



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2022-13

File No. CDP-0501-03

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on March 10, 2022, regarding Comprehensive Design Plan CDP-0501-03 for Parkside, Section 7, the Planning Board finds:

1. **Request:** This amendment to Comprehensive Design Plan CDP-0501 consists of multiple requests, as follows:
 - a. To increase the density/number of units of the market-rate single-family dwellings in the Residential Medium Development (R-M) Zone from previously approved 2,124 units to 2,273 units (a 149-unit increase).
 - b. To reduce the acreage of the Local Activity Center (L-A-C) Zone designated for the commercial component to 3.1 acres and the gross floor area of the commercial/retail development to 32,000 square feet.
 - c. To replace the previously approved 300 multifamily dwelling units in the L-A-C Zone with 194 townhouses.
 - d. To reduce the density/number of dwelling units of the mixed-retirement development (MRD) in the Residential Medium Development (R-M) Zone to 284 units and completely remove MRD units from Section 7.
 - e. To delete Condition 25, which states as follows:

Prior to issuance of the 2,113th building permit in the R-M or L-A-C zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.

The remaining conditions attached to the prior approval of CDP-0501, as amended with CDP-0501-01 and CDP-0501-02 (except for Condition 25) remain unchanged, valid, and will govern development of the Parkside project.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	TOTAL PROPOSED	APPROVED Within Section 7
Zone(s)	R-M/L-A-C/ M-I-O	R-M/L-A-C/ M-I-O	
Use(s)	Residential, Commercial, Retail	Residential, Commercial, Retail	Residential, Commercial, Retail
Acreage	757	760.93*	113.51
Dwelling units	3,648	2,751**	639
of which R-M Zone - Residential	2,124	2,273	445
R-M Zone – Mixed Retirement Development	1,224	284	-
L-A-C Zone - Multifamily	300	194 (Townhouses)	194 (Townhouses)
Commercial/retail uses - Gross floor area in square feet	170,000	32,000	32,000

Note: *Acreage has been adjusted per actual boundary surveys prepared since the initial CDP-0501 approval.

**A total net reduction of 897 dwelling units from that approved with CDP-0501.

3. **Location:** The subject property is a large tract of land that originally consisted of wooded, undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 760.93 acres, within Planning Area 78, Council District 6. The 113.51 acres of land included in Section 7 is located predominantly north of Central Park Drive, east of the existing Sections 3 and 4, in the north easternmost corner of the larger Parkside (previously known as Smith Home Farm) development.
4. **Surrounding Uses:** The site is bounded to the north by existing subdivisions and undeveloped land in the Rural Residential (R-R), Residential-Agricultural (R-A), Commercial Miscellaneous (C-M), Commercial Office, and Townhouse Zones; to the east by a large residential subdivision known as Marlboro Ridge (formerly Village of Claggett Farm) and scattered undeveloped land in the R-R and R-A Zones; to the south by a planned large development known as Westphalia Town Center in the Mixed Use-Transportation Oriented (M-X-T) Zone, 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 M-X-T Zones. Most of the property is also covered by the Military Installation Overlay (M-I-O) Zone, as it is located in the vicinity of Joint Base Andrews.

5. **Previous Approvals:** On September 29, 2005, the Prince George's County Planning Board recommended approval of Zoning Map Amendment applications A-9965 and A-9966, that requested a rezoning of the subject 757-acre +/- property from R-A to R-M including a mixed-retirement development, and to the L-A-C Zone with residential and commercial components, subject to 19 conditions. On October 7, 2005, the Prince George's County Zoning Hearing Examiner (ZHE) heard A-9965 and A-9966, and on October 26, 2005, recommended approval, with two conditions, which included all of the conditions of approval of the Planning Board as sub-conditions. On the same date, the ZHE's decisions on A-9965 and A-9966 were also filed with the Prince George's County District Council. The District Council finally approved both applications on February 13, 2006 by Zoning Ordinances 4-2006 and 5-2006, and the approving ordinances became effective on March 9, 2006. Both Zoning Ordinances were then revised by the District Council on the basis of mistake or inadvertence, via applications A-9965-C and A-9966-C, with final approval dated August 18, 2006.

On February 23, 2006, the Planning Board approved CDP-0501 (PGCPB Resolution No. 06-56(C)) for the entire Smith Home Farm project with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On May 12, 2012, the District Council affirmed the Planning Board's decision on CDP-0501-01 (PGCPB Resolution No. 11-112) to amend Condition 3 regarding construction of the MD 4/Westphalia Road interchange; to amend Condition 7 regarding the location and size of the proposed community center and pool; and to amend Condition 16 regarding the size of the market-rate, single-family, attached lots in the R-M Zone, with five conditions.

On March 28, 2016, the District Council approved a reconsideration of approved CDP-0501 specifically related to Conditions 10, 11, 24, 31, and 32; to findings related to services for the design, grading, and constriction of the Westphalia Central Park; and to issuance of building permits for development of the subject property, with 31 conditions.

In addition to the prior approvals for the site, two later actions by the District Council have revised several conditions of CDP-0501. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16) near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet in Amendment 1 and further, in the resolution, established a minimum lot size for single-family attached dwellings in the R-M Zone to be 1,300 square feet; established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8; and further clarified the intent of the District Council regarding Conditions 10–23 in CDP-0501 for Smith Home Farm to require submission of a specific design plan (SDP) for the Central Park following approval of the Westphalia Sector Plan and SMA, and not as the second SDP, as stated in Condition 23.

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

On February 20, 2020, the Planning Board approved CDP-0501-02, which revised Condition 25, attached to the original CDP-0501 approval by the District Council, to change the trigger from the issuance of the 2,000th building permit to the 2,113th permit. The applicant requests to delete this condition as part of this CDP amendment (see findings below).

6. **Design Features:** This amendment to the previously approved CDP-0501 will physically impact only 113.51 acres of land, known as Section 7, under the ownership of Dan Ryan Builders Mid-Atlantic, LLC, with no impact to the remaining conditions (except for Condition 25) of the prior approvals, which are still valid and govern development of the entire property.

Ownership of the property changed since the original CDP approval in 2005. The original owner of the entire site, DASC, LLC, sold approximately 646 acres of the R-M-zoned portion in 2011 to SHF Project Owner, LLC. CDP-0501 approved a total of 3,648 residential units, of which 300 units were to be in the L-A-C Zone, which was sold recently to the current owner.

As of the preparation of this resolution, more than 1,000 residential permits have been issued for single-family detached and attached homes in the larger Parkside development, with multiple SDP approvals. The land for major roadways and the central park has been dedicated that reduces the overall land previously designated for development. No SDPs or permits for either multifamily dwellings or commercial/retail uses have been approved or issued. The requested revisions will rearrange the development schemes within the 113.51-acre Section 7, to allow for a total of 639 dwelling units, including 445 dwelling units in the R-M Zone and 194 townhouses in the L-A-C Zone. Previously approved design standards, as included in the original CDP-0501, and further revised in CDP-0501-01 and the special purpose SDP governing both single-family detached and single-family attached (townhouses) dwelling units, will still be valid for the proposed 639 dwelling units.

For the setback of the homeowner minor improvements, such as a deck in the rear yards, the encroachment into the rear yard setback can be up to 10 feet for both the single-family detached and attached lots, as shown in this amendment.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments (Basic Plans) A-9965 and A-9966:** The District Council heard the ZMA applications on January 23, 2006 and affirmed the ZHE's recommendations of approval with two conditions, which include most of the Planning Board's conditions of approval with only a few modifications. The District Council's approval became effective on

February 13, 2006, with a total of three conditions. The District Council finally approved both ZMA applications on February 13, 2006 (Zoning Ordinances 4-2006 and 5-2006), and the approving Ordinances became effective on March 9, 2006. The Ordinances were subsequently revised later that year to address minor mistakes (A-9965-C and A-9966-C). A-9965-C contained approximately 727 acres and A-9966-C contained approximately 30 acres. The District Council directed that the basic plans for both 4-2006 and 5-2006 be revised with the development quantities and densities discussed below:

1. The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:

A. Land use types and quantities [for both A-9965-C and A-9966-C]:

- **Total area: 757± acres**
- **Land in the 100-year floodplain: 105 acres**
- **Adjusted Gross Area (757 acres less half the floodplain): 704± acres**

R-M Zone Proposed Land Use Types and Quantities [A-9965-C]:

- **Total area: 727± acres**
Of which residential use: 572.4 acres
Mixed Retirement Development: 154.6 acres
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 units**
- **Density permitted in a Mixed-Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 units**
- **Proposed Residential Development: 1,224 units**

L-A-C Zone Proposed Land Use Types and Quantities [A-9966-C]:

- **Total area: 30± acres**
Of which Theoretical Commercial/Retail: 10.7 acres
Theoretical residential use: 19.3 acres

- **Residential density permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac**
- **Permitted dwelling unit range: 193 to 386 units**
- **Proposed Residential Development: 300 units**
- **Commercial density permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68 FAR**
- **Permitted gross floor area range: 93,218 to 316,943 square feet**
- **Proposed Commercial Development: 140,000 square feet**
- **Public accessible active open space: 75± acres**
- **Passive open space: 185± acres**

Comprehensive design zones (CDZs) in Prince George's County are analogous to the planned unit development technique in other parts of the United States that provides great flexibility compared with Euclidean zoning devices, and promotes innovative and creative design, environmental conservation and affordable housing, and clustering and increased density. When the District Council approves a CDZ, it may specify particular permitted land use types, minimum and maximum ranges of dwelling unit densities and commercial intensities, limitations on uses, and related planning and development guidelines. The District Council may also impose reasonable requirements and safeguards to protect surrounding properties and ensure a harmonious development. The District Council's approvals are encompassed in, and become part of, the basic plan along with other planning considerations depicted on the plan, such as the location of environmental features, vehicular and pedestrian circulation patterns and access points, areas remaining free of development, and a forest stand delineation. With this in consideration, each development project should be viewed as an opportunity to implement the vision of the approved basic plan.

Even though the requests in this application are significantly different from the original CDP-0501, the overall development densities as proposed are still within the development density ranges of the basic plans, as approved by the District Council. The total number of dwelling units has been reduced by 897 units from the original CDP, but the proposed total of 2,273 units in this CDP amendment is within the permitted dwelling unit range of 1,877 to 2,973 units for market-rate, single-family residential units.

Since the original approval of this project in 2005, many additional developments including the Westphalia Town Center project, a mixed-use development including up to 5.9 million square feet of commercial/retail spaces and up to 5,000 dwelling units that is adjacent to the south, have been approved in the Westphalia area. As discussed

previously, the land area for all major roadways and the central park in the basic plans of this project has been dedicated and most of them are under construction. This significantly reduces the developable area for the L-A-C-zoned portion of Section 7. The basic plan designated approximately 30 acres in the L-A-C Zone and theoretically calculated the land areas for residential and commercial uses, respectively. After the dedication of 6.8 acres for the central park and 5.3 acres for the master plan roadway (Central Park Drive), only 18.4 acres of land is left for the local activity center development. Given the location of this designated local activity center, which is approximately one-mile north of the Westphalia Town Center, the proposed 32,000 square feet for commercial/retail use on 3.1 acres of L-A-C-zoned land has an FAR of 0.23 which conforms to the minimum 0.2 FAR required by the basic plan and achieves the purposes of the L-A-C Zone. Therefore, the Planning Board finds that the commercial proposal is in conformance with the basic plan.

For the residential component of the L-A-C Zone, the basic plan also approved a range of 193–386 residential dwelling units, preferably multifamily units. This application proposes 194 townhouses that is within the development range approved by the basic plan.

In accordance with Section 27-478 of the Zoning Ordinance, development in CDZs is subject to a three-phase plan review, including basic plan, CDP, and SDP. Each low-level approval must conform to the governing high-level approval and therefore the CDP must be consistent with the approved basic plans, in terms of development quantities, densities, and spatial relationship among each use.

The revisions proposed in this CDP amendment are in conformance with the land use quantities and densities, as well as the general spatial relationship, as reflected in the approved governing Basic Plans **A-9965 and A-9966, subject to the proposed conditions.**

The rest of the conditions attached to the basic plan approvals were fulfilled at the time of the CDP-0501, CDP-0501-01, and CDP-0501-02 approvals, respectively.

8. **Prince George's County Zoning Ordinance:** The requirements of the Zoning Ordinance governing development in the R-M, the L-A-C, and M-I-O Zones are:
 - a. **Density Increments:** At time of the original CDP-0501 approval, the applicant provided a justification to request density increments, pursuant to factors listed in Section 27-509(b) and (c) of the Prince George's County Zoning Ordinance in the R-M Zone, for both regular market-rate and Mixed Retirement Development components, and Section 27-496(b) of the Zoning Ordinance in the L-A-C Zone for both residential and commercial components. Most of the revisions in this application request decreases in density and intensity, except for a slight increase to the R-M-zoned market-rate dwelling units. The following discussions document the analysis and density

increment for the market-rate residential units in the R-M-zoned portion of the project, as follows:

R-M (Medium 3.6) ZONE RESIDENTIAL UNITS

Base density 3.6 dwelling units (DUs)/acre	1,885 units
Maximum density 5.7 DUs/acre	2,984 units
Density requested 4.34 DUs/acre	2,273 units
Density increment requested 20.6% (emphasis added)	388 units

Section 27-509(b), Regulations, of the Zoning Ordinance, provides the specific public benefit features and density increment factors that can be considered in granting density increments. This project was previously approved for a density increment of 282 units, or 13.2 percent, in the original CDP-0501 approval. The specific factors are utilized, as follows:

- (1) For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units. (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property.)**

The applicant is requesting a density increment using this factor with this CDP amendment. None was previously granted using this factor.

- (2) For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5% in dwelling units.**

The applicant did not request a density increment using this factor.

- (3) For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant did not request a density increment using this factor.

- (4) For recreational development of open space (including minimum improvement of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10% in dwelling units.**

The applicant was previously granted a 10 percent (188 units) density increment in dwelling units using this factor.

- (5) **For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**

The applicant did not request a density increment using this factor.

- (6) **For creating activity centers with space provided for quasi-public services (such as churches, day care center for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10 percent in dwelling units.**

The applicant was previously granted a 5 percent (94 units) density increment in dwelling units using this factor.

- (7) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5 percent in dwelling units.**

The applicant has not requested a density increment using this factor.

For this application, an additional density increment of 141 units, or 7.4 percent from the previously approved 13.2 percent, is requested to allow a total of 388 units (20.6 percent) through density increment factors. The applicant proposes a total of 2,751 units which, per the above, require 96.3 acres of open space, in order to meet the requirements for this increment factor ($2,751 \text{ DU}/100 = 27.5 \text{ DU} * 3.5 \text{ acres/DU} = 96.3 \text{ acres}$). Throughout the larger development, there are over 280 acres of open space, including a grand central park proposed, of which over 180 acres are primary management areas (PMAs), and thus includes the natural features of which this increment factor targets. The quantity of open space proposed far exceeds the amount required for the full density increment credit and thus the credit should be granted. This application requests only a 7.4 percent increase from the maximum 25 percent allowed. The Planning Board approves this density increment because the new total development, as the result of this CDP, is still within the development limits established in the basic plan approval for the R-M-zoned market-rate single-family residential units.

- b. **Development Standards:** A comprehensive set of development standards for both single-family detached and attached units have been approved with CDP-0501, CDP-0501-01, and the special purpose SDP, for the entire Parkside development. This application only includes the revision to Condition 25 of the District Council's Order. The rest of the development standards, as approved in CDP-0501, CDP-0501-01, and the special purpose SDP remain valid and will govern the development of this Section 7.
- c. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the Zoning Ordinance requires that the Planning Board find conformance with the following findings for approval of a CDP:

- (1) The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The proposed amendment is in conformance with the basic plans, per Section 27-195 of the Zoning Ordinance. As discussed above, the revisions requested in this CDP amendment are significantly different from the development proposed in CDP-0501, but most of them are still within the development ranges of the governing basic plans, as approved by the District Council, including land use type and quantities, densities, and spatial relationship among uses.

However, most of the proposed revisions decrease the original development densities, resulting in significantly reduced contributions to both the PFFIP and Park Club. The PFFIP and Park Club are the two main financial mechanisms that are essential to the improvement of public infrastructure for the success of this development. For example, with the removal of 897 dwelling units, more than \$3 million of park funds, without factoring inflation, will be gone. This is based on the original park club fee rate established with CDP-0501 of \$3,500 per unit times 897 units equals \$3.13 million, without inflation.

- (2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The flexibility inherent in the CDZs, such as the R-M and L-A-C Zones in this application, will allow the applicant to produce a much better environment than in regular Euclidean zones and to achieve high standards for the development. This CDP will create a better environment when compared to the existing development in the Westphalia area. The proposed CDP will have approximately one-third of the larger property preserved in green open space, including a large central park, which is currently under construction. However, Section 7 will result in a scale that is much smaller than what was approved in the original CDP-0501.

- (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

Approval is warranted because even though the amended CDP includes design elements and a land use vision that are significantly different from the previously approved CDP-0501, the changes are still within the development density ranges, as approved in A-9965 and A-9966, as discussed in detail in Finding 7 above.

(4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

The proposed Section 7, which is part of Section 4 of the original CDP-0501, will be governed by the same design guidelines that direct the development of the adjoining approved sections, including Section 3 and the remaining Section 4 to the west, as well as central park to the south. The development of Section 7 will be compatible with the immediate surrounding land uses and zoning because it will be governed by the same development standards approved with the original CDP-0501.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

(B) Building setbacks from streets and abutting land uses; and

(C) Circulation access points;

Even though the overall intensity and density will be reduced in this CDP amendment, the development in this section will be a comprehensively planned community with various housing types, extensive facilities and amenities, and a small amount of commercial and retail uses that are interconnected by the extensive internal circulation system and an extensive pedestrian network consisting of a stream valley trail system and sidewalks.

Additional development standards, as approved in a special purpose SDP, along with those in the original approval, will ensure that the proposed development will be of high quality. The land uses and facilities covered by this CDP amendment will be compatible with each other in relation to the amount of building coverage and open space, building setbacks from streets and abutting land uses, and circulation access points.

(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

A total of 639 dwelling units and 32,000 square feet of commercial/retail uses are included in this CDP for future Section 7, which will be developed in multiple phases. A condition has been included herein requiring the applicant to provide a detailed staging plan to ensure that each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability.

(7) The staging of development will not be an unreasonable burden on available public facilities;

The Planning Board finds that the proposed development will not be an unreasonable burden on available transportation facilities.

Based on a memorandum (Thompson to Zhang, November 12, 2021) that reviewed the water and sewer category, fire and rescue, police facilities and public schools, the Planning Board finds that the development proposed in this application will not be an unreasonable burden on the available public facilities. Further adequate public facility tests will be carried out at the time of approval of a preliminary plan of subdivision (PPS).

(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The larger development site contains a Historic Site, 78-013, Blythewood. The original CDP-0501 approval has a detailed discussion on the adaptive use of that site, which fulfilled this finding. This CDP amendment does not affect those prior findings.

(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and

This CDP amendment does not propose any additional design guidelines. The proposed development in Section 7 will be governed by the design guidelines approved in both CDP-0501 and CDP-0501-01. This finding has been met with the approvals of CDP-0501 and CDP-0501-01.

(10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;

The Planning Board finds that the amended CDP is in conformance with revised Type I Tree Conservation Plan TCPI-038-05-03 and previous approvals of TCPI-038-05 governing the entire larger development property.

(11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5);

This application does not change the previous findings regarding conformance with this requirement.

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

Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a CDZ application as part of an SMA. This provision is not applicable to the subject application because the property was rezoned through two basic plan applications, not through an SMA.

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

This provision is not applicable to the subject application because Parkside is not a regional urban community.

- d. **Military Installation Overlay Zone:** This application is located within the M-I-O Zone for both Height and Noise. Pursuant to Section 27-548.54, Requirements for Height, of the Zoning Ordinance, the applicant must meet the applicable requirements for properties located in Right Runway Area Label: E Conical Surface (20:1). Pursuant to Section 27-548.55, Requirements for Noise, the applicant must meet the applicable requirements for Noise Intensity Zone Area Label: 60 db–74 db. Conformance with the applicable requirements of the M-I-O Zone will be reviewed at the time of SDP that shows uses and buildings.

9. **Comprehensive Design Plan CDP-0501 and its amendment:** The District Council approved both CDP-0501 and CDP-0501-01 with 34 and 5 conditions, respectively. The District Council also approved a reconsideration of conditions in 2016, as discussed in detail in Finding 5 above. This application has not altered any previous findings and is limited to a request to remove Condition 25, as stated in the District Council Order, as it relates to the timing for development of a certain amount of commercial/retail gross floor area. Specifically, Condition 25 states:

25. Prior to issuance of the 2,113th building permit in the R-M or L-A-C zoned land, a minimum 70,000 square feet of the proposed commercial gross floor area in the L-A-C Zone shall be constructed.

The rationale behind Condition 25 is to ensure certain uses and services that complete a master-planned neighborhood, such as Parkside, will develop in concurrence with the residential uses. Those service uses, as included in this CDP amendment as commercial/retail uses, have been reduced to 32,000 square feet. Nevertheless, this basic rationale is not changed. The Planning Board approves that the condition be revised to tie to the development of Section 7, that is under the same land ownership, to fulfill the purposes of the CDZs, as follows:

25. Prior to the approval of the 480th residential building permit in Section 7, a minimum 16,000 square feet of commercial gross floor area shall be constructed in the Local Activity Center Zone.

This revised condition will ensure that half of the commercial/retail square footage will be constructed when 75 percent of the residential units have been approved.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and Tree Canopy Coverage Ordinance:** This revision to the previously approved CDP has been reviewed for conformance with the **Woodland and Wildlife Habitat Conservation Ordinance and Tree Canopy Coverage Ordinance**, as follows:

- a. **Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Prince George's County 1991 Woodland Conservation/Tree Preservation Ordinance (WCO), because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved TCPI-038-05. A revised conceptual TCPI-038-05-03 was submitted with the amended CDP application. The TCPI will be further refined during review of subsequent development applications. It should be noted that the requirement for a new PPS will subject this phase to the current 2010 Woodland and Wildlife Habitat Conservation Ordinance.

The current zoning for this site is R-M and L-A-C. The thresholds for the site are 25 percent for the R-M Zone and 15 percent for the L-A-C Zone. The worksheet reflects a threshold calculation of 24.53 percent, but the threshold has been reduced to

137.33 acres, which is the quantity of existing woodlands on-site, in accordance with the WCO.

This 760.93-acre site has a net tract area of 637.51 acres and a woodland conservation threshold of 137.33-acres. There is also a replacement requirement of 96.94 acres for clearing below the threshold, 4.93 acres for clearing in the floodplain, and 9.29 acres for clearing off-site and within the PMA. The 253.55-acre woodland conservation requirement is proposed to be satisfied by 29.04 acres of on-site preservation, 135.60 acres of afforestation/reforestation, and 88.91 acres of off-site mitigation. The conditions of approval of the basic plan state that the threshold, at a minimum, must be met on-site. The TCPI, as previously approved, proposed 164.64 acres of woodland conservation on-site, which exceeds the threshold requirement. No technical corrections are required.

- b. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, which was adopted after the CDP-0501 approval, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy, and properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. During the future review of an SDP, the applicant must demonstrate conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.

- 11. **Referral Comments:** Given the limited scope of the request, the subject application was referred to only a few concerned agencies and divisions. The referral comments and major findings are summarized, as follows:

- a. **Community Planning**—The Planning Board adopts a memorandum dated December 28, 2021 (McCray to Zhang), included herein by reference, which finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the Westphalia Sector Plan and SMA.

The Westphalia Sector Plan and SMA recommends mixed-use area (activity center), low-density residential, and public/private open space land uses on the subject property. A portion of the property is also located in the Edge of the Westphalia Town Center. Accordingly, the Strategy III Town Center Edge states “Develop a medium- to high-density urban pattern surrounding the high-density town center core, including medium-density mixed-use commercial and office, and several interconnected residential neighborhoods that have diverse housing styles and a network of open space land uses on the subject property. (See Map 5 on page 20 and Illustration 3 on page 24). The Westphalia Sector Plan and SMA retained the subject property in the R-M Zone.

- b. **Subdivision**—The Planning Board adopts a memorandum dated December 30, 2021 (Vatandoost to Zhang), included herein by reference, which noted that the property is subject to an overall PPS 4-05080, which was approved for a development titled Smith Home Farms by the Planning Board (PGCPB Resolution No. 06-64(A/2)(C)). PPS 4-05080 approved 1,506 lots and 355 parcels for development of 2,143 residential dwelling units and 1,205 mixed retirement units in the R-M Zone (a total of 3,168 single-family dwelling units), and 300 multifamily condominium residential units and 140,000 square feet of commercial/retail use in the L-A-C Zone. The proposed change in the type and number of dwelling units and reduction in the quantity of commercial use floor area in this CDP amendment requires a new configuration of lots and parcels for the proposed development and associated private streets and alleys than what was previously approved with 4-05080. This requires a new PPS to establish a new layout of lots and parcels proposed for the revised residential and commercial development.

There are no previous record plats for Section 7, which is the area of property subject to this amendment. Parcels 219 and 157 are acreage parcels described by deeds recorded in Liber 44802 at folio 527 and Liber 32755 at folio 221, respectively. Final plats of subdivision will be required for the proposed lots and parcels, pursuant to the new PPS when approved.

- c. **Environmental Planning**—The Planning Board adopts a memorandum dated January 7, 2022 (Finch to Zhang), included herein by reference, which provided a review of this CDP application for conformance with previous approvals and the governing woodland conservation requirements. Relevant findings have been included in this resolution. Additional findings are summarized, as follows:

Specimen, Historic, and Champion Trees: The project is not currently subject to the regulations of Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010, and February 1, 2012, which require approval of a Subtitle 25 variance for the removal of specimen, historic, or champion trees. A future PPS application for Section 7 would make that area subject to the current Woodland and Wildlife Habitat Conservation Ordinance (2010). Natural Resources Inventory NRI-005-15-02, when last revised in 2012, indicated that there were no specimen trees located in Section 7.

Preservation of Regulated Environmental Features/Primary Management Area: The site contains regulated environmental features. A required finding for the approval of a CDP plan is that "The Plan must demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5)." The previously approved TCP1 proposed impacts for grading, sewer mains, and stormwater management outfalls. The Planning Board made the required findings at the time of CDP-0501, CDP-0501-01, and CDP-0501-02, as stated in the applicable resolutions and affirmed by the District Council. The current amendment to the CDP is limited to one condition attached to the

approval and does not alter any required environmental findings. The proposed development pattern and impacts to regulated environmental features will be further reviewed with future development applications.

The Planning Board finds that the amended CDP can be found in substantial conformance with revised TCPI-038-05-03 and previously approved TCPI-038-05. The amended CDP demonstrates the preservation and restoration of the on-site regulated environmental features to the fullest extent possible, consistent with Section 24-130(b)(5) of the Subdivision Regulations and the previously approved CDP-0501.

- d. **Pedestrian and Bicycle Facilities**—The Planning Board adopts a memorandum dated January 10, 2022 (Ryan to Zhang), included herein by reference, which reviewed this CDP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and prior approvals governing this property and concluded that this CDP application is acceptable from the perspectives of pedestrian and bicycle transportation site access and circulation.
- e. **Transportation Planning**—The Planning Board adopts a memorandum dated January 10, 2022 (Burton to Zhang), included herein by reference, which provided a comprehensive review of the background and prior approvals governing this application, and conformance with the Westphalia Sector Plan and SMA, as well as the MPOT. The Planning Board also reviewed the submitted traffic impact study and their major findings are summarized as follows:

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) is permitted at signalized intersections within any traffic study area subject to meeting the geographical criteria in the “2012 Transportation Review Guidelines, Part One” (Guidelines).

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed:
(a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines. The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road-White House and Sansbury Road	A/725	A/864
Westphalia Road @ D'Arcy Road*	12.5 seconds	14.4 seconds
MD 4 @ Westphalia Road-Old Marlboro Pike	A/892	C/1246
MD 4 @ Suitland Parkway-Presidential Parkway	B/1059	E/1503
MD 223 @ Old Marlboro Pike*	12.2 seconds	12.4 seconds
MD 223 @ MD 4-WB Off Ramp*	12.3 seconds	15.4 seconds
MD 223 @ MD 4-EB Off Ramp*	19.1 seconds	21.2 seconds
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

The traffic study identified 25 background developments whose impact would affect some or all of the study intersections. Based on the last 10 years of daily traffic along MD 4, it was determined that no growth has occurred. Applying the traffic for those background developments, the following represents the results for the background analyses:

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road-White House and Sansbury Road	C/1282	E/1536
Westphalia Road @ D'Arcy Road	A.825	B/1085
MD 4 @ Westphalia Road-Old Marlboro Pike	E/1560	F/1740
MD 4 @ Suitland Parkway-Presidential Parkway		
MD @ SB Ramps and Suitland Parkway	A/426	A/318
MD 4 @ NB Ramps and Presidential Parkway	A/571	A/587
Old Marlboro Pike Ext and Old Marlboro Pike	A/386	A/484
Old Marlboro Pike @ MD 4-NB Off Ramp	A/136	A/202
MD 223 @ Melwood Road-Woodyard Road	A/648	A/711
MD 223 @ MD 4-EB Off Ramp	A/666	A/747

Using the trip rates from the Guidelines, as well as the 10th Edition, *Trip Generation Manual* (Institute of Transportation Engineers - ITE) the study has indicated that the subject application represents the following trip generation:

Table 1 - Trip Generation							
		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Townhouses	639	89	358	447	332	179	511
	<i>Less internal capture</i>	-12	-20	-32	-29	-27	-56
	Net new trips	77	338	415	303	152	455
Retail	46,000 square feet	108	67	175	147	159	306
	<i>Less internal capture</i>	-81	-50	-131	-110	-119	-229
	Net new Trips	27	17	44	37	40	77
Total new trips (Section 7 only)		104	355	459	340	192	532
Total Trips (All sections)		353	1376	1729	1278	667	1945
Total Trip Cap (PPS)		404	1443	1847	1194	532	1726
Trip difference (Total trips – PPS trip cap)				-118			+219

The table above indicates that the development as proposed, will be adding 459 AM and 532 PM net new peak trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road-White House and Sansbury Road <i>With improvement</i>	D/1335 C/1149	E/1596 D/1445
Westphalia Road @ D'Arcy Road	A/914	B/1133
MD 4 @ Westphalia Road-Old Marlboro Pike*	F/1606	F/1806
MD 4 @ Suitland Parkway-Presidential Parkway		
MD @ SB Ramps and Suitland Parkway	A/547	A/641
MD 4 @ NB Ramps and Presidential Parkway	A/584	A/594
Old Marlboro Pike Ext and Old Marlboro Pike	A/392	A/504
Old Marlboro Pike @ MD 4-NB Off Ramp	A/136	A/202
MD 223 @ Melwood Road-Woodyard Road	A/717	A/773
MD 223 @ MD 4-EB Off Ramp	A/714	A/803
*Subject to PFFIP participation		

The results under total traffic conditions show that the intersections will all operate adequately, with the exception of Ritchie Marlboro Road-White House and Sansbury Road. The applicant has proffered the followings improvements:

Ritchie Marlboro Pike-White House Road and Sansbury Road

- Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.
- Design and prepare traffic signal modification plans.

These improvements will result in adequate levels of service at the intersection. Regarding the intersection of MD 4 at Westphalia Road-Old Marlboro Pike, while inadequate levels of service are projected for this intersection, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010, the applicant will be required to contribute to the PFFIP District. The amount of the contribution will be determined at the time of PPS.

It should be noted that the analysis assumed 46,000 square feet of retail, which is greater than the 32,000 square feet identified on some of the site plans. The precise density for the site will be further evaluated at the time of PPS, where a trip cap will be established.

The Planning Board finds that the staging of development will not be an unreasonable burden on available public facilities, as required by Section 27-521, subject to four conditions that have been included in this resolution.

- f. **Special Projects**—The Planning Board adopts a memorandum dated November 12, 2021 (Thompson to Zhang), included herein by reference, which found that the subject application meets the requirements of the respective public facilities. Further adequate public facilities tests for the proposed development will be carried out at PPS review.
- g. **Prince George’s County Department of Parks and Recreation (DPR)**—The Planning Board adopts a memorandum dated January 10, 2022 (Burke to Zhang), included herein by reference, in which DPR expressed concern over the possible negative financial impact that this application may have on the full development of the central park, as follows:

The vision for Parkside is to establish a mixed-use town center community with high quality compact areas of commercial, retail, office, and residential development. A multi-agency private/public work group consisting of Maryland-National Capital Park and Planning Commission staff, County staff, citizens within the sector plan area, and representatives of the developers were assembled to implement this vision. This community is to be defined with core, edge, and fringe areas, all tied together by a central park, a network of sidewalks, trails, and greenways. Approximately 15,000–16,000 proposed residential units anticipated a population of over 38,000 residents, a population larger than many cities, and equivalent to the state capital, Annapolis. The community was presented to the public, including prospective property owners and residents, with the promise of a central park as a unifying community destination and amenity. By paying into a park club (\$3,500 per residential unit in 2006 dollars, which equates to \$4,517.64 in 2021), residents of the community are committed to the development of the park. The club fee funds the park construction by the developers using the timing triggers established in the CDP. The CDP established a maximum responsibility by the developer of \$13,900,000 (adjusted for inflation on an annual basis using the consumer price index, beginning in 2016), which is to be reimbursed to the developer using fees collected through the park club. The Westphalia Sector Plan indicated that a preliminary estimate of the central park development was \$41,000,000, which requires a park contribution from at least 11,715 residential units, using 2006 dollars.

This amendment to the CDP seeks to reduce the total number of proposed residential units by approximately 25 percent in this section from 3,648, to 2,751 residential units. Using the current value of the park club fees, this reduction of 897 residential units equates to over \$4,000,000 less in contributions to the development of the proposed central park. DPR understands that the original approval of the CDP permitted a maximum density for the community with the possibility of developing to a lesser density, and that the applicant must adhere to the market demands for the density and unit type. DPR also understands that the developer is still responsible for the development of the park to the maximum of \$13,900,000, adjusted for inflation, approximately \$15,600,000 in 2021; however, DPR has concerns that the reduction in the number of units with this project, coupled with unit reductions in other projects within the Westphalia Sector Plan will result in a smaller contribution into the park club and may

compromise the goals and visions for the development and maintenance of the central park.

DPR is generally supportive of this application provided that the obligation of the applicant to provide the \$13,900,000, adjusted for inflation, is not diminished with future applications.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the preparation of this resolution, DPIE did not respond to the referral request.
- i. **Westphalia Sector Development Review Committee (WSDRC)**—At the time of the preparation of this resolution, WSDRC did not respond to the referral request.
- j. **Prince George's County Police Department**—At the time of the preparation of this resolution, the Police Department did not offer comments on the subject application.
- k. **Prince George's County Health Department**—The Planning Board adopts a memorandum dated November 8, 2021 (Adepoju to Zhang), included herein by reference, in which the Health Department provided three comments, as follows:
 - The applicant should designate retail/commercial space for a food facility that provides healthy food options.
 - During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
 - During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Those comments have been transmitted to the applicant. A condition has been included in this approval requiring the applicant to put the last two comments as site plan notes on the SDP.

This amendment, except for those elements and conditions specifically discussed herein, does not affect the remaining conditions of previously approved CDP-0501, and CDP-0501-01, all of which remain in full force and effect governing the development of all sections, including Section 7.

12. During the public hearing on March 10, 2022 for this CDP, the applicant requested that Condition 1a in the staff report be deleted because the diminishing market for retirement housing in the area makes the previously envisioned large-scale MRD no longer feasible. The Planning Board concurs with the applicant that the removal of MRD from Section 7 is not detrimental to the project, given that only a limited amount of the development areas remains undeveloped.

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 Type I Tree Conservation Plan TCPI-038-05-03, and further APPROVED Comprehensive Design Plan CDP-0501-03 for the above-described land, subject to the following conditions:

1. Prior to certification of this comprehensive design plan and prior to submission of any specific design plan for Section 7, the applicant shall:
 - a. Provide a comprehensive phasing plan for the proposed development in Section 7.
 - b. Revise Condition 25, as follows:

25. Prior to the approval of the 480th residential building permit in Section 7, a minimum 16,000 square feet of commercial gross floor area shall be constructed in the Local Activity Center Zone.
2. Total development within the subject property shall be limited to uses which generate no more than 1,729 AM peak-hour trips and 1,945 PM peak-hour 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.
3. At the time of preliminary plan of subdivision (PPS) for Section 7, the applicant shall:
 - a. Show all rights-of-way for MC-631 and P-616, as identified by the Prince George's County Planning Department, to be dedicated for public use.
 - b. Calculate its contribution to the Public Facilities Financing and Implementation Program. The exact amount will be determined based on the density approved with the PPS, to be paid at time of building permit.
4. At time of specific design plan, the applicant shall include the following site plan notes:

“The applicant shall conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.”

“The applicant shall conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

5. Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (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:

Ritchie Marlboro Pike-White House Road and Sansbury Road

- Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.
- Design and prepare traffic signal modification plans.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 10, 2022, in Upper Marlboro, Maryland.

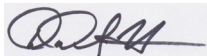
Adopted by the Prince George's County Planning Board this 10th day of March 2022.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 15, 2022