries. The Blythewood Historic Site (78-013) was recommended as eligible for listing in the National Register of Historic Places (NRHP) under Criterion A for its associations with the history of agriculture in Prince George's County in the 19th and 20th centuries, and under Criterion C for its architecture. An additional 77 resources were recorded and evaluated and none were recommended as eligible for listing in the NRHP.

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- (3) A Phase I archeology survey was conducted in February and March 2005 on the subject property to comply with Section 106 of the National Historic Preservation Act of 1966, as amended and with Sections 24-121 and 24-135.01 of the Prince George's County Subdivision Regulations. Eleven historic archeological sites and one multi-component prehistoric and historic site were identified. None of the sites were recommended as eligible for listing in the National Register of Historic Places (NRHP).
- (4) Following review of the Phase I report, the Prince George's County Planning Board required additional Phase II archaeological investigations at site 18PR766, a possible early eighteenth-century site. Additional historical research was also required about the property's seventeenth through nineteenth century history in order to enhance the understanding of the changes in ownership of the property, and to illuminate the role of the institution of slavery in Prince George's County. It was also required that Phase II investigations be conducted in and around the Blythewood complex and the two tenant houses if the proposed development would result in their destruction.
- (5) Phase II investigations were conducted at site 18PR766 in March, April and May 2006, and included the excavation of test units and mechanical plow zone stripping. Three historic cultural features were identified, including a basement, a storage pit and a drainage ditch. The basement was associated with a house that was occupied during the early to mid-1700s. The archeology consultant noted that it was unlikely that additional excavations would provide new, unique, or significant additional data. As a result, the site was recommended as ineligible for listing in the NRHP and no further work was recommended.
- (6) The area within the subject application does not include the Blythewood Historic Site or any significant archeological resources.

With respect to archeology the Planning Board concluded:

- (1) The Blythewood Historic Site (78-013) is not located in the area of the proposed development and will not be impacted by this specific design plan.
  - (2) No significant buildings are located in the area of the proposed development.
  - (3) In a letter from Elizabeth J. Cole to Walter Washington, Jr. dated October 13, 2005, the Maryland Historical Trust (MHT) concurred with the recommendations of the Phase I archeological report that no further work was necessary on the twelve archeological sites identified.
  - (4) The Phase I archeological report recommended a Phase II evaluation of historic archeological site 18PR766.
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- (5) Phase II investigations were conducted at site 18PR766 in March, April, and May 2006. The Planning Board concurs that significant information had been recovered from site 18PR766 and no further work was necessary on site 18PR766 or any of the other archeological sites identified on the Smith Home Farm property. An acceptance letter for the final combined Phase I and II reports was not located. Therefore, four copies of the final reports and an electronic copy in .pdf (Adobe Acrobat) format shall be submitted.

The Planning Board hereby requires that prior to certificate approval of the subject specific design plan, four copies of the final Phase I and II report and one copy of the final report (in .pdf [Adobe Acrobat] format) be submitted to the Prince George's County Planning Department.

c. **Community Planning—**

**General Plan:** The 2002 Prince George's County Approved General Plan designates the portion of Pennsylvania Avenue (MD 4) as a corridor recommended for more intensive development and redevelopment and the town center in Westphalia as a regional center. Regional centers are locations for regionally-marketed development with the potential for high-density residential development an option.

**Master Plan:** This approval for residential uses conforms with the land use policy in the 2007 Westphalia Sector Plan, and conforms to the sector plan in the distribution of higher density closer to the town center with the proposed deletion of all of the multifamily dwelling units and additional attached units, after application of conditions of this approval.

**Other Determinations:** Flight operations at Joint Base Andrews yield high noise impacts (65–70 dBA Ldn) on the western portion of this application. SDP site plans shall be revised by condition of this approval to show high noise areas and interior acoustical buffering shall be required by condition of this approval for all structures built in high noise areas.

**Land Use:** The subject project is located in the northern part of an area recommended by the sector plan for development of a planned residential community of various densities and housing types. A core community activity center area is recommended to the south of this property near MD 4. The residential densities for the planned community range from 0.5 dwelling units per acre to the maximum 7.9 dwelling units per acre; higher densities are anticipated in the core activity center. The overall density of residential development is intended to decrease as the distance from the activity center at the core of the planned community increases.

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**SMA/Zoning:** The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* retained the R-M (Residential Medium Development) Zone (A-9965-C).

**Sector Plan/Planning Issues:** The approved R-M Zone was based on a comprehensive planning study, the Westphalia Comprehensive Concept Plan (WCCP), which further examined the recommendations of the 1994 Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia and the General Plan for this area. This study was in large part promoted by various developers in the sector plan area as a means to promote and advocate for a unified vision for the sector plan area which would include residential use of various densities, a mixed-use retail center, and a central park on the subject site that serves the entire Westphalia area. Subsequently, this vision was further refined in the approved Westphalia Sector Plan and Sectional Map Amendment by the District Council's approval of County Council Bill CB-2-2001 (DR-2) in February 2007 which amended the General Plan to designate Westphalia as a regional center.

The community vision for the Westphalia sector plan area is to provide for new residential neighborhoods with a range of housing types and densities, a network of attractive roads that unifies the community, and meets projected traffic needs, clustered development, and incremental increases in densities up to a high-density urban core at the center (page 1). The approval, as conditioned, meets the plan's intent concerning increased density towards the core or a road network that connects and unifies the community. The following comments follow through the sector plan by addressing specific issues by chapter. Most of the issues cited are addressed in multiple chapters in the sector plan.

**Development Pattern Element Issues:** The subject approval covers the development of the north-west portion of the Smith Home Farm property, located just outside the town center edge. Several elements of the revised development plans including the density in proximity to the town center and phasing sequence were of concern and are discussed below:

**Residential Density:** The recommended development pattern vision is to create a single unified community. This concept promotes "a wide range of mixed housing types and densities with incremental increases in development densities closer to the high-density urban town center core" (page 17).

Lower density residential should be further away from the core. This approval has eliminated all multifamily buildings, which were located in Phase 1A Sheets 19 and 22, due to poor soils. This area has been approved for three multifamily buildings and 24 one-family attached residential dwelling units and is now proposed for 48 single-family dwellings, a significant drop in density at this location and will be a major change the character of the development. The rest of the property is approved for interspersed attached and detached dwellings in a patchwork pattern. A condition of this approval requires the replacement of the one-family attached residential dwelling unit pod on the most northern portion of the site adjacent to Westphalia with single-family detached

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residential units, more in keeping with historic Westphalia Road, in deference to the noise contours in that portion of the development and in accordance with the tenet of the Westphalia Sector Plan that requires the lowest density furthest from the town core. A condition of this approval requires substituting single-family attached with single-family detached most proximate to Westphalia Road and requires the applicant to provide evidence as to the soil's inability to support multi-family buildings or one-family attached residential dwelling units as originally planned.

**Street Connectivity and Circulation Pattern:** One goal of the development pattern recommendation is to promote street grid systems with compact blocks of development that provide easy automobile, transit, and pedestrian accessibility and are urban in character (page 18). The subject site plan recommends eliminating many of the roads which connect neighborhoods to each other.

The sector plan and previously approved CDP and preliminary plan have shown a neo-traditional lotting pattern: defined blocks along roadway networks that connect easily between neighborhoods creating a sense of community and connectivity. The departure from this grid pattern is most evident in Phase 3, on the eastern part of this proposal. The approved grid pattern connects this neighborhood with the neighborhood closer to Melwood Road which is not part of this application. This site plan eliminates this grid pattern of streets. Revisions to the originally presented site plan and conditions of this approval ameliorate concerns regarding these issues to an acceptable degree.

#### **Policy 5—Residential Areas:**

Principal 3 promotes designing an efficient, safe, and interconnected residential street system to "Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid environmental resources" (page 31).

The redesign of the approved grid of streets and alleys, especially in Phase 1B, has created a neighborhood of culs-de-sac and one-family attached residential dwelling units on typical suburban non-grid development. This new lotting pattern does not conform to a character defining goal of the sector plan which is to link neighborhoods, but instead isolates neighborhoods within themselves. A condition of this approval addresses this concern.

Principal 4 promotes creating a system of open space and parks by clustering residences around shared amenities to form distinct neighborhoods with a sense of identity. The green space of this open space will help define and divide clusters (page 31).

Large open areas in all of the phases, has been eliminated and filled with dwelling units. Open space should be reintroduced into the plan to meet this design standard. A condition of this approval addresses this concern satisfactorily.

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**Infrastructure Element:** The vision for the transportation portion of infrastructure for Westphalia is a comprehensively-planned transit and pedestrian-friendly community with a reduced dependency on automobiles making street connectivity essential.

Policy 4—Develop a transportation system that incorporates design principles promoting the intended character of the Westphalia area. The strategy for local streets is encouraged to promote pedestrian and bike activity (page 47).

By abandoning the approved grid systems within neighborhoods that was envisioned in the sector plan, the ability to promote a walkable community has been supplanted by a typical suburban model and does not appear to be in conformance with the sector plan design principals. A condition of this approval addresses this concern.

**Community Character Element:** The vision for the Westphalia community in the sector plan is that there will be a mix of stable neighborhoods that provide for a broad range of housing opportunities. To do this, the plan calls for preservation of the area's cultural heritage including scenic and historic roads. Westphalia Road between D'Arcy and Ritchie Marlboro Roads, dating from the third quarter of the 18th century, is designated both scenic and historic.

The approved plans for Phase 2 show the internal road ending on a cul-de-sac with no lots located in the buffer for Westphalia Road. The plans submitted show 11 one-family attached residential dwelling unit lots backing up to Westphalia Road and appear to be within the buffer. To have the rear of any dwelling facing a road, especially a scenic and historic road, is inappropriate. By condition of this approval the single-family attached units most proximate to Westphalia Road have been replaced by condition of this approval with single-family detached units.

**Conclusion:** The submitted plans are in conformance with the vision and intent of the 2007 Westphalia Sector Plan and Sectional Map Amendment, in terms of:

- Residential density
- Urban character
- Street connectivity and circulation
- Relationship with the town center
- The approved CDP-0501/01 or Preliminary Plan 4-05080

Conditions of this approval bring the submitted plans for the project into harmony with the goals and spirit of the Westphalia Sector Plan.

- d. **Transportation**—On February 23, 2006, the Planning Board approved Comprehensive Design Plan CDP-0501 for the subject property. Based on PGCPB Resolution

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No. 06-56(C), the development was approved with several transportation-related conditions. Among those are the following:

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.**

The proposed development will not exceed the trip cap. Please see Finding 8 for a discussion of transportation-related conditions of the CDP.

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.**

As no signal warrant studies have been submitted to SHA, conditions of this approval shall ensure these requirements will be met.

On July 27, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-05080 for the subject property. Based on PGCPB Resolution No. 06-64(A), the 3,628-unit development was approved with numerous conditions. See Finding 9 for a discussion of transportation-related Conditions 42, 43, 44, 46, 49, and 50.

#### **Site Layout Review**

The subject project involves a road network that does not fully represent the network on which the approved preliminary plan was based. Some minor changes to the original preliminary plan alignment are allowed and the Planning Board finds the changes that are being sought by the applicant acceptable.

#### **e. ~~Environmental~~**

##### **Site Description**

The site is located south of Westphalia Road (C-626) on the east and west sides of Melwood Road. The property is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/38/05) was previously approved for

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the site. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras, and Westphalia soil series. According to available information, Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. Westphalia Road, which is adjacent to this development on the north, is a designated historic road. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. The site is in the Developing Tier as designated in the *Prince George's County Approved General Plan*.

#### **Applicability of Subtitles 24 and 27**

The subject application is grandfathered from the requirements in Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan. The project is also grandfathered from the requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved tree conservation plan. It is not grandfathered from Section 25-122(b)(6) regarding the location of off-site woodland conservation because no off-site location was previously identified, and the off-site location is generally identified at time of grading permit. The project is not grandfathered from the requirements of Subtitle 25, Division 3 which are applied at the time of grading permits.

Refer to the following indicated Findings for a discussion of environmentally-related previous conditions of approval:

<b>Approval</b>	<b>Numbered Conditions</b>	<b>Finding</b>
A-9965-C	2	7
CDP-0501	1, 4, 17, 18, 19, 30	8
4-04080	2, 10, 21, 31, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64	9

#### **Environmental Review**

- (1) During the review of Zoning Map Amendments A-9965 and A-9966, the Planning Board required that an approved natural resources inventory (NRI) be submitted as part of the CDP. A Natural Resources Inventory, NRI-006-05, was submitted with CDP-0501 and approved on August 29, 2005. The NRI was resubmitted for a '01' revision to revise the area of existing woodland on the site. This revision was signed on November 11, 2006.



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The approved NRI-006-05/01 was submitted with the review package for the current application. The information shown on the NRI is correctly shown on the SDP and the TCP2s except in one area of the development in the northwest corner of the property. The delineated primary management area (PMA) on the SDP and TCP2s is not in accordance with the signed NRI on the eastern boundary line, adjacent to one-family attached residential dwelling unit Lots 12 through 20. The SDP and TCP2s must be revised to show the approved PMA delineation and all impacts to the PMA not previously approved in concept shall be eliminated. The NRI shall be revised prior to certification of the SDP.

- (2) Condition 68(a) and (c) of the preliminary plan approval included guidance language for the review of specific PMA impacts at the time of SDP as follows:
- a. **Impacts for road crossings as reflected on exhibits A, B, C, E, J, M, N, N1, and S shall be revised on the SDP to reduce the impacts to the fullest extent possible;**

Impacts C, E, and S are located with the current application. Impact C has been reduced from 0.86 acre to 0.46 acre. Impact E has been moved and reduced from 1.40 to 1.10 acres. Impact S has been eliminated. The subject property is in conformance with this condition.

- c. **Impacts for sanitary sewer installations as reflected on Exhibit 3 shall be revised on the SDP to reduce the impacts to the fullest extent possible;**

Impact 3 has been relocated and, as a result, in combination with Impacts 5 and 6, the total area of impacts has been slightly reduced. The application has met conformance with this condition.

- (3) An exhibit submitted by the applicant labeled Smith Home Farm Conceptual Layout, dated March 2011, provides a composite of the previously proposed PMA impacts on the site and new impacts proposed. The introduction of one-family attached residential dwelling units into this area has resulted in two new impact areas: Impact 18 for a stormwater management outfall totaling 0.60 acre, and an additional impact that was not identified by the applicant which impacts Lots 12 through 20. The PMA as delineated on the SDP and TCP2s does not match the delineation shown on the approved NRI, as previously noted and therefore, no impacts to the PMA have been identified. Because these impacts were not previously approved conceptually by the Planning Board and no justification has been provided for additional impacts, they must be removed from the SDP and TCP plans.
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- (4) This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. An approved Type I Tree Conservation Plan, TCPI-38-05, was submitted with the review package. Although for the most part the TCP2s submitted with the current application is in conformance with the approved TCPI, there are two areas where conformance cannot be found.

A condition of approval for TCPI-038-05/01 approved with the preliminary plan of subdivision was the requirement to "Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain." Research into the source of this condition indicated that it was intended to address the encumbrance of the central park with woodland conservation. In order to find conformance with the approved TCPI, all woodland conservation and reforestation outside the floodplain needs to be eliminated from the plan.

- (5) The TCP2s can be found to be in conformance with the TCPI with the exception of TCP2-010-12. There have been significant changes to the layout of the site in the northwestern corner of the site (Phase 2) since approval of the preliminary plan, which have resulted in new impacts to regulated features of the site and the woodland conservation areas proposed under TCPI-038-05. One major change is the proposed substitution of one-family attached residential dwelling units for single-family residential lots previously proposed in the northwestern corner of the site adjacent to Westphalia Road, which is a county-designated historic road.

The approved TCPI showed a substantial buffer of trees to remain adjacent to the historic road right-of-way with the nearest lot to Westphalia Road located approximately 300 feet from the right-of-way. Clearing was proposed closer to the roadway in order to construct a cul-de-sac, but a substantial buffer of existing trees was reserved, which is a desirable treatment along a historic road.

A row of one-family attached residential dwelling units directly backing onto Westphalia Road was originally proposed with the current SDP. The TCP2 proposes to remove woodlands to a width off the roadway that can no longer be credited as woodland conservation. In addition, woodlands which provided viewshed buffering into the development from the roadway on the east and west sides of the boundary had been totally removed. The result is a row of one-family attached residential dwelling units backing onto Westphalia Road with a minimal landscape buffer proposed. Since this is totally out of character with the existing viewshed of the historic road which is densely wooded, a condition of this approval requires that the woodland adjacent to Westphalia Road and the single-family-detached pod most proximate be reinstated.

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The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes a section on Special Roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway.

**POLICY 2: Conserve and enhance the viewsheds along designated roadways.**

**STRATEGIES**

1. **Require submission of an inventory of scenic and historic features with all applications that propose work adjacent to the right-of-way of a designated roadway.**
2. **Require the conservation and enhancement of the existing viewsheds of designated roads to the fullest extent possible during the review of land development or permit applications, whichever comes first. Elements to be considered shall include views of structures from the roadway; design character and materials of constructed features; preservation of existing vegetation, slopes and tree tunnels; use of scenic easements; and limited access points.**

An inventory of scenic and historic features was not required at the time of preliminary plan and was not required with this development project because retention of existing woodland within the viewshed was proposed on the approved TCPI, and the signed NRI provided detailed information about the existing woodlands located in this area.

Implementation of the strategies cited above requires the conservation and enhancement of the existing viewshed, which by a condition of this approval shall be found in the treatment of Westphalia Road. This portion of the site would then be in conformance with the TCPI and, as a result, in conformance with the Special Roadways policies and strategies found in the MPOT.

- (6) Type II Tree Conservation Plan TCPII-057-06 was initially approved with SDP-0506 for the construction of roads within Phases 1A, 1B, 2, and 3, and included an overall woodland conservation worksheet for Smith Home Farm. The overall woodland conservation worksheet provides a way to consistently track the woodland conservation requirements for a large development by calculating the woodland conservation requirements resulting from the range of development activities proposed on the property, how the woodland conservation requirement will be met for the overall site, and how woodland conservation requirements will be distributed among the different phases of the site.
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A cumulative tracking of overall woodland conservation on the site for all of the proposed development activities now indicates a total woodland conservation requirement of 243.83 acres for the Smith Home Farm development based on 760.93 acres of gross tract area and 106.50 acres of clearing.

The cumulative woodland conservation worksheet further indicates that the woodland conservation requirement will be provided by 36.45 acres of on-site woodland preservation, 133.80 acres of on-site reforestation/afforestation, and 73.58 acres of off-site woodland conservation. These quantities were not accurate because they did not show the removal of woodland conservation and afforestation outside the 100-year floodplain on the land to be dedicated to M-NCPPC for the central park. Preservation in the amount of 7.09 acres on the central park property could be credited as woodland conservation, and the amount of afforestation proposed on the central park property had to be reduced to a maximum of 42.77 acres or less to limit the encumbrance of the park property for development in conformance with the approved park concept. Conditions of this approval accomplish these changes.

Other changes in the quantities of preservation and afforestation/reforestation may result from the above-mentioned required revisions to the TCP, with a resultant affect on the amount of off-site woodland required. The amount of off-site woodland conservation required will be divided proportionally across the separate phases shown on the overall woodland conservation worksheet based on the net tract area of the individual phase, except for the area to be dedicated to DPR for the central park. The central park land to be dedicated to M-NCPPC shall not include any credited woodland preservation and shall not have any responsibility for the provision of off-site woodland conservation for the overall project. M-NCPPC will be responsible for the development of a separate TCP2 for the central park prior to issuance of grading permits, which complies with the amount of 100-year floodplain afforestation requirement.

- (7) The subject property is located within the Cabin Branch and Western Branch watersheds of the Patuxent River basin. Section 25-122(a)(6) of the Woodland and Wildlife Habitat Conservation Ordinance, which became effective September 10, 2011, requires the following:
  - (6) **If off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland.**

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The woodland conservation requirement for the overall Smith Home Farm site is proposed to be partially met under the most current overall worksheet with 104.78 acres of off-site mitigation, which will be proportionately distributed between the various phases of the project. Each phase requesting grading permits will be required to provide evidence that off-site woodland conservation credits have been obtained and recorded in the land records prior to issuance of grading permits. The credits must be purchased based on the priorities of location indicated in the ordinance.

- (8) The overall woodland conservation worksheet for the site contains information for TCPII-057-06 which is not in conformance with the approved TCPII. The quantities shown in the overall worksheet indicate a proposed revision to SDP-0506/02 and TCPII-057-06/02, which is currently pending. Prior to certification of the SDP, the quantities shown in the overall woodland conservation worksheet shall, by condition of this approval, reflect the most current approved SDP. The phase lines shown on the TCP submitted with SDP-1003 also shall by condition of this approval match the phase lines shown on TCPII-057-06.
- (9) In order to facilitate the orderly development of the site, the Planning Board has determined that it is appropriate to approve new TCPs with the current specific design plan, and further approve separate TCPs for each of the phases proposed. This will reduce the size of the individual TCP2 plan sheets for review and permitting purposes, clearly identify the woodland conservation requirements associated with specific phases of the project, and allow for more efficient revision of the plans if needed in the future.

TCP2 numbers have been assigned to the Phases as follows:

Phase	Type 2 Tree Conservation Number
Phase 1A	TCP2-008- 12
Phase 1B	TCP2-009- 12
Phase 2	TCP2-010- 12
Phase 3	TCP2-011- 12

- (10) The TCP2 by condition of this approval shall be technically revised so as to be in accordance with woodland conservation design guidelines. In areas of one-family attached residential dwelling unit lots, a ten-foot-wide clear zone, free of woodland conservation and landscaping, shall by condition of this approval be maintained to provide access around sticks of one-family attached residential dwelling units and for rear access to yards. The plan originally showed an eight-foot-wide clear zone for woodland conservation, but this area appears to be impeded with landscape materials on the landscape plan.
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On single-family detached residential lots which are adjacent to reforestation area, the afforestation/reforestation shall by condition of this approval be extended to the property line and the permanent tree protection fence placed on the property to prevent the narrow unplanted strips shown on the TCP from being subsumed into private lots and for liability reasons on adjacent parkland. This is especially important where floodplain building restrictions lines are located adjacent to lots.

When afforestation/reforestation areas are proposed that overlap with proposed landscaping in designated woodland conservation areas, the landscaping elements shall by condition of this approval be shown on the TCPII plan so coordination can occur between the planting. If landscape materials are provided in lieu of the seedling planting proposed in the plant schedule for woodland conservation areas, then the stocking rate shall be equivalent to the requirements of the woodland conservation ordinance of 400 caliper inches per acre.

There are various locations on the site where afforestation/reforestation is proposed adjacent to the right-of-way. To the extent possible, the afforestation/reforestation shall by condition of this approval be extended to the edge of the public utility easement to maximize woodland conservation provided on-site, enlarge adjacent wooded areas, further reduce stormwater run-off, and reduce future maintenance costs.

- (11) Impacts which are not found to be in substantial conceptual conformance with those approved with Preliminary Plan of Subdivision 4-05080 should be eliminated.
  - (12) The applicant has an approved Preliminary Plan (4-05080) and TCPI providing for the implementation of woodland afforestation in the central park inside the 100-year floodplain. The applicant will use its best efforts to identify and select alternative locations for the afforestation in areas within the Smith Home Farm development or by planting off-site parkland identified by the Department of Parks and Recreation or a combination of both. In no instance should the cost to plant in the aforementioned alternative locations exceed the cost of planting in the areas inside the central park inside the 100-year floodplain.
- f. **Trails**—The Planning Board reviewed the submitted specific design plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of approximately 677.85 acres of land in the R-M and L-A-C Zones. The property is located within the Westphalia Town Center and is bounded by the core of the town center to the south and properties approved for residential development to the north.
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**Master Plan Compliance and Prior Approvals**

The site is subject to previously approved CDP-0501(PGCPB Resolution No. 06-56), which included several conditions related to bicycle and pedestrian facilities. These conditions of approval are reiterated below:

4. **At time of preliminary plan of subdivision, the applicant shall:**
  - 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.**
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.**
9. **At time of the applicable SDP, the following areas shall be carefully reviewed:**
  - f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
  - g. **A trailhead facility for the Cabin Branch Trail.**

The multi-use stream valley trail along Cabin Branch is reflected on the submitted SDP. The final location shall be approved by DPR.

The trailhead facility shall be located within the central park. A review of available locations on the subject site indicates that the trailhead should be located on the central park. Environmental features and the close proximity of abutting residential lots near possible trail locations appear to make the location of the trailhead undesirable on the subject site.

A condition of this approval shall require the applicant provide a revised/updated comprehensive trail map that reflects the approved trails with the current site layout, prior to signature approval.

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Subsequently, the requirements of approved Preliminary Plan 4-05080 (PGCPB Resolution No. 06-64) further refined these conditions to include the following connections on the subject site.

13. **The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.**
  14. **The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.**
  15. **The applicant, his heirs, successors and/or assignees shall provide:**
    - a. **The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.**
    - b. **Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-feet-wide total. This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page**
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- 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.
- c. Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.
  - d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
  - e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.
16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.
19. Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.
20. A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.
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- 36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.**

The submitted plans reflect standard sidewalks along both sides of all internal roads, excluding private alleys.

The Melwood Legacy Trail is located outside of Phases 1A, 1B, 2, and 3. The intersection of the trail with MC-631 was addressed through the other SDP for infrastructure (SDP-0506-02).

A revised comprehensive trail plan is required by condition of this approval to reflect the updated layout.

Condition 9(g) of CDP-0501 requires that a trailhead facility be considered at the time of SDP. Condition 20 of 4-05080 further refines this to a location either in the central park or along Cabin Branch in the vicinity of Presidential Parkway. The originally submitted plans show the Cabin Branch Trail ending at MC-631 due to environmental constraints. This location was evaluated for its suitability for a trailhead location. Due to the steep slopes abutting MC-631 at this location, a trailhead facility at this location is not feasible. Also, several residential lots back up to this location, making a parking area where potentially groups of people could gather, undesirable. There is also available open space on the north side of MC-631. However, this area also contains steep slopes and a trailhead at this location would necessitate an at-grade crossing of the major connector. Another potential location is where the eight-foot wide "spur" trail terminates at Road DD (Sheet 24). It appears that sufficient space exists at the end of the road to place a small parking lot adjacent to the trail. However, this is homeowners association (HOA) land and is not a suitable location for a public access point. A more viable location is the central park, where by condition of this approval, the trailhead shall be located.

The MPOT also includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction to accommodate pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

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The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT also includes the following policy regarding pedestrian connections between and within communities.

**POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.**

The submitted plans reflect standard sidewalks along both sides of all internal roads, excluding private alleys. The sidewalk network is comprehensive and, in conjunction with the master plan trails and neighborhood trail connections, provides pedestrian accommodations throughout the site.

The applicant proposed revisions to several conditions of approval of the original CDP which impact the provision of recreational facilities and the overall layout of the development. These revisions were reviewed in detail for the concurrent SDP for infrastructure (SDP-0506-02) and do not impact the required bicycle, pedestrian, and trail facilities. In summary, CDP revisions affected Condition 3 (timing and funding of the MD 4/Westphalia Road interchange), Condition 7 (design of the pool and community building), and Condition 7 (lot sizes) of CDP-0501. It was recommended that the comprehensive trail plan be updated to reflect the new layout, that the plans be revised to show the planned trailhead facility, and that the alignment of the Cabin Branch Trail be confirmed with DPR.

**Major Issues for SDP-1003:**

- The comprehensive trail plan should be updated to include the revised site layout.
- The trailhead facility is more appropriate off-site, based on an initial evaluation of possible locations on-site, it appears that the trailhead has to be located on the central park.
- Location of the stream valley trail must be determined.
- Several trail connections that were on the previously approved comprehensive trail map (4-05080) were missing from both the north and south sides of the Cabin Branch Trail. Due to the presence of sensitive environmental features, the Planning Board supports the elimination of two trail connections on the south side of Cabin Branch. It appears that steep and severe slopes and regulated environment features make some connections to the south of Cabin Branch not possible. The addition of several other trail connections on the north side of Cabin Branch is required by condition of this approval to bring the plan into compliance with the approved trail plan.

**Conclusion**

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In conformance with the *Approved Westphalia Sector Plan and Sectional Map Amendment*, Preliminary Plan 4-05080, and Comprehensive Design Plan CDP-0501, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:

- (1) Prior to signature approval of the SDP, submit a revised copy of the comprehensive trail plan incorporating the revised layout.
- (2) Add the following trail connections onto SDP-1003, per the previously approved comprehensive trails plan (4-05080): (a) an M-NCPPC trail from the Cabin Branch Trail to the traffic circle at MC-631 and C-627; and (b) an HOA trail connection from MC-631 to C-627 utilizing the access road for Pond B.

Regarding subpart (d) of Condition 9 of the CDP, the applicant has met the intent of this condition as standard or wide sidewalks are provided along all roads, several master plan trails are going to be constructed, and neighborhood trail connections have been evaluated. More specifically, an extensive network of standard and wide sidewalks, master plan trails, and neighborhood trail connections are being provided throughout the subject site. These sidewalks and trails provide access throughout the subject site and will also provide bike and pedestrian access to the nearby central park, adjoining properties as development occurs, the future local activity center, and the larger countywide trails network. Master-planned trails are going to be provided not only along Cabin Branch, but also along the Melwood Road corridor and MC-631. Access to the local activity center will be primarily along MC-632 and MC-631, each of which includes bicycle and pedestrian facilities. The Cabin Branch Trail will also help to link the rest of the Smith Home Farm development (and surrounding developments) with the local activity center and adjoining Westphalia Center to the south of the subject site. Standard and wide sidewalks are also being provided along both sides of all internal roads, in addition to the master plan facilities proposed along the major roads. Neighborhood trail connections have also been provided where not precluded by environmental constraints. A comprehensive trails map was provided as part of the approval of 4-05080. This map has been updated as part of the subject application to reflect the proposed layout. The latest version of the comprehensive trails map was provided by the applicant after discussions with staff and is dated January 2012. Any necessary changes or modifications to this map will be required by conditions of this approval.

### **Findings**

- (1) Condition 20 of 4-05080 recommends a trailhead facility either in the central park or along Cabin Branch in the vicinity of Presidential Parkway. An analysis of the subject application, led the Planning Board to conclude that there are no viable locations for the trailhead within the subject property (Phases 1A, 1B, 2, and 3) due to the presence of steep and severe slopes, environmental features, and the proximity of private residential lots abutting the dedicated open space (HOA and
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M-NCPPC land). Therefore, the trailhead facility shall by condition of this approval be accommodated within the central park.

- (2) The final location of the Cabin Branch stream valley trail and other trails in the central park shall be refined and finalized through the completion of the plan for the central park. The locations shown on the submitted plans are acceptable (with the additions noted above), but are subject to revision based on the final layout of the park.
- g. **Permit Review** offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.
- h. **Parks**—This Specific Design Plan application (SDP-1003) is for the construction of 783 attached and 297 detached single-family dwelling units in Phases 1, 2, and 3 of the Smith Home Farm development. The Planning Board's parks-related concerns are as follows:
- The phasing plan submitted with this SDP does not represent the correct boundaries of the SDP for the central park as shown on the approved Central Park master plan.
  - The applicant proposes construction of the stormwater management (SWM) pond on dedicated parkland which will serve the residential development in Phase 3 and a portion of the Suitland Parkway extension (MC-631).
  - The applicant shows dedication of the floodplain, wetlands, and steep slopes along the western tributaries of Cabin Branch to M-NCPPC. This area is located outside of the central park boundaries approved as part of CDP-0501 and 4-05080.

**The Westphalia Sector Plan (CR-2-2007)**

The Westphalia Sector Plan designated the Westphalia central park as the Westphalia community focus area, with development overlooking the central park and roads winding along the park's edges. The sector plan proposes construction of active and passive recreational facilities in the central park such as a lake or other water element, a tennis center, an amphitheater, a water activity center, a restaurant with a patio, a multi-station playground, a skate park, a splash park, sport fields and courts, a dog park, trails (pedestrian, bicycle, and equestrian), and other recreational facilities.

The sector plan recommends that a parks fee of \$3,500 per new dwelling unit (in 2006 dollars) be required to construct the public recreational facilities recommended for the sector plan area.

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County Council Resolution CR-2-2007 amended the original timing for the submission of the SDP for the central park that was established under Comprehensive Design Plan CDP-0501. County Council Resolution CR-2-2007 states that the exact timing for SDP submission, approval, and phasing for the central park shall be established by the District Council in approval of the next SDP to be filed under CDP-0501.

**Conditions of previous approvals**

The following parks-related conditions of the previous approvals are applicable to SDP-1003:

**Comprehensive Design Plan CDP-0501 Conditions:**

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).**
    - 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**
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**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.**

The DPR shall review the actual expenditures associated with each section described above.

This condition established a schedule for the making the monetary contribution/in-kind services of a minimum of \$5,000,000 toward the design and construction of the central park, which may be counted as a credit against the developer's required contribution to the Westphalia Park Club as set forth in Condition 10 of the approval of the CDP for the project.

Condition 10(a) has been satisfied. The developers of the Smith Home Farm and Woodside Village projects provided funds for the development of the master plan for the central park in 2006. This master plan was approved as part of CDP-0501.

Condition 10(b) requires development of the schematic design and design development plan for the central park prior to issuance of the 50th building permit. The Planning Board has not approved the schematic design and design development plan for the central park. The Planning Board believes that the schematic design and design development plan of the central park should be developed before a specific design plan (SDP) for the central park.

Condition 10(c) requires development of the construction documents (permit and bid ready) for the construction of the central park prior to issuance of the 100th building permit.

Section 27-527 of the Zoning Ordinance describes the contents of the specific design plan (SDP) as follows:

- (b) The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**
  - (1) A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other**

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**characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**

- (2) Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
- (3) A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**
- (4) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Letter of Exemption;**
- (5) An approved Natural Resource Inventory; and**
- (6) A letter of justification stating how the proposed design ensures the preservation and/or restoration of the regulated environmental features to the fullest extent possible.**

The approved master plan for the central park includes a 34-acre in-stream lake as a central feature of the park. The Planning Board is committed to the vision of the Westphalia Sector Plan and the approved Central Park Master Plan. Due to the lengthy and complex process involved in obtaining the necessary state and federal approvals for an in-stream lake, URS Corporation was hired in 2009 to provide design and engineering services related to the proposed lake and to obtain construction permits from the Army Corps of Engineers and the Maryland Department of the Environment (MDE). The consultant is in the process of preparing plans for submission to MDE and the Army Corps of Engineers for review and approval.

The Planning Board recommends to the District Council that the SDP for the Central Park shall be approved prior to the issuance of the 90<sup>th</sup> building permit.

- 22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and administered by DPR. The applicant shall**
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**make a monetary 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.**

The Planning Board hereby adopts the District Council (CR-2) recommendation of a park fee in the amount of \$3,500 (in 2006 dollars)."

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.**

County Council Resolution CR-2-2007 states that the exact timing for SDP submission, approval, and phasing for the central park shall be established by the District Council in approval of the next SDP to be filed under CDP-0501 and not a second SDP under CDP-0501.

As per Condition 23 of CDP-0501, the applicant is required to develop the SDP for the central park. The boundaries of the central park were established by approved CDP-0501 and Preliminary Plan 4-05080. The master plan roads MC-631, MC-635, MC-632, MC-637, and P-619 surround the central park.

In reviewing the phasing plan submitted as part of this SDP-1003, DPR noticed that the boundaries of the central park phase were incorrect. The applicant included the master-planned collector road MC-635 and the open space area south of this planned road into the central park. The approved boundaries of the central park, at this project area, are limited to the southern edge of the Suitland Parkway extension (MC-631) and to the northern edge of the D'Arcy Road extension (MC-635). The Planning Board determined that the phasing plan should be revised to adjust the boundaries of the phasing for the central park to the northern edge of the master-planned D'Arcy Road extension (MC-635), as shown on the approved Central Park Master Plan.

Dedication to M-NCPPC shall be made as generally reflected on DPR Exhibit A, dated June 7, 2006 of Preliminary Plan of Subdivision 4-04080.

The Planning Board hereby makes the following additional Parks-related findings:

- (1) Prior to certificate approval, the acreage of all areas to be dedicated to The Maryland-National Park and Planning Commission (M-NCPPC) and the specific

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delineation of acreage of the central park should be established and reflected on an M-NCPPC dedication plan based on Staff's Exhibit A (DPR, dated June 7, 2006).

- (2) Unless there is a specific prior condition that requires the applicant to build a stream valley trail other than previously approved neighborhood connections, the applicant should not be required to construct any of the stream valley trail even when the applicant is required to provide a public use easement on homeowners association land. Maintenance and liability associated with the public use easement should be the responsibility of The Maryland-National Capital Park and Planning Commission (M-NCPPC).
  - (3) In accordance with Condition 10(b) of CDP-0501, the applicant is required to develop a schematic design and design development plan. The design development plan is further defined in Condition 23 of CDP-0501 as a Specific Design Plan.
- i. **Special Projects**—The Planning Board reviewed the subject SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance which states, "The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development" and made the following findings:

**Fire and Rescue**

This SDP is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
23	Forestville	8321 Old Marlboro Pike

The required fire and rescue facility has been determined to be adequate.

**Capital Improvement Program (CIP)**

Funding for the replacement of the Forestville Fire/EMS Station with a new three-bay fire/EMS station on Presidential Parkway near Pennsylvania Avenue (MD 4) is allocated in the Prince George's County Capital Budget and Program: Fiscal Years 2011–2016. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan*.

**Police Facilities**

The Special Projects Section has determined that this SDP is located in District II, Bowie. Police facilities have been determined to be adequate.

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#### **Public Schools**

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,565 and \$14,682, to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

#### **Water and Sewerage Findings**

Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan placed this property in water and sewer Category 3, Community System.

The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or as provided as part of the private development with respect to fire and rescue, police facilities, public schools, and water and sewerage facilities.

- j. **Subdivision Review**—The property is the subject of Preliminary Plan of Subdivision 4-05080 (PGCPB Resolution No. 06-64(A)). The resolution of approval was adopted by the Planning Board on August 7, 2006. The preliminary plan is valid until December 31, 2013, pursuant to the adoption of CB-008-2011. The preliminary plan approval is for 1,176 lots for a total of 3,628 dwelling units and 355 parcels.

#### **Site Layout**

The applicant initially proposed substantial revisions to the layout from that which was approved with the preliminary plan of subdivision. Pursuant to Section 24-119(e) of the Subdivision Regulations, the final plat shall be prepared in accordance with the approved preliminary plan of subdivision. Staff suggested the following changes be made to the plan:

- (1) The road network is not consistent with the preliminary plan of subdivision and, while changes to the original preliminary plan alignment are anticipated, there are several inconsistencies that must be addressed. Road G should be realigned such

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that it provides a direct connection between Road B and a stub connection to the adjacent property to the west. Road G must be constructed as a primary residential street within a 60-foot right-of-way. Road E should not have any direct access to Road B and should be realigned to Road D.

- (2) The neo-traditional street pattern approved with the preliminary plan on the east side of D'Arcy Road extended and west of the RM mixed retirement should be reinstated. The new lotting pattern proposed does not conform to a character defining goal of the sector plan which is to link neighborhoods. As proposed, the layout instead isolates neighborhoods and does not provide connectivity and the ability for vehicular and pedestrian links envisioned with the CDP and preliminary plan.
- (3) The overall density of residential development is intended to decrease as the distance from the activity center at the core of the planned community increases. This application does not to meet the plan's intent concerning increased density towards the core. Phase 2, which was approved for 175 single-family detached units with the preliminary plan of subdivision, is now proposed for 130 single-family attached units and 317 one-family attached residential dwelling units with approximately 100 one-family attached residential dwelling units furthest away from the town center backing up to Westphalia Road. This layout and lotting pattern would not have been supported by the Planning Board if it had been proposed at the time of preliminary plan. This constitutes an increase in density in the furthest location from the town core, and a conversion near the core from one-family attached residential dwelling units to single-family. The application has also proposed to remove the multifamily proposed within this phase. Providing a varied product type provides for greater ownership opportunities which are being lost with the current proposal.
- (4) The applicant has proposed to convert a previously approved single-family dwelling unit land bay to one-family attached residential dwelling units. This results in a significant increase in the number of dwelling units located within the high noise impacts (65–70 dBA Ldn) of the Joint Base Andrews flight operations, and is not supported.

The Planning Board found that changes were either made by revisions to the plans or are accomplished by condition of this approval.

#### **Westphalia and MD 4**

Subsequent to the approval of the preliminary plan of subdivision, CR-66-2011 was enacted by the County Council which establishes a frame work for the Public Facilities Financing and Implementation Program (PFFIP) District for the Westphalia Center. This resolution was established to address properties that are required to construct the MD 4/Westphalia Road interchange and interim improvements in order to meet a finding

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of adequacy of transportation facilities. The resolution established the PFFIP District as a funding mechanism for the MD 4/Westphalia Road interchange and interim improvements.

The preliminary plan approval (PGCPB Resolution No. 06-64(A), 4-05080) Condition 42 requires that the applicant construct the interchange and that prior to the issuance of the first building permit the improvements shall have full financial assurances through either private money and/or full funding in the CIP. It was originally thought that the applicant could fulfill this condition by the payment of the fee on a per dwelling unit basis as set forth in CR-66-2011 without a reconsideration of the preliminary plan of subdivision. However, subsequent to that referral, the Legal Department of M-NCPPC has determined that the PFFIP does not constitute full financial assurances as required by Condition 42 (PGCPB Resolution No. 06-64(A)). Therefore, a reconsideration of the preliminary plan of subdivision is in fact required for the use of the PFFIP for the fulfillment of Condition 42. If the reconsideration is not granted, which is at the discretion of the Planning Board, a new preliminary plan of subdivision is required to utilize the PFFIP. County Council Resolution CR-66-2010, Exhibit C, requires that a Westphalia Public Facilities Financing and Implementation Program District Memorandum of Understanding be recorded in land records prior to acceptance of final plats of subdivision.

#### **Suitland Parkway and MD 4**

At the time of approval of the preliminary plan, the intersection of Suitland Parkway and MD 4 was listed in the 2006-2011 State Consolidated Transportation Program (CTP) as being fully funded for upgrade to a grade-separated interchange. Based on the availability of full funding at the time of subdivision approval, the Planning Board found that the intersection would operate adequately with the upgrade to the interchange. Subsequent to that approval, the Maryland Department of Transportation (MDOT) has defunded the project. Pursuant to Section 27-528(a)(2) of the Zoning Ordinance, the Planning Board shall find at the time of approval of the SDP that "the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development." Given the fact that the intersection of Suitland Parkway and MD 4 currently operates inadequately, and there is no funding available in the current CTP to upgrade the facility to an interchange as was previously assumed, the Planning Board was concerned that the proposed development will not be adequately served within a reasonable period of time. Therefore, a condition of this approval requires that, prior to approval of the first final plat for the project, the applicant was required to provide (1) evidence that the design and construction of the interchange of Suitland Parkway and MD 4 are fully funded in the current Maryland Consolidated Transportation Program, or (2) other evidence satisfactory to the Planning Board that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities. At the Planning Board public hearing for the project, the applicant provided evidence which the Planning Board found acceptable pursuant to item 2 above. Therefore, the Planning Board is able to make the required finding referenced above.

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The SDP conforms to the preliminary plan of subdivision as the issues above have been addressed.

- k. **The Department of Public Works and Transportation (DPW&T)** offered numerous comments in a memorandum including the following:
- The county-maintained streets in the development must be constructed in accordance with county standards and consistent with the approved master plan for the vicinity.
  - A signal warrant study will be required at the proposed major, four-lane collector and primary residential roadway intersections.
  - Road right-of-way shall vary at the signalized intersections provide turning lanes.
  - Roadways of the development must be fully coordinated with that adjacent.
  - Right-of-way dedication and frontage improvements along Presidential Parkway and Westphalia Road are required in accordance with DPW&T specifications and standards.
  - Full-width two-inch mill and overlay along road frontages is required. Improvements to Presidential Parkway and Westphalia Road, from MD 4 to the property, are to be constructed to meet the demands of the proposed development.
- Note that DPW&T's requirements are met through their separate permitting process.
- l. **The State Highway Administration (SHA)** indicated that SHA has no comment regarding this plan as all access is to county roads.
- m. **The Washington Suburban Sanitary Commission (WSSC)**, citing the WSSC Pipeline Design Manual, offered the following comments regarding project coordination with other buried utilities:
- No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
  - Longitudinal occupancy of WSSC rights-of-way by other utilities is not permitted.
  - Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at design plan review.
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- Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building, and utility layouts.
- The applicant must provide a separate utility plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
- Upon completion of site construction, utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.
- Unless otherwise noted, all extensions of WSSC systems require a request for hydraulic planning analysis and need to follow the System Extension Permit (SEP) process.

WSSC also offered several general comments regarding commercial sites, citing the WSSC Design Manual for guidance.

Note that WSSC's requirements are met through their separate permitting process.

- n. **Verizon** indicated the following objections to the subject plan:
- (1) A ten-foot public utility easement (PUE) is not shown on the front of every lot free and clear of all obstructions (such as sidewalks, bike paths, storm drains, etc.).
  - (2) A color-coded plan for both wet and dry utilities has not yet been approved or signed by Verizon.
  - (3) There has not yet been a guarantee that no other utility will dominate any part of the public utility for any special purpose (e.g. switch yard, gas meters, or valves) or to be intermixed with wet utilities.
  - (4) It is unclear why a 15-foot PUE is being provided along C-627 and C631. Verizon wants to know why and be assured of a ten-foot useable easement.
  - (5) C631 should have a useable PUE on both, not just one side, of the road.
- o. **The Potomac Electric Power Company (PEPCO)** did not provide comment on the subject project.
- p. **The Prince George's County Fire/EMS Department** offered comments on private road design, needed accessibility, and the location and performance of hydrants. In a
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subsequent email, the Prince George's County Fire/EMS Department stated that the applicant in the subject project shall comply with Subtitle 11-276 of the County Code, which states that private roads shall measure at least 22 feet in width and that roads shall maintain a turning radius of a minimum of 43 feet.

- q. **The Westphalia Sector Development Review Council** stated that they had reviewed the revisions to the plans and had met with a representative of the applicant and have no opposition to SDP-1003 and would like to see the project move forward.
  - r. **The Prince George's County Health Department**, Environmental Engineering Program, conducted a health impact assessment for Smith Home Farm and offered the following comments:
    - (1) A raze permit is required prior to removal of existing houses and buildings on the site. Any hazardous materials located must be removed and properly stored or discarded prior to the structure being razed.
    - (2) Abandoned wells must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller or witnessed by a health department representative.
    - (3) Abandoned septic tanks must be pumped out by a licensed scavenger and either removed or backfilled in place.
    - (4) Indicate the dust and noise control procedures during the construction phases of the site. No dust should cross over the property to impact the neighboring communities.
    - (5) It is recommended that construction vehicles entering the construction site should be directed away from the residential areas surrounding the site. Trucks should not be allowed to line up in residential areas waiting to enter the construction site.
    - (6) There may be noise from Joint Base Andrews as planes fly overhead. Future owners should be told of the potential noise nuisance.
    - (7) Is the community to be connected to the Westphalia Town Center or other communities via biking/walking trails or transit service?
    - (8) Indicate that the site is in compliance with the county's Watershed Implementation Plan (WIP) because of the impervious surfaces.
    - (9) There are currently no healthy food choices/grocery stores within close proximity of the development.
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- s. **Prince George's County Police Department** offered the following regarding Crime Prevention Through Environmental Design (CPTED) principles regarding the location of play areas in the subject SDP:

"One of my pet peeves is the placement of playgrounds and the lack of visibility provided for them. In your portion of the plan I noticed some children's playgrounds. I don't have an issue with these placements as long as sightlines are maintained to the playground from the occupants of the residences nearby (don't hide playground with landscaping, trash receptacles' etc). This CPTED principle is known as Natural surveillance. Natural surveillance limits the opportunity for crime by taking steps to increase the perception that people can be seen. Natural surveillance occurs by designing the placement of physical features, activities and people in such a way as to maximize visibility and foster positive social interaction. Potential offenders feel increased scrutiny and limitations on their escape routes. In a nutshell it is 'seeing and being seen'. Parents can watch their children when they're playing in the designated space while at the same time those persons intent on utilizing the space for other than its intended purpose feel uncomfortable because they can be observed as well."

Final location and design of the four small play areas to be included in the project is recommended to be approved by the Planning Board or its designee and considerations of CPTED principals shall be taken into account in these determinations.

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 2 Tree Conservation Plans (TCP2-008-12, TCP2-009-12, TCP2-010-12, and TCP2-011-12), and further APPROVED Specific Design Plan SDP-1003 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall revise the plans for the project as follows:
    - a. Historic Site 78-013, Blythewood and Cemetery, and its 33-acre environmental setting shall be consistently and correctly indicated throughout the plans for the project and Page 1A shall be included in the landscape set.
    - b. Four copies of the final Phase I and II reports and one copy of the final report (in .pdf [Adobe Acrobat] format) shall be submitted to the Prince George's County Planning Department.
    - c. The applicant and the applicant's heirs, successors, and/or assignees shall submit a revised copy of the comprehensive trails plan incorporating the revised layout, if the layout remains modified from that of the approved preliminary plan of subdivision and comprehensive design plan.
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- d. The applicant shall add the following trail connections onto SDP-1003, per the previously approved comprehensive trails plan (4-05080): (1) provide a trail connection from the Cabin Branch trail to the stormwater management pond access road on Parcel D1; and (2) a homeowners association (HOA) trail connection from MC-631 to C-627 utilizing the access road for Pond B. Such connector trails shall measure a minimum of six feet wide.
- e. The zoning of the subject property shall be correctly described. The zoning map on Page 1 of the SDP plan set shall be corrected to include only the land area covered by SDP-1003 or it shall be removed and the zoning of the subject property shall otherwise be shown on the overall included also on Page 1 of the plan set.
- f. The specific design plan and the landscape plan shall be reworked so that the key map is identical between the three sets of plans (SDP, landscape plan, and TCP2s), and a specific land area per numbered sheet of the plans will be identical between the three sets.
- g. As the subject project is not a phased project, wherever reference is made to Sections 1A, 1B, 2, and 3, the word "phase" shall be replaced by the word "section."
- h. The overall graphic of SDP-1003 on Sheet 1 shall be corrected so that the full extent of the land area covered by the SDP is shown and "boundary limits" are replaced by "property lines" and the entirety of Section 3 is included on the graphic.
- i. The applicant shall submit acceptable traffic signal warrant studies to the Maryland State Highway Administration (SHA) for signalization at the intersections of the Pennsylvania Avenue (MD 4) ramps and Woodyard Road (MD 223) (both the eastbound and the westbound ramps) utilizing new 12-hour counts and has analyzed 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 release of any building permits within the subject property, and install them at a time when directed by that agency.
- j. The applicant shall revise the plans to augment the design program for the smaller recreational areas to be included as follows:

In accordance with the guidance of the Parks and Recreational Facilities Guidelines, each of the three smaller recreational areas shall include the following as specified for playground areas, with final location and design to be approved by the Urban Design Section as designee of the Planning Board:

- (1) Each play area shall include a minimum 2,400-square-foot tot lot and a 5,000-square-foot pre-teen lot.
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- (2) Each play area, which shall provide some shaded areas, shall contain a variety of play equipment providing a minimum of three play opportunities, as defined in the guidelines. A single play structure shall be insufficient to constitute a combined tot lot/pre-teen lot.
  - (3) Each play area shall include, at a minimum, three benches that shall have galvanized legs to be anchored in concrete.
- k. The applicant shall present staff with evidence that Specific Design Plan SDP-1002 has been certified in accordance with the final approval in the case.
- l. All private streets shall measure, at a minimum, 22 feet in width curb face to face.
- m. A sequential platting plan per Section 24-119.01(e)(2) of the Subdivision Regulations shall be provided in the plan set to ensure orderly development of the subject property.
- n. General Note 2 shall be revised to reflect the final acreage included in the subject SDP. General Note 3 shall be revised to reflect the zoning of the site as R-M. General Note 15 shall be amended to include the approval of CDP-0501-02.
- o. Information regarding the acreage and zoning of the entire Smith Home Farm property (757 acres/R-M and L-A-C) shall be included on the overall graphic provided on Sheet 1A of the SDP set.
- p. An elevation of the proposed modular block retaining wall shall be included on Sheet 30, details of the SDP set. Such detail shall be approved by the Urban Design Section as designee of the Planning Board.
- q. At the time of acceptance of the specific design plan for signage and monumentation, the applicant shall submit a final landscape plan for the stormwater management ponds. Final design shall be approved by the Urban Design Section as designee of the Planning Board. Enhancements of not more than ten percent above the Department of Public Works and Transportation's (DPW&T) standard landscaping requirements may be required.
- r. Prior to signature approval, the layout of the specific design plan shall be revised as follows:
  - (1) The applicant shall submit evidence that the soils in Section 1A (Sheets 19 and 22) do not permit the construction of three multifamily buildings as shown on approved Preliminary Plan of Subdivision 4-05080 or that single-family attached units cannot replace the multifamily buildings. Otherwise, multifamily buildings and/or single-family attached units shall be shown.

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- (2) Dead end and cul-de-sac streets shall be utilized only where it can be affirmatively demonstrated to staff as designee of the Planning Board that a suitable grid pattern alternative cannot be utilized for that particular location and adequate turnarounds are provided at each such termination of a street. This may result in loss of lots.
- (3) Lotting patterns shall be modified to restore central green open area embedded in development pods as follows: (1) An additional 27,000 square feet for a total of 48,500 square feet of open space in Section 2 and applicant will eliminate the total previously planned to be located in Section 2. (2) A minimum additional 12,500 square feet for a total of 25,000 square feet of open space in Section 3.
- (4) The previously approved single-family detached dwelling unit land bay at the northern end of Section 2 shall replace the currently proposed one-family attached residential dwelling units. The land bay to the south shall be converted to one-family attached residential dwelling units.

Final redesign of the specific design plan in the above respects shall be approved by the Urban Design Section as designee of the Planning Board.

- s. The applicant shall revise the section plan to add the boundary of the central park to the northern side of master-planned D'Arcy Road extension (MC-635) as shown on attached Exhibit B.
  - t. The applicant shall revise the SDP-1003 plans to designate retention of all tributaries of the Cabin Branch Stream Valley within the scope of this SDP by the homeowners association (HOA) consistent with Preliminary Plan Exhibit A (DPR, dated June 7, 2006). This condition is subject to the finding that determined the provision of public use easements on homeowners association land.
2. Prior to issuance of the first grading permit for the project, the applicant shall process and have approved a revision to the final approval of Specific Design Plan SDP-1003, if and as necessary to make the specific design plan conform to the requirements of the final Planning Board resolution or District Council order in approval of the following currently pending applications: Comprehensive Design Plan CDP-0501-02 and Specific Design Plans SDP-1002 and SDP-0506-02.
  3. Prior to 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 issuance of the 400th residential building permit, the community building shall be complete and open to residents.
  4. If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to 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
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residents. The exact size, timing of construction, and completion of the additional community buildings shall be established by the Planning Board at the time of appropriate SDP approvals.

5. Prior to issuance of each residential building permit for construction of a unit within the 65 dBA Ldn line, plans for that building shall be certified by an acoustical engineer stating that internal noise levels shall be 45 dBA Ldn or less.
6. The SDP for the central park shall include an appropriate location and design of facilities for a trailhead for the Cabin Branch Trail as part of its design program.
7. Unless the timing is modified by the District Council, the applicant shall submit the required SDP for the central park to be approved by the Planning Board, prior to issuance of the 90th building permit.
8. The recreational facilities to be included in the subject project shall be bonded and constructed in accordance with the following schedule:

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify 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.		

9. At the time of approval of an umbrella architecture specific design plan for the subject project, the individual single-family detached units shall be dimensioned on a template sheet. Also in that application, set back requirements shall be established for additions, such as decks.
10. Prior to certification of the SDP, the SDP and TCP2s shall be revised to show the primary management area (PMA) as shown on the approved natural resources inventory (NRI) and the difference in total area between the plans shall be reconciled.
11. Prior to signature approval of the SDP and TCP2s, the SDP and TCP2s shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay which may affect the future location of proposed structures. If there is no Marlboro clay 1.5 safety factor line or 25-foot

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setback affecting the phase or phases under review, a note shall be added to the general notes of the SDP and TCP2s which states that.

12. Prior to signature approval of the SDP, the SDP and the TCP2s shall be revised to show the noise contours associated with Joint Base Andrews Naval Air Facility Washington as depicted on the latest Air Installation Compatibility Use Zone Study (2009) and a note shall be added to the SDP and TCP2s indicating the source of the noise contours delineated.
  13. Prior to certificate approval of the SDP, the proposed dedication of any open space parcel to The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall be labeled on the SDP and TCP2s.
  14. Prior to certification of the SDP, the TCP2s shall be revised to show the retention of existing woodland within the viewshed of historic Westphalia Road to be a minimum of 100 feet.
  15. Prior to certificate approval of the SDP, the TCPs shall be revised to include a corrected overall woodland conservation worksheet as follows:
    - a. Demonstrate that the worksheet accurately reflects the woodland conservation areas proposed on-site for Phases 1A, 1B, 2, and 3 after technical revisions are made to the TCP2s, and confirm how much woodland conservation is being provided on individual phases in the overall worksheet.
    - b. Eliminate any woodland conservation outside the 100-year floodplain on land to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the central park area.
    - c. Eliminate any off-site woodland conservation requirement on land to be dedicated to M-NCPPC for the central park area. The total off-site woodland conservation requirement for the Smith Home Farm development shall be distributed proportionally based on the net tract area between all of the sections of the development which will not be dedicated to M-NCPPC, with the exception of the TCPIIs for Infrastructure 1 (TCPII-057-06) and Infrastructure 2.
    - d. Demonstrate how the entire woodland conservation requirement for the development will be met in conformance to the requirements of the Woodland Conservation Ordinance and the Forest Conservation Act.
  16. Prior to issuance of grading permits for any phases of the Smith Home Farm site, the applicant must demonstrate how the woodland conservation requirements will be implemented by bonding of afforestation/reforestation requirements, and/or submitting recorded transfer certificates for off-site woodland conservation requirements. The location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6) of the Subdivision Regulations: within the same eight-digit sub-watershed (Cabin Branch), within the
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same watershed (Western Branch), within the same river basin (Patuxent), within the same growth policy tier (Developing), or within Prince George's County. The applicant shall demonstrate to the Planning Director or its designee due diligence in seeking out appropriate location opportunities for off-site woodland.

17. Prior to certification of the SDP, the TCP2 shall be revised as follows:
  - a. The quantities shown in the overall woodland conservation worksheet shall reflect the most current approved TCP2 for all sections included.
  - b. The section lines shown on the cover sheet shall conform to the section lines shown for all previously approved specific design plans.
18. Prior to certificate approval of the SDP, the TCP2 shall be revised to develop individual plan sets for each designated section. The TCP2s for SDP-1003 and all future TCPs associated with this development shall be consistent with regard to the following elements. Individual plan sets shall be provided for each designated TCP.
  - a. A cover sheet based on the cover sheet (Sheet 1) submitted with this document showing revisions, corrections, and additional information as follows:
    - (1) A note shall be added to the plan which states that the noise contours shown on the cover sheet reflect the Joint Base Andrews Naval Air Facility Washington, Joint Land Use Study (December 2009).
    - (2) A note shall be added to the plan which indicates that Westphalia Road is a designated historic road.
    - (3) The phasing lines shown on the plan must accurately reflect the phasing proposed in the SDP.
    - (4) The general notes must indicate the presence of Marlboro clay on the property.
    - (5) A sheet key shall be provided which includes phasing lines for reference.
    - (6) Each section will be delineated and labeled with an SDP number, TCP number, and gross tract area (GTA).
    - (7) The park will be labeled "central park" for clarification.
    - (8) The woodland summary table shall be correctly labeled "woodland retained-not credited" and terminology used on the TCP2s shall be consistent with the Environmental Technical Manual.

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- (9) The woodland conservation summary tables shall be revised to limit the areas shown to those that are being approved with the current TCP2 application.
  - (10) The woodland conservation summary tables shall correctly reference sections that are shown on the phasing and location map.
  - (11) An approval block for the phase covered shall be provided on the cover sheet and on all appropriate sheets that include areas of that phase with the correct assigned TCP2 number.
- b. A details, notes, and computations sheet based on Sheet 2 submitted with the current application showing the following revisions, corrections, or additional information:
- (1) The woodland conservation worksheet shall be labeled "overall woodland conservation worksheet," and the most recently approved version of the overall worksheet, as revised for the current application, shall be included.
  - (2) Individual worksheets for a "TCP2 with a Prior TCP1 Approval" shall be included on each TCP2 plan set.
  - (3) The timing matrix/location shall be removed from the plan. All information with regard to the sequence of woodland conservation requirements shall be included in the overall woodland conservation summary table.
- c. Individual TCP plan sheets shall be provided which correspond directly with the sections of the SDP in this application. To the extent possible, plan sheet boundaries shall correspond with the limits of phases for ease of review and revision. Each plan sheet shall include the following revisions, corrections, or additional information:
- (1) All plan sheets shall include a legend.
  - (2) All plan sheets shall include labeling which allows for identification of what phase the sheet is located in. The phasing labels shown on the plan sheet shall conform to the phasing names on the cover sheet and in the overall woodland conservation worksheet.
  - (3) All plan sheets shall include a TCP2 approval block for the phase addressed on the sheet.
  - (4) Each plan sheet shall identify and label all woodland conservation areas and their associated acreage. A separate summary table shall be provided for each methodology by section in an appropriate location in the plan set.
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- d. A details, notes, and computations sheet based on Sheet 49 submitted with the current application which includes the following revisions, corrections, or additional information:
    - (1) An approval block shall be included for the TCP2 with the correct number.
    - (2) A detail shall be provided showing how the reforestation area sign can be attached to the permanent (split rail) tree preservation fence.
    - (3) The temporary tree protection fence shall indicate that the use of timber cross bracing is optional.
  - e. A details, notes, and computations sheet based on Sheet 50 submitted with the current application which includes the following revisions, corrections, or additional information:
    - (1) Indicate in the Specimen Tree Table what section each specimen tree is located in, and graphically identify with the current table which trees are proposed to be removed under the current application, or reduce the specimen tree table to only those trees impacted by the current application.
    - (2) The term "remove" should be used with regards to disposition of the tree, not "clear."
    - (3) The note which reads "These trees were cleared as part of Type II Tree Conservation Plan TCP11-57-06" shall be removed from the plan.
    - (4) The tree canopy coverage schedule shall be removed and placed on the landscape plan.
  - f. A details, notes, and computation sheet based on Sheet 52 submitted with this plan with the following revisions, corrections, or additional information:
    - (1) Only the planting schedules for the afforestation/reforestation area under review with the appropriate TCP2 shall be included.
    - (2) All planting area schedules shall be identified by the phase they are located in.
    - (3) Provide a summary planting schedule for all planting proposed as part of the TCP plan approval.
19. Prior to certification of the SDP, the TCP shall be revised in accordance with the following design guidelines:
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- a. In areas of one-family attached residential dwelling unit lots, a ten-foot-wide clear zone outside the property limits of one-family attached residential dwelling unit sticks shall be maintained.
    - b. When afforestation/reforestation areas overlap with proposed landscaping in designated woodland conservation areas, the landscaping elements shall be shown on the TCP2 plan so coordination can occur between the planting. If landscape materials are provided in lieu of the seedling planting proposed in the plant schedule for woodland conservation areas, then a stocking rate equivalent to 400 caliper inches per acre shall be demonstrated.
    - c. Where afforestation/reforestation is proposed adjacent to the right-of-way, the afforestation/reforestation shall be extended to the edge of the public utility easement whenever feasible.
  20. Prior to certification of the SDP, consistency between the SDP, TCP2, and stormwater management concept approval plans shall be confirmed.
  21. Prior to issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  22. All future specific design plans for the project shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include a breakdown of each type of housing units approved, the specific design plan number, and the Planning Board resolution number.
  23. A raze permit is required prior to 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 release of the grading permit.
  24. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with Code of Maryland Regulations (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 shown on the plan.
  25. 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 shown on the plan.
  26. All trails shall be constructed to assure dry passage. If wet areas (i.e. stream crossings and wetlands) must be traversed, suitable structures shall be constructed. Designs for any needed
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structures shall be reviewed by the Department of Parks and Recreation (DPR) for trails on The Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland.

27. Prior to signature approval of the plans, the applicant shall submit acceptable traffic signal warrant studies for the intersection of MC-631/Presidential Parkway to the Department of Public Works and Transportation (DPW&T). The applicant shall use a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to release of any building permits within the subject property and shall install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any physical improvement needed to ensure adequate and safe operation.
28. Prior to signature approval, all proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," as part of the preliminary plan of subdivision approval located in Sections 1A, 1B, 2, and 3 shall be reflected on the subject specific design plan and verified by Transportation Planning staff. Installation of such devices on public roads must have conceptual approval of DPW&T prior to signature approval of the specific design plan, unless modified by DPW&T.
29. All proposed transit facilities, as shown on the plan "Transit Plan—Smith Farm," as part of the preliminary plan of subdivision approval located in Sections 1A, 1B, 2, and 3 shall be reflected on the subject specific design plan prior to signature approval of the specific design plan.
30. Prior to acceptance of final plats for the project:
  - a. A reconsideration of the preliminary plan of subdivision shall be granted and approved to be able to use the Public Facility Financing and Improvement Program (PFFIP) District for fulfillment of Condition 42 (PGCPB Resolution No. 06-64(A)) regarding the construction of the MD 4/Westphalia Road interchange. If the reconsideration is not granted, which is at the discretion of the Planning Board, a new preliminary plan of subdivision is required to utilize the PFFIP (County Council Resolution CR-66-2010); and
  - b. The Westphalia Facilities Financing and Implementation Program District Memorandum of Understanding (CR-66-2010) shall be recorded in land records and the liber folio reflected on the final plat(s).
31. Prior to certification of the SDP, the applicant shall demonstrate that all of the primary management area (PMA) impacts shown on SDP-1003 are in substantial conceptual conformance with those approved by the Planning Board at the time of preliminary plan of subdivision.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 8, 2012, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 29th day of March 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department  
Date 4/2/12