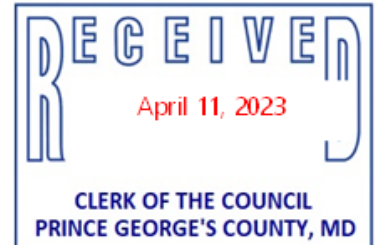


April 11, 2023



Dan Ryan Builders  
2101 Gaither Road, Suite 200  
Rockville, MD 20850

Re: Notification of Planning Board Action on  
**Specific Design Plan SDP-2204**  
**Parkside Section 7**

Dear Applicant:

Enclosed please find a Corrected Resolution for the above referenced case. The purpose of this Corrected Resolution is to correct a minor administrative error in the subject decision. The mail out of this Corrected Resolution does not change the action of the Planning Board, nor does it affect notice and appellate rights.

Please direct any future communication or inquiries regarding this matter to the Development Review Division at (301) 952-3530.

Very truly yours,

*Retha Pompey-Green/mas*

Retha Pompey-Green  
Development Review Division

Enclosure: PGCPB No. **2023-19(C)**

cc: Persons of Record

C O R R E C T E D R E S O L U T I O N

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, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, applications for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, may be reviewed and decided in accordance with the prior Zoning; and

WHEREAS, in consideration of evidence presented at a public hearing on February 23, 2023, regarding Specific Design Plan SDP-2204 for Parkside Section 7, the Planning Board finds:

1. **Request:** The applicant is proposing to develop this site with 617 single-family attached dwelling units and associated infrastructure.
2. **Development Data Summary:**

|                            | <b>EXISTING</b> | <b>APPROVED</b> |
|----------------------------|-----------------|-----------------|
| Zone                       | LCD/MIO         | L-A-C/R-M/M-I-O |
| Use                        | Residential     | Residential     |
| Total Gross Acreage of SDP | 113.51          | 113.51          |
| Floodplain Acreage of SDP  | 9.58            | 9.58            |
| Net Acreage of SDP         | 103.93          | 103.93          |
| Lots                       | 0               | 617             |
| Parcels                    | 1               | 97              |

OTHER DEVELOPMENT DATA

| <b>Parking</b>                      | <b>Required</b> | <b>Provided</b> |
|-------------------------------------|-----------------|-----------------|
| Townhouse units at 2.04 x 617 units | 1,259           | 1,330           |
| Bicycle Parking                     | 0               | 22              |

3. **Location:** The larger Parkside subdivision (formerly known as 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 MD 4 (Pennsylvania Avenue), in Planning Area 78, Council District 6. Section 7 is located in the northwest corner of Parkside, north of the Westphalia Central Park.

4. **Surrounding Uses:** This site is bounded to the north by a residential single-family detached community in the Residential, Rural (RR) Zone; to the east by undeveloped land in the Legacy Comprehensive Design (LCD) Zone; to the south by undeveloped land and Westphalia Central Park, in the LCD Zone; and to the west by other sections of the Parkside development (Sections 1, 2, 3), in the LCD Zone.
5. **Previous Approvals:** The subject application is for Section 7, within a larger project currently known as Parkside, formerly known as Smith Home Farm, which consists of 757 gross acres. The larger Parkside project was rezoned from the Residential-Agricultural (R-A) Zone to the Residential Medium Development (R-M) (density permitted between 3.6-5.7 dwelling units per acre) and L-A-C Zones, with a residential component including a mixed-retirement component 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, through Zoning Map Amendments A-9965 and A-9966. The Prince George's County District Council approved both zoning map amendments on February 13, 2006, and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Prince George's County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 (PGCPB Resolution No. 06-56(C)) for the entire Parkside project, with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding construction of the MD 4/Westphalia Road interchange; Condition 7 regarding the location and size of the proposed community center and pool; and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions.

On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved infrastructure Specific Design Plan SDP-0506 and associated Type II Tree Conservation Plan TCPII-057-06 (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south), in the R-M Zone. This application also showed a portion of the roadway between MC-631 and Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, Specific Design Plan SDP-0506-02, was approved by the

Planning Board on March 29, 2012 (PGCPB Resolution No. 12-114), subject to conditions contained herein. A third amendment, Specific Design Plan SDP-0506-03, was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to conditions.

In addition to the prior approvals mentioned above, two later actions by the District Council have revised several conditions of CDP-0501 that govern development of the entire Smith Home Farm project. 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 (market rate) 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 an SDP for the Central Park, following approval of the Westphalia Sector Plan and SMA, and not as the second SDP, as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning the Public Facilities Financing and Implementation Program (PFFIP) District for 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 prior Prince George's County Subdivision Regulations, and other methods, in order to ensure the timely provision of adequate public facilities for larger projects, such as Westphalia.

Specific Design Plan SDP-1002 for stream restoration, as required by conditions of Preliminary Plan of Subdivision (PPS) 4-05080 and SDP-0506, was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012, formalizing that approval, subject to seven conditions. There are stream restoration projects identified in SDP-1002 as priority projects that are located within Section 7.

On July 21, 2022, the Planning Board approved Preliminary Plan of Subdivision 4-21029 and revised Type I Tree Conservation Plan TCPI-038-05-04 (PGCPB Resolution No. 2022-87) for 627 lots and 95 parcels, with 39 conditions.

This project is also subject to Stormwater Management (SWM) Concept Plan 41639-2021-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement on August 10, 2022.

6. **Design Features:** This project consists of Section 7 of a larger development known as Parkside, that is irregularly shaped. Access to the site will be from an extension of MC-631 (Central Park Drive), which will extend toward the southern edge of the development site. The site will also have direct access from Victoria Park Drive, which will extend east onto the site from other sections of Parkside.

The townhouses will be arranged in a modified grid pattern. The units will front on private roads and alleys, with a mix of front- and rear-load units, single- and double-garage units, and two- and three-story units.

### **Architecture**

Two two-story and three-story townhouse models are proposed for the 617 units, with front and rear garage units. Five unit types, identified as Abbey, Chandler II, Grable II, Harlow II, and Lana II, are provided for evaluation. The Abbey and Chandler II are three-story models with a single-stall garage rear-loaded on the Abbey and front-loaded on the Chandler II.

The Grable II and Harlow II models are three-story, two-stall, front-load garage units; and the Lana II model will be two-story, rear-load, two-stall garage units. Only the Lana II model is proposed to have basements. A condition has been provided herein, requiring the applicant to provide a unit-type count table on the SDP.

Each unit has multiple front elevation options and a variety of exterior finishes and roof designs, including shutters, balanced fenestration, front porches with decorative columns, awnings, cross gables, and dormers. The buildings have been designed to incorporate a variety of materials including brick, stone, and siding, creating a clean and contemporary design which will complement the surrounding uses. The Grable II and the Harlow II units are identical in architecture; however, the Grable II is proposed as 24-foot-wide units and the Harlow II is proposed as 22-foot-wide units.

All units propose architectural shingles on the roof and offer a variety of window and door treatments and architectural finishes, including a mix of high-quality building materials on the façades such as vinyl, brick, stone, and masonry. A table has been provided in the SDP to track the percentage of brickwork on the façades. Options are available for dormers and bay windows, with the options all represented on the templates; however, a rear elevation was not provided for the Abbey units. A condition has been included herein, requiring the applicant to provide the rear elevation and options for the Abbey unit type.

The highly visible units are shown on an exhibit. These units shall include a side elevation with a minimum of three standard features, in addition to a full first floor finished in brick or masonry; however, the architectural notes contained on this exhibit do not reference the requirements of the highly visible units. A condition has been provided herein requiring the applicant to provide the requirements for highly visible lots on the SDP Highly Visible Lot exhibit.

### **Recreational Facilities**

The applicant is proposing on-site recreation to satisfy the mandatory dedication of parkland requirement, by providing three main recreation parcels within this community. A large central parcel will provide a pre-school and school-age playground, a gazebo, walking surfaces, benches, bike racks, and open lawn areas.

On the eastern side of the community, a health circuit is proposed. This will be a compact circuit of multiple exercise stations, mostly contained within a canopy structure. The third main recreation parcel will be for passive enjoyment and will contain a semicircle trail with benches and lined with trees. In addition to these amenities, many of the units will have frontage on a common homeowners association green. In addition, this site is adjacent to the Westphalia Central Park, a premier park facility being developed within the community. As a condition of CDP-0501, each unit in Parkside is required to contribute toward funding the development of that park, as discussed in Finding 9 below.

### **Lighting**

A lighting and photometric plan were provided with the application, demonstrating that the proposed lighting levels are appropriate for residential development. The plan provides symbols used to identify the different light-types; however, those symbols do not match the symbols provided in the Luminaire Schedule on the plan. A condition is provided herein, requiring the applicant to provide matching symbols on the plans and in the schedule.

### **Signage**

A signage plan was not provided with this application, nor is there any indication on the plans of the intent to provide signage.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to conditions that are relevant to the review of this application, as follows:

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

A. **Land use types and quantities:**

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

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**

- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted 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**

**Note: \*The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The subject application consists of Section 7 and includes a total of 83.08 acres of land within the prior R-M Zone. The overall unit count for the entire Parkside community has been shown in a table on the SDP, for tracking purposes, for conformance with the requirements above and the CDP and preliminary plan approvals, in regard to the final density of the overall site.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

This SDP provides three recreational parcels, including a centrally located recreational area with a pre-school and school-aged playground, a gazebo, walking surfaces, benches, bike racks, and open lawn areas. Adequate recreational facilities have been addressed with this application.

**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.**

This SDP shows that all internal roadways and master plan rights-of-way (ROWs) are designed to facilitate the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommended policies and are served by a continuous network of internal pedestrian and bicycle facilities. In addition, the SDP submission shows P-616 improved with a network of sharrows, in both directions, within the limits of the site. A 10-foot-wide shared-use path is being proposed on both MC-631 and MC-632 and are shown on the southern and eastern sides of these master-planned roads, consistent with the master plan recommendations.

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

This site is interior among the sections of the community and not adjacent to any major roadways. This condition is therefore not applicable to this application.

**L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

**M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

**N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

**O. No woodland conservation shall be provided on any residential lots.**

The woodland conservation threshold (WCT) for the overall site is 24.53 percent, established by the District Council, which also requires 1:1 replacement for clearing within the primary management area (PMA), prohibits the crediting of woodland conservation on residential lots, and requires that the WCT for the overall development be met on-site. An evaluation of impacts to regulated environmental features (REF) is provided in Finding 15d below.

**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.**

This condition has been fulfilled. The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and a discussion of the application's conformance with Section 4.7, Buffering Incompatible Uses, is contained in Finding 14 below.

**8. Prince George's County Zoning Ordinance:** The subject SDP is in conformance with the applicable requirements of the Prince George's County Zoning Ordinance in the prior R-M and M-I-O Zones, as follows:



- a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the prior R-M Zone, as demonstrated in the prior approvals. The proposed single-family attached uses are permitted in the prior R-M Zone.
- b. Military Installation Overlay (M-I-O) Zone: A portion of the project is also located within the Noise Impact Zone (60-74 dBA noise contour) of the M-I-O Zone. A Phase II noise study will be needed at the time of a full-scale SDP, which shows that all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less.

The western portion of the property is located within the outer edge of the M-I-O Zone, in Height Zone E. The maximum building height limit is 515 feet. The proposed single-family attached buildings usually measure approximately 40 feet in height, well below the maximum building height limits.

9. **Comprehensive Design Plan CDP-0501, its amendment, and reconsideration:** CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 (PGCPB Resolution No. 06-56) and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and issuance of building permits, and was reapproved by the District Council on March 28, 2016 (PGCPB Resolution No. 06-56(C)(A)). The following conditions warrant discussion, in relation to the review of the subject SDP:

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

- 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.**
- f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
- g. **A trailhead facility for the Cabin Branch Trail.**
- h. **The architectural design around the Central Park and the view sheds and vistas from the Central Park.**

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

A comprehensive trails network exhibit was provided with previous SDP applications. This site does not include parts of the Cabin Branch Trail, trailhead, or Central Park. The pedestrian sidewalk was reviewed with this application and found to be adequate.

The viewsheds of the Central Park have been considered by the placement of townhouses with the front façades facing the park.

**10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC), its heirs, successors and/or assignees will perform design and construction work calculated up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016) of which approximately \$6,500,000 will be reimbursed from the applicant's generated park club permit fees and the balance of \$7,400,000 will be reimbursed from other developer generated park club fees or other sources. The applicant's obligation to provide design and construction work for the central park is applicable only through the 1600th building permit, beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR 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. \$400,000 shall be used by the applicant for the schematic design and specific design plan for the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 500th building permit.**
- c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase 1 (as shown in attached Exhibit-A) of the central park. DPR staff shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase 1 of the central park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to the issuance of the 700th building permit. DPR shall respond to applicant in writing with any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.**

- d. **\$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase 1(as shown in attached Exhibits B and C) of the central park prior to issuance of the 1,600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.**
- e. **The applicant shall complete the pond construction and rough grading of Phase 1 of the central park prior to issuance of the 1,000th building permit.**
- f. **In the event that sufficient funding is not available to fully construct Phase 1 at time of the 1400th permit, DPR and the applicant will work together to determine how the available funding will be used to construct portions of Phase 1 as called for in Exhibits A and B. Prior to the issuance of the 1400th building permit, the applicant and DPR shall enter into a Recreational Facilities Agreement (“RFA”) establishing both scope and a schedule for construction of Phase 1 of the central park.**

**DPR staff shall review the actual expenditures associated with each phase described above. The applicant’s obligation to provide services for the design, grading and construction of the central park set forth in Condition 10 herein shall be limited to: (i.) the amount of funds to be generated from 1600 of the applicant’s building permits pursuant to Condition 22; OR (ii.) the amount of funds available in the Westphalia Park Club Fund (which will include amounts to be contributed by other developers in the Westphalia Sector) or other sources at time of issuance of the applicant’s 1599th building permit, whichever is greater provided that the total amount of applicant’s services do not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the central park beyond the limits of this condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading and construction of the central park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and /or construction of the central park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis. Thirty (30) days prior to the start of construction of the central park, a performance bond equal to the amount of construction work agreed upon between DPR and the**

**applicant for Phase 1 work shall be posted with DPR for applicant’s construction of the central park. The cost for such bond(s) will be included as part of the cost of construction of the central park. If Phase 1 (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant will assign its current contracts to the Commission to complete Phase 1 construction at the Commission’s request. In the event of such an assignment to the Commission, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond will be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.**

The permit tracking associated with this condition must include the proposed building permits associated with the development of the site. At the time of each building permit, the required park fee will be collected, in accordance with this condition.

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

| <b>PHASING OF AMENITIES</b>  |   |  |
|--|---|--|
| <b>FACILITY</b>  | <b>BOND</b>   | <b>FINISH CONSTRUCTION</b>   |
| <b>Multi-age playground combinations (pre-school and school-aged)</b>  | <b>Prior to the issuance of the 165th building permit overall</b>   | <b>Complete by 330th building permit overall</b>                                     |
| <b>Health Circuit/Fitness Station</b>  | <b>Prior to the issuance of the 190th building permit overall</b>   | <b>Complete by 380th building permit overall</b>                                     |
| <b>Passive Park*</b>   | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 175th building permit overall</b>                                 |
| <b>Benches, trash/recycling receptacles, and pet waste stations throughout</b>   | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 75 percent of the building permits are issued in that section</b> |
| <p>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.</p> |   |  |

**\*The table provided on the SDP did not include timing for this recreational parcel. A condition is provided herein to provide construction timing for the passive park on the recreational facilities table.**

- 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.**

The required table is provided on the SDP.

- 20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**
- 22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.**
- 23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**

Per Conditions 20–23 above, at the time of CDP-0501 approval, the applicant offered dedication of parkland and provided design services for development of the SDP for the Westphalia Central Park and construction documents for Phase 1 of the park. In addition, the applicant will construct recreational facilities in Phase 1 of the park, in lieu of a financial contribution into the Westphalia Park Club, as set forth in CDP-0501. It is anticipated that the cost for these services will be reimbursed to the applicant from an escrow account established, administered, and maintained by the Prince George's County Department of Parks and Recreation (DPR). The remaining future phases of the Central

Park will be constructed by DPR using Westphalia Central Park Club funds, which will include funds contributed by other developers in the Westphalia Sector Plan area and/or other sources. The timing for the design and construction documents for future phases of the Central Park should be determined by DPR through the Prince George's County Capital Improvement Program (CIP), subject to available funding from park club fees and/or other sources. At the time of this resolution, the first phase of the Central Park has been approved with Specific Design Plan SDP-1101.

- 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 number of building permits released for the overall development of Parkside (Smith Home Farm), as of the date of this resolution, is 1,251, well below the threshold of 2,113. No commercial floor area has been constructed in Parkside.

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

The property is subject to the requirements of the Landscape Manual and a discussion of the application's conformance to Section 4.7 is contained in Finding 14 below.

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

The dwellings will range in height from 32 to 38 feet. No variances are necessary for density.

On December 1, 2011, CDP-0501-01 was approved by the Planning Board, subject to four conditions and the modification of Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01 (PGCPB Resolution No. 11-112). The following conditions warrant discussion, in relation to the subject SDP:

- 2. The following three conditions attached to previously approved Comprehensive Design Plan CDP 0501 shall be revised as follows (underlined text is added/changed):**

- 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).**

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

Notes:

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

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

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

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

The siting, size, and lot area for the proposed dwellings were found to be in conformance with these design standards.

The following three conditions were added by the District Council on May 21, 2012, when the District Council affirmed the Planning Board's decision and approved CDP-0501-01.

3. **Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.**
4. **If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.**
5. **If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.**

A community building is not proposed with this section.

10. **Preliminary Plan of Subdivision 4-21029:** On July 28, 2022, the Planning Board approved PPS 4-21029 for Section 7, with 39 conditions (PGCPB Resolution No. 2022-87). Signature approval of 4-21029 must be completed, prior to certification of this SDP. The following conditions warrant discussion, in relation to the subject SDP:

2. **A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.**

The uses proposed with SDP-2204 are consistent with the uses evaluated for adequacy with PPS 4-21029.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 41639-2021-00, once approved, and any subsequent revisions.**

This application was found to be in conformance with the approved SWM Concept Plan (41639-2021-00) and approval letter.



5. **In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**
6. **The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall be determined at the time of SDP.**
7. **Prior to submission of the final plat of subdivision for any residential lot, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.**
8. **Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.**

The applicant proposes a multi-age playground, fitness stations, park benches, trash/recycling receptacles, and pet waste stations as on-site recreational facilities, to meet Section 24-135(b) requirements. The list of recreational facilities should be revised to remove trash/recycling receptacles and pet waste stations, and the cost estimate for provided facilities updated. The Urban Design Section should review adequacy, proper siting, and triggers for construction proposed in this SDP. Conditions 7 and 8 will be further reviewed, at the time of final plat and building permits.

14. **Total development within the subject property shall be limited to uses which generate no more than 459 AM peak-hour trips and 532 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.**

This application is for 617 residential units only and generates a total of 431 AM and 493 PM new trips. Please note that this SDP does not include any retail uses assumed in the approved PPS and, therefore, internal capture was not included as part of the analysis. Any assumption for commercial uses will be considered with subsequent SDP submissions. The Planning Board concludes that the trip cap established, at the time of the PPS, will not be exceeded.

- 17. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each specific design plan.**

The unit cost of the residential development will remain unchanged from the PPS and will be paid at the time of permitting.

- 18. Prior to approval of the first building permit, the following transportation 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. The details of the following facilities shall be provided as part of the specific design plan:**

**Ritchie Marlboro Road and Sansbury Road**

- a. Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.**
- b. Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.**
- c. Design and prepare Traffic Signal Modification Plans.**

This condition will be addressed at the time of permitting.

- 19. If the development is phased, the applicant shall provide a phasing plan (with supplemental operational analysis and adequate justification) as part of each specific design plan to show the phasing of transportation improvements provided in Condition 18 to the phased development of the site. A determination shall be made at that time as to when said improvements shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.**

The applicant has not provided any supplemental analyses for phasing the development. As a condition of approval, the Planning Board requires that the applicant submit an operational analysis demonstrating phasing of the improvements to phased development for the SDP, prior to its certification. The notes of the SDP shall be updated to include the exact trigger of the improvements, based on the analysis.

- 20. Prior to acceptance of a specific design plan (SDP), the applicant and the applicant's heirs, successors and/or assignees shall include as part of the SDP site plan submission the following:**

- a. **A minimum six-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.**
- b. **Americans with Disabilities Act-accessible curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.**
- c. **Shared roadway pavement markings and signage along P-616, consistent with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by the operating agency, with written correspondence.**
- d. **Short-term bicycle parking at all recreation areas, consistent with the AASHTO Guide for the Development of Bicycle Facilities.**
- e. **A 10-foot-wide side path along one side of both MC-631 and MC-632, unless modified by the operating agency with written correspondence.**

This condition has been satisfied. Regarding Condition 20(a), a standard sidewalk of 5 feet has been provided. A site development plan, reflecting 5-foot-wide sidewalks, was approved by DPIE. Five-foot-wide sidewalks have been approved for the surrounding residential communities, adjacent to this development.

26. **Prior to acceptance of an application for the specific design plan for Parkside, Section 7, a revised natural resources inventory (NRI) shall be approved and submitted with the application. The updated NRI plan for Section 7 is specifically needed to confirm required stream buffers, which may enlarge the primary management area on the site; confirm the status of rare, threatened, and endangered species by the Maryland Department of Natural Resources Natural Heritage Program; and update the table of on-site specimen and champion trees and the plan drawing to confirm their size and location, because a Subtitle 25 variance would be required for removal.**

The updated natural resources inventory (NRI) plan for Section 7 was specifically needed to confirm expanded stream buffers; to update the rare, threatened, and endangered species survey performed in 2005 for Section 7; to guide the design of required stream restoration; and to confirm the size and location of specimen trees approved for removal in Section 7, including those within the limits of the stream restoration requiring a Subtitle 25 variance. The revised NRI was approved on August 29, 2022, prior to acceptance of the current SDP and Type 2 tree conservation plan (TCP2).

27. **At the time of specific design plan (SDP) review, a slope stability analysis based on the final grading plan proposed with the SDP shall be submitted for review to confirm that the safety factor line is less than 1.5. If a safety factor line greater than 1.5 is determined, it shall be shown on the SDP and Type 2 tree conservation plan.**

Marlboro clay is located in the vicinity of Section 7 of the Parkside development. A geotechnical report was provided and reviewed with the PPS and revised TCPI, and the elevation of the Marlboro clay layer was identified using soil boring logs. A slope stability analysis was performed, which resulted in a safety factor line of less than 1.5, based on the grading shown on the PPS submitted. The geotechnical report has also shown the site to have a less than 1.5 safety factor line. The applicant has provided a slope stability analysis, based on the grading plan submitted at the time of SDP review to confirm the safety factor line.

- 36. Pursuant to Section 27-480(d) of the Prince George’s County Zoning Ordinance, the applicant shall seek approval at the time of specific design plan for all townhouse groups exceeding six units. If such approval is not granted, the affected townhouse lots of those building groups shall be reduced and final platting shall conform to such reduction.**

Of the 121 building groups proposed with this SDP, six townhouse building groups exceed six units. There are three townhouse groups with seven units, and three townhouse groups with eight units. Pursuant to Section 27-480(d) of the prior Zoning Ordinance, the total number of building groups exceeding six units was less than 20 percent of the overall units, and all end units in these building groups are 24 feet in width.

- 37. Prior to approval of a use and occupancy permit for any nonresidential development, the applicant and the applicant’s heirs, successors, and/or assignees shall:**
- a. Contact the Prince George’s County Fire/EMS Department to request a pre-incident emergency plan for the facility.**
  - b. Install and maintain a sprinkler system that complies with National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems.**
  - c. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.**
  - d. Install and maintain bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.**

These requirements shall be noted on the SDP for the nonresidential portion of the development, for the subject site.

The requirements listed in Condition 37 are not noted on the SDP.

- 38. Prior to acceptance of the specific design plan, a tracking chart on the coversheet, which shows the number and percentage of lots in the Residential Medium Development Zone, smaller than 1,600 square feet across the different sections of the Parkside development shall be provided.**

The SDP includes a tracking chart, in conformance with this condition, on the cover sheet.

- 11. Specific Design Plan SDP-0506 and its amendments:** The Planning Board approved SDP-0506 for infrastructure, with three conditions. The condition that is relevant to the review of this SDP is discussed, as follows:

- 2. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**

- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management, and utility crossings that have an installation cost of no less than \$1,476,600, which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

A limited SDP for stream restoration (SDP-1002) was approved, with conditions, by the Planning Board on January 26, 2012. Per the conditions above, SDPs that include priority stream restoration projects shall be designed or revised to reflect conformance with the approved SWM concept approval for the stream restoration, prior to issuance of grading permits. Affected SDPs and associated TCP2s shall include the detailed engineering necessary for stream restoration implementation. Reaches 7-2, 7-3, 7-5, and 7-6 have been identified as priority stream restoration areas. Technical design to implement the required stream restoration in Section 7 is required to be shown on the SDP and TCP2 plans, prior to certification.

12. **2010 Prince George’s County Landscape Manual:** Per Section 27-528(a)(1) of the prior Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. This development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development From Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan, demonstrating conformance with these sections, except for Sections 4.1 and 4.6.

The plan shows that the lots show trees placed on the property, in fulfillment of the Section 4.1 requirement. On small townhouse lots, placing trees within the property can be problematic, in terms of usable yard space and future maintenance/replacement. The Planning Board requires that trees fulfilling the requirements of Section 4.1 be moved off of the lots and onto homeowners association (HOA) open spaces, to the maximum extent possible. A condition is provided herein requiring the applicant to relocate trees, for fulfillment of Section 4.1, off of the lots and onto HOA properties, to the extent possible.

**Section 4.6(c)(1)(A)(i)**

SDP-2204 proposes 617 single-family attached (townhouse) dwellings. The applicant has requested alternative compliance (AC) to grant relief from the requirements of Section 4.6(c)(1)(A)(i) for a reduced rear yard buffer adjacent to streets and special roadways. However, this is not required along private roadways internal to the townhouse development. The lots associated with this AC request all have rear yards oriented towards internal roadways. The Planning Board has determined that the AC request from Section 4.6(c)(1)(A)(i) is not required. The applicant should revise the landscape schedule, accordingly.

**Section 4.10(c)(1)**

The applicant also requests AC from Section 4.10(c)(1) to not provide the 5-foot-wide landscape strip between the street curb and the sidewalk. The applicant is seeking relief from these requirements, as follows:

**REQUIRED: Section 4.10(c)(1), Street Trees Along Private Road E**

|                                    |        |
|------------------------------------|--------|
| Length of Landscape Strip          | 215 LF |
| Width of Landscape Strip           | 5 ft.  |
| Shade Trees (1 per 35 linear feet) | 6      |

**APPROVED: Section 4.10(c)(1), Street Trees Along Private Road E**

|                                    |        |
|------------------------------------|--------|
| Length of Landscape Strip          | 215 LF |
| Width of Landscape Strip           | 0 ft.  |
| Shade Trees (1 per 35 linear feet) | 7      |

**Justification**

The applicant is proposing to have the sidewalk, along Private Road E, abut the curb without having a green space in between. The applicant has cited the lack of space along the frontage of Private Street E, due to stormwater management (SWM) facilities, the required 10-foot-wide public utility easement (PUE), and space for parallel parking needed to support the development. As a result, the landscape strip, typically provided for street trees, is non-existent on the eastern side of the street. This fails to meet the requirements of Section 4.10(c)(1), which requires a 5-foot-wide planting strip on both sides of private roads. The proposed layout shows the sidewalk abutting the curb, which creates a contiguous green space from the sidewalk to the dwellings. The applicant is proposing plantings in the area where the sidewalk would typically be.

Section 4.10 requires one street tree to be planted for every 35 linear feet of private street. Private Road E is a total of 215 linear feet in length. Using this formula, the applicant would be required to plant six street trees. The applicant is proposing to plant seven street trees, rather than the required six, with four on the side of the street without a landscape strip.

The Alternative Compliance Committee finds the applicant’s proposal equally effective as normal compliance with Section 4.10, as the proposed solution provides an excess of the number of required street trees, while still allowing for parallel parking, SWM facilities, and a contiguous PUE.

**Section 4.10(c)(2)**

The applicant also requests AC from Section 4.10(c)(2) for the required amount of shade trees required along each side of private streets, for Private Road H. The applicant is seeking relief from these requirements, as follows:

**REQUIRED: Section 4.10(c)(2), Street Trees Along Private Road H**

|                                    |         |
|------------------------------------|---------|
| Length of Frontage                 | 742 ft. |
| Width of Landscape Strip           | 5 ft.   |
| Shade Trees (1 per 35 linear feet) | 21      |

**APPROVED: Section 4.10(c)(2), Street Trees Along Private Road H**

|                                    |         |
|------------------------------------|---------|
| Length of Frontage                 | 742 ft. |
| Width of Landscape Strip           | 5 ft.   |
| Shade Trees (1 per 35 linear feet) | 10      |

**Justification**

As stated previously, the applicant has cited spatial limitations, due to the placement of utilities and SWM devices. To compensate, the applicant has provided supplemental and enhanced planting throughout the development with ornamental trees, shrubs, and perennials especially on green space along private streets, and exceeded the required amount of street trees. The Planning Board is not opposed to additional planting throughout the development; however, this does not adequately address the lack of street trees on Private Road H, and does not meet the standard of equally effective as normal compliance. Therefore, the Planning Board requires that the applicant provide additional plantings, specifically ornamental trees, along Private Road H, prior to certification of the SDP. With these additional trees, the Planning Board has determined that the alternative design will be equally effective as normal compliance with Section 4.10(c)(2).

In previous submissions associated with the AC, the applicant has indicated that Private Road D was also associated with the AC request. However, in the latest submission, Private Road D has been removed from the request; although the landscape schedule still shows Private Road D not providing the minimum 10 trees required. The landscape schedule should be revised to indicate that Private Road D is meeting the requirements.

The Planning Board approves AC-22005 for Parkside Section 7, from the requirements of Sections 4.10(c)(1) and 4.10(c)(2), Street Trees along Private Streets, of the Landscape Manual, subject to conditions contained herein.

13. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO):**

This site is subject to the provisions of the WCO because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and there are previously approved TCPs. In a memorandum dated January 27, 2023, incorporated herein by reference, a full discussion was provided and is summarized, as follows:

- a. A revision to NRI-005-06-03 for Section 7 was required, prior to acceptance of an SDP and TCP2 for Section 7, and was necessary to guide the design of the master planned-stream crossing and the required stream restoration. PGATLAS does not indicate that Section 7 includes any sensitive species review area on the site, but this was



confirmed by the Natural Heritage Section, Maryland Department of Natural Resources, in conformance with Part B of the Environmental Technical Manual (ETM).

- b. The gross tract area of the overall Parkside site is 760.93 acres, with 112.65 acres in 100-year floodplain, resulting in a net tract area of 648.28 acres. The correct WCT for the site is 24.53 percent. The site has a mandatory 25 percent threshold requirement for land in the R-M Zone, determined by the District Council. The required on-site woodland conservation requirement is 159.52 acres. The woodland clearing of 104.20 acres is proposed on the net tract, 5.02 acres in the 100-year floodplain, and 7.00 acres of PMA, and the resulting total woodland conservation requirement is 253.55 acres.

The revised TCP1 (-04), approved with 4-21029, proposed preservation of 29.04 acres of on-site woodland, 135.60 acres of on-site afforestation/reforestation, and 88.91 acres of off-site mitigation, to fulfill the requirement. It should be noted that the revised TCP1 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but anticipates that afforestation/reforestation will be provided to offset the loss and provide expanded riparian and stream buffers.

Type 2 Tree Conservation Plan TCP2-045-2022 addresses the woodland conservation required and provided for Section 7. The gross tract area of Section 7 is 103.37 acres, with 7.84 acres in the 100-year floodplain, resulting in a net tract area of 99.53 acres. The correct WCT for Section 7 is 18.82 percent. Because of the limited amount of woodland located on the net tract, Section 7 is subject to the 15 percent afforestation requirement of 13.24 acres.

The amount of existing woodland on the net tract is 1.09 acres. Woodland clearing of 0.27 acre is proposed on the net tract, 0.02 acre in the 100-year floodplain, and 1.21 acres of off-site impacts, and the resulting total woodland conservation requirement is 15.83 acres.

The woodland conservation requirement for the site will be satisfied with 0.82 acre of on-site preservation and 15.01 acres of afforestation/reforestation.

It should be noted that the TCP2 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but anticipates that afforestation/reforestation or off-site woodland conservation will be provided to offset the additional loss resulting from stream restoration, prior to signature approval of the TCP2.

Because the overall Parkside site was a working farm, there was very limited existing woodland on the net tract area in 2005, when the first PPS and TCP1 were approved. Shortly after farming ceased on the property, natural regeneration began, particularly in Section 7 which is the last section to be developed. In addition, the property owner decided not to develop the portion of the property north of Reach 7 and eliminated a previously proposed stream crossing. Aerial photography of the site and a review of the most recent GIS Tree Canopy (2020) layer indicated that canopy had already developed

on the site. Bay Environmental, Inc. performed an on-site assessment to determine if any existing tree areas could be credited towards reforestation, to reduce the total planting requirements. The findings show that all plots sampled far exceeded the 700 trees per acre that are required for site stocking for whips, per the Site Stocking Table in Appendix A-60 of the ETM, but the distribution was not uniform. A Reforestation Plan Schedule has been provided, with a note stating “Afforestation/Reforestation areas shown on this plan may contain existing trees. Proposed volume of plantings to be confirmed at the time of construction/tree installation.” The recommendation of the professional forester, who submitted the assessment, was that natural regeneration will reforest the entire site, without the need for additional plantings. Based on this assessment, additional notes, regarding bonding and certification, shall be added to the afforestation/ reforestation notes provided on Sheet 2, to provide guidance for assessment and implementation of supplemental planting, if needed.

14. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3 (Tree Canopy Coverage Ordinance) of the Prince George’s County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. According to the TCC schedule, Section 7 is 113.51 acres, resulting in a TCC requirement of 17.0 acres. The schedule shows that the requirement will be met on-site through a combination of woodland preservation, reforestation, and proposed landscaping of 23.85 acres. The total woodland conservation shown on the TCC schedule is larger than the area shown on the TCP2, showing 15.99 acres and 15.86 acres, respectively. A condition has been included herein requiring the applicant to revise the schedule, to be consistent with the woodland conservation worksheet on the TCP2.
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated December 12, 2022, (Stabler, Smith, and Chisholm to Burke), which provided that this property was surveyed for archeological resources in 2005 and found that no archeological sites were identified in Section 7 of the Parkside development, and no additional archeological investigations are required in Section 7.
  - b. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023, (Diaz-Campbell to Burke), which provided a review of the subject SDP for conformance with the conditions attached to the approval of PPS 4-21029. The relevant comments have been included in the above findings of this resolution and a condition is provided herein.
  - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated January 25, 2023 (Burton to Burke), which provided a review of the SDP’s conformance with the most recent PPS, 4-21029. The relevant comments have been included in the above findings. The Transportation Planning Section concluded that

the subject development will be adequately served, within a reasonable time, with existing or programmed public facilities, either shown in the appropriate CIP or provided as part of the private development.

- d. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated January 30, 2023, (Finch to Burke), which provided a comprehensive analysis of the SDP’s conformance with all applicable environmental-related conditions attached to previous approvals, that have been included in above findings. Additional comments are, as follows:

**Specimen Trees**

Section 25-122(b)(1)(G) of the WCO requires that specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree, in its entirety, or preserve an appropriate percentage of the CRZ, in keeping with the tree’s condition and the species’ ability to survive construction, as provided in the ETM. Section 5-1611 of the Natural Resources Article requires local jurisdictions to provide procedures for granting variances to the local forest conservation program for removal of specimen trees, and the variance criteria in the WCO are set forth in Section 25-119(d).

The current NRI- 006-05-04 was approved on August 29, 2022, to provide an updated inventory of specimen, champion, and historic trees for Section 7. Although there are limited wooded areas on the site, the additional years of growth, which have occurred since the previous NRI, resulted in additional trees now being identified as specimen. Fifty-seven specimen trees were located on the subject site, or in close proximity.

Approval of a new PPS required that Section 7 be subject to the variance requirements of Subtitle 25-122(b)(1)(G), for removal of specimen trees. Sixteen specimen trees are currently proposed to be removed on the TCP2, within Section 7. A statement of justification and individual evaluation forms were submitted by the applicant.

**Nature of the Request**

With this application, the applicant requests a variance from Section 25-122(b)(1)(G) for removal of 16 specimen trees, for clearing and infrastructure associated with the proposed development. The specimen trees proposed for removal are identified below:

| TREES REQUESTED FOR REMOVAL WITH SDP-2204 |                |                                |              |                  |  |   |
|---|----------------|--------------------------------|--------------|------------------|--|---|
| No.                                       | Common Name    | Scientific Name                | DBH (inches) | Condition Rating | Comments   | Justification for Removal                               |
| 18  | Red Maple      | <i>Acer rubrum</i>             | 38           | Fair             | twin leaders with included bark, roots do not present on stream side | Grading and SWM devices are proposed in this location.  |
| 20  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 31           | Good             | oversized limb   | Grading and SWM devices are proposed in this location.  |
| 21  | American Beech | <i>Fagus grandiflora</i>       | 33           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 22  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 44           | Good             | top gone   | Grading and SWM devices are proposed in this location.  |
| 23  | Black Walnut   | <i>Juglans nigra</i>           | 36           | Fair             | twin leaders with included bark, oversized limb, fence in trunk      | Grading and SWM devices are proposed in this location.  |
| 24  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 32           | Poor             | oversized limb, thin crown, rot collar and lower trunk rot           | Grading and SWM devices are proposed in this location.  |
| 25  | American Beech | <i>Fagus grandiflora</i>       | 39           | Good             | small cavity, oversized limb   | Grading and SWM devices are proposed in this location.  |
| 26  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 46           | Poor             | all but dead, small band of living cambium on one side of tree       | Tree is in proposed townhouse location. Poor condition. |
| 27  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 31           | Good             | heavily vine covered, crown dieback                                  | Tree is in proposed townhouse location.                 |
| 28  | Hackberry      | <i>Celtis occidentalis</i>     | 35           | Poor             | large cavity from root collar up lower trunk to seven feet           | Tree in proposed road. Poor condition.                  |
| 40  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 33           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 41  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 47           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 42  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 35           | Fair             | shares root collar with tree #43                                     | Grading and SWM devices are proposed in this location.  |
| 43  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 37           | Fair             | shares root collar with tree #42, loose bark with insect evidence    | Grading and SWM devices are proposed in this location.  |

| TREES REQUESTED FOR REMOVAL WITH SDP-2204 |                   |                       |              |                  |   |   |
|---|-------------------|-----------------------|--------------|------------------|---|---|
| No.                                       | Common Name       | Scientific Name       | DBH (inches) | Condition Rating | Comments  | Justification for Removal   |
| 47  | American Sycamore | Platanus occidentalis | 31           | Good             | vine encumbered, oversized branch, a few dead branches  | Tree located at proposed road crossing and proposed SD pipe location. |
| 57  | Black Cherry      | Prunus serotina       | 37           | Fair             | oversized limb, three leaders, heavily vine encumbered, one dead scaffold branch, several dead smaller branches | Tree in proposed road and at proposed sewer line location.            |

The Planning Board approves removal of the 16 specimen trees requested by the applicant, based on the following findings:

**Evaluation**

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain specimen trees ST-18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 41, 42, 43, 47, and 57. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The 16 specimen trees proposed for removal are primarily located in the stream valley, along the middle and eastern portions of the site. The proposed development respects the existing environmental constraints on the property and has limited impacts to the PMA, to the fullest extent possible, as determined by the Planning Board. Preservation of the specimen trees requested for removal would result in an unnecessary hardship on the applicant to revise the site layout and is not consistent with the desired development density and pattern envisioned in the Westphalia Sector Plan and SMA.

Specimen trees ST-18, 20, 21, 22, 23, 24, and 25 are impacted by stormwater outfalls from the submerged gravel wetlands for the required SWM on the site to connect to the floodplain. Specimen tree ST- 18 is in fair condition and is the only specimen tree proposed for removal associated with submerged gravel wetland 3 (SGW-3). The stormwater outfall is proposed in the same location as

the specimen trees in poor condition, so adjacent specimen trees which are in better condition can be retained.

Specimen trees ST-20, 21, 22, and 25 are in good condition; however, removal is required to construct the pond embankment outside of the PMA. This will be located at a low point on the site, to allow stormwater to be redirected to the adjacent stream.

Specimen trees ST-23 and 24 are in poor and fair condition, respectively, and also require removal for construction of the pond embankment adjacent to the stream, but located outside of the PMA.

Specimen trees ST-26, 28, and 57 are in poor to fair condition and are located in the middle of proposed roads, utility locations, and buildings. This location is also proposed to be substantially elevated. The development features were laid out to minimize impacts to the PMA and wetland features, as well as utilizing existing roadways in achieving the desired pattern of development. Specimen tree ST-27 is a sweet gum in good shape, but is located in a proposed private road laid out in a grid pattern, and avoidance of the tree and construction impacts to the CRZ, due to substantial fill for development, make long-term retention infeasible.

Specimen trees ST-40, 41, 42, and 43 are impacted by grading associated with a stormwater outfall and the grading slope required down to the existing stream. The trees to be removed are tulip poplars, which have low tolerance to construction, and the outfall has been located to retain a grove of adjacent specimen trees, in better condition, and species with better construction tolerance.

Specimen Tree ST-47 is impacted by construction of a road crossing for a master-planned roadway (Central Park Drive – MC-631) and associated infrastructure, which was located to minimize stream impacts and cannot be feasibly relocated, at this point in the development process.

The proposed use for single-family attached residential, with a small commercial component, is a reasonable use for the subject site and it cannot be accomplished elsewhere on the site, without additional variances. The property is part of a larger master-planned area. Development cannot occur on the portions of the site containing Marlboro clay, REF, and PMA, which limit the site area available for development. Requiring the applicant to retain the 16 specimen trees on the site, to avoid impacts to the CRZs, would limit the already constrained area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Circumstances unique to the site include limited opportunities to provide access to and from the site from master-planned rights-of-way, constraints associated with the size and shape of developable areas, and preservation of PMA. The subject variance is necessary for the applicant to develop the property to achieve the best use of the property, in ways similar to other comparable properties and uses. Requiring preservation of all specimen trees would limit the property developable for allowable zoning uses. Granting the requested variance would not result in a privilege to the applicant, but would allow development to proceed with similar rights afforded to similar properties and land uses, especially those within the master-planned Parkside (formerly Smith Home Farm) development.

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other properties containing REF, Marlboro clay, and specimen trees are in a similar condition and location on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The nature of the variance request is premised on preserving the existing natural features of the site and the necessity to implement grading and clearing, to allow for adequate and safe development practices. The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. Removal of the 16 specimen trees would be the result of

the grading required for the desired development pattern for the site. The request to remove the trees is solely based on the trees' locations on the site, species, and condition.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size under natural conditions and have not been impacted by any neighboring land or building uses.

**(F) Granting of the variance will not adversely affect water quality.**

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state's standards, which are established to ensure that no degradation occurs.

**Conclusion**

Section 25-119(d)(4) states that the variance granted under these findings are not to be considered zoning variances. They are specific variances meant to recognize special circumstances relating to the removal of specimen trees only. In this case, there are special circumstances relating to the property, including the shape, size of developable area, master plan layout, and the location of PMA. The required findings of Section 25-119(d) have been adequately addressed for removal of specimen trees ST-18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 41, 42, 43, 47, and 57. The Planning Board approves the requested variance for removal of 16 specimen trees, for construction of Parkside, Section 7, as shown on TCP2-045-2022.

**Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA)**

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection, in accordance with Sections 24-130(b) and 24-130(b)(5) of the Subdivision Regulations, which provides for the protection of REF, to the fullest extent possible.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state to the fullest extent possible consistent with the guidance provided by the



ETM established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

The site has previously approved impacts associated with PPS 4-05080 and 4-16001 for roads approved and implemented under SDP-0506, revisions for infrastructure, SWM features implemented as part of the previously approved concept plan, and previously approved conceptual impacts for the stream restoration project on the overall Parkside development associated with SDP-1002. Additional impacts for development of Section 7 were reviewed and approved with PPS 4-21029 and TCP1-038-05-04.

Impacts to REF are limited to those that are necessary for development of the property and are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate, if placed at the location of an existing crossing or at the point of least impact to REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings, where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

#### **Environmental Letter of Justification (LOJ)**

A revised LOJ was submitted for proposed impacts to REF, dated September 29, 2022. The current LOJ and associated exhibits proposed three permanent impacts to REF associated with the proposed pattern of development, totaling approximately 1.87 acres, which are necessary for SWM facilities and culvert installation for road crossing and street connections.

The table below summarizes the proposed permanent impacts to REF on the property, and included in PMA Impacts Exhibits attached to the LOJ. It should be noted that the previously proposed layout of Parkside, Section 7 (as shown in CDP-0501-02), included an additional crossing of the stream in the northwest portion of the site and was eliminated during the review of the PPS. The proposed PMA impacts with the SDP have increased by 0.11 acre (6,620 square feet) more than those approved with the PPS.

**Table 1: PMA Impacts Summary**

| <b>Impact ID</b> | <b>Impact Type/<br/>Duration</b>        | <b>PMA Impact (SF/AC)</b>     | <b>Stream Buffer Impact (SF)</b> | <b>Wetland Impact (SF/AC)</b> | <b>Wetland Buffer (SF/AC)</b> | <b>Floodplain Impact (SF)</b> |
|------------------|---|-------------------------------|----------------------------------|-------------------------------|-------------------------------|-------------------------------|
| 1                | Storm drain outfall & grading/Permanent | 2,925 SF/<br>0.07 AC          | 2,468 SF                         | 0 SF/<br>0.00 AC              | 0 SF/<br>0.00 AC              | 2,831 SF                      |
| 2                | Storm drain outfall & grading/Permanent | 8,409 SF/<br>0.19 AC          | 0 SF/<br>0.00 AC                 | 0 SF/<br>0.00 AC              | 0 SF/<br>0.00 AC              | 4,932 SF                      |
| 3                | Road Crossing/<br>Permanent             | 70,248 SF/<br>1.61 AC         | 57,383 SF                        | 0.00 SF                       | 0.00 SF                       | 64,488 SF                     |
| <b>Total</b>     |   | <b>81,582 SF/<br/>1.87 AC</b> | <b>67,907 SF</b>                 | <b>0.00 SF</b>                | <b>0.00 SF</b>                | <b>72,251 SF</b>              |

**Analysis of Impacts**

**Impact 1: Stormwater Outfall For SGW-3**

This permanent impact is for a proposed stormwater outfall from SGW-3. The rip-rap apron, from the outfall pipe, extends into the PMA. Room is provided to allow for appropriate grading of the 10:1 slope, from the stormdrain rip-rap outfall to the stream, per SCD and DPIE standards. The total impact to PMA will be approximately 2,925 square feet (0.07 acre), which is consistent with the impacts approved at the time of PPS. The stormwater outfall meets best management practices for discharging water back into the stream, while limiting erosion at discharge points and is required by County Code.

**Impact 2: Stormwater Outfall For SGW-2**

This permanent impact is for a proposed stormwater outfall from SGW-2. The rip-rap apron from the outfall pipe extends into the PMA. Room is provided to allow for the appropriate grading of the 10:1 slope, from the stormdrain rap-rap outfall to the stream, per SCD and DPIE standards. A previously approved impact to this section of PMA was approximately 5,432 square feet (0.12 acre), which has increased by 2,977 square feet to 8,409 square feet (0.19 acre). The stormwater outfall meets best management practices for discharging water back into the stream, while limiting erosion at discharge points and is required by County Code.

**Impact 3: Road Crossing of master-planned road MC-631**

This permanent impact is proposed for a road crossing over a stream for construction of a primary planned roadway connecting to properties east of Parkside, Section 7. The road crossing is placed perpendicular to the PMA, to minimize the amount of disturbance. As part of the MPOT, the proposed master collector (MC-631) is intended to provide and improve the overall connectivity in the Westphalia Sector Plan Area. The impacts proposed allow for installation of an appropriately sized culvert and the required

temporary diversion of the stream. The impact also includes an outfall, with appropriate grading for SGW-1, per SCD and DPIE standards. Also included is the sanitary sewer outfall for the site, which connects to the existing sewer main that runs through the stream valley. Due to the location of the existing sewer line, this impact is inevitable to provide access to services necessary for development and has been collocated with the road crossing, to minimize additional impacts. The previously approved impact involved 66,605 square feet of permanent disturbance to REF and 380 linear feet of stream. Additional impacts associated with the SDP have increased by 3,648 square feet (0.08 acre).

#### **Summary of REF Impacts**

After evaluating the applicant's LOJ for proposed impacts to REF, the additional proposed impacts of 0.11 acre (6,620 square feet) are approved by the Planning Board. The proposed PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure, and impacts cannot be avoided, eliminated, or minimized because they are required by other provisions of County and state codes. The TCP2 shows the preservation and enhancement of PMA, to the fullest extent practicable.

#### **Stormwater Management**

An SWM Concept Plan (41639-2021-00) was approved by DPIE, on August 10, 2022, which proposes three submerged gravel wetlands with outfalls. The PMA impacts required to implement the proposed stormwater facilities are evaluated herein and approved.

- e. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Bishop to Burke), which provided a summary of general plan, master plan, and sectional map amendment criteria, as they relate to this property.
- f. **Permits**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Jacobs to Burke), which provided a comment regarding the architectural elevations, and is provided herein.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—Comments were not provided by DPIE.
- h. **Prince George's County Health Department**—Comments were not provided by the Health Department.
- i. **Prince George's County Police Department**—Comments were not provided by the Police Department.
- j. **Prince George's County Fire/EMS Department**—The Planning Board has reviewed and adopts the email dated December 22, 2022 (Reilly to Burke), in which the Fire/EMS Department provided comments to be addressed at the time of permit review.

- k. **Prince George’s County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the memorandum dated January 19, 2023 (Thompson to Burke), which provided an evaluation of PPS conditions and details regarding the required monetary contribution to the park club for the Central Park.
- l. **Westphalia Section Development Review Council (WSDRC)**—Comments were not provided by WSDRC.

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 II Tree Conservation Plans TCP2-045-2022 and APPROVED Alternative Compliance AC-22005, and further APPROVED Specific Design Plan SDP-2204 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP):
  - a. Correct General Note 3 on the SDP to describe the zoning as Legacy Comprehensive Design (LCD) Zone for the current zoning, and R-M and L-A-C as the prior Zones. Include a note stating that, in accordance with Section 27-1704(b), this application is proceeding under the prior Prince George’s County Zoning Ordinance.
  - \*[~~b.~~] ~~The applicant and the applicant’s heirs, successors, and/or assignees shall submit an operational analysis demonstrating phasing of the improvements to phased development for the SDP.]~~
  - \*[~~c.~~] ~~Update the notes section of the SDP to include the exact trigger of the transportation improvements, based on the operational analysis.]~~
  - \*[~~d.~~] ~~List the requirements of PGCPB Resolution No. 2022-87, Condition 37, on the coversheet of the site plan.]~~
  - \*[~~e.~~] b. In the “Approved Total Units in Preliminary Plan #4-21029” chart on the coversheet, revise the suffix of the preliminary plan of subdivision to state, “per resolution.”
  - \*[~~f.~~] c. Provide a table on the SDP showing the unit-type count for each proposed unit type.
  - \*[~~g.~~] d. Provide the rear elevation and options for the Abbey unit type.
  - \*[~~h.~~] e. Identify the elevations of each unit of the Lana II model.

\*Denotes Correction

Underlining indicates new language

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

- \*~~[i-]~~ f. List the requirements for highly visible lots on the SDP Highly Visible Lot exhibit.
- \*~~[j-]~~ g. Provide matching symbols on the lighting plan and in the associated schedule.
- \*~~[k-]~~ h. Provide construction timing for the passive park on the recreational facilities table, to set the bonding requirement at prior to issuance of any building permits for that phase and completion of the passive park before issuance of the 175th building permit, overall.
- \*~~[l-]~~ i. Relocate trees off of the lots and onto homeowners association properties, to the extent possible, for fulfillment of Section 4.1 of the 2010 *Prince George's County Landscape Manual*.
- \*~~[m-]~~ j. Revise the schedule to be consistent with the woodland conservation worksheet on the Type 2 tree conservation plan.
- \*~~[n-]~~ k. The applicant shall request Environmental Planning Section staff approval of the recommended priority stream restoration projects selected to be implemented in Section 7, and provide the appropriate documentation for review and selection of the projects to be implemented. The priority stream restoration projects shall be evaluated for feasibility, cost, and water quality benefits, based on the current site design proposal. Four priority stream restoration projects were identified by Specific Design Plan SDP-1002 in Section 7: Reach 7-2, 7-3, 7-5, and 7-6.
  - (1) A minimum expenditure of \$1,476,600, in priority stream restoration, is required on the overall Parkside development site by SDP-1002. Previous stream restoration projects on Reach 3-4 and 6-2 have expended \$942,146. The remaining required funds to be spent on priority stream restoration projects is \$534,454. Section 7 is the last developing section in Parkside.
  - (2) The applicant shall demonstrate, to the satisfaction of staff, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, including Section 7, will be no less than \$1,476,600, based on estimates from qualified consultants.
  - (3) After the proposed project sites for Section 7 have been approved by staff, the technical design of the stream restoration projects and environmental impacts shall be prepared for approval by the Prince George's County Department of Permitting, Inspections and Enforcement.

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- (4) Prior to certification of the SDP and Type 2 tree conservation plan (TCP2) for Section 7, detailed stream restoration plans for the selected priority stream restoration project areas shall be approved by the Prince George's County Department of Permitting, Inspections and Enforcement, and the detailed stream restoration design shall be included on the SDP and TCP2. Each stream restoration plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.
- (5) Prior to certification of the SDP and Type 2 tree conservation plan (TCP2) for Section 7, the table of impacts to regulated environmental features of the site shall be amended, to include the permanent and temporary impacts resulting from construction of stream restoration on Reach 7. The area of impacts to the primary management area (PMA), resulting from the required stream restoration, shall be addressed in the TCP2 woodland conservation worksheet for mitigation of PMA impacts at 1:1.
- (6) Stream restoration implemented may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site, to the fullest extent possible.

2. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site:

- a. Documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Prince George's County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows, with the recorded liber/folio:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

- b. Include the final technical design approved for the required stream restoration, and reconcile all plan sheets, tables, worksheets, and notes to reflect the full impacts of the stream restoration projects and any additional mitigation required by federal and/or state permits.
- c. On all plan sheets:
  - (1) The TCP2 and specific design plan numbers shall be added to the approval block.
  - (2) A valid and current seal shall be provided on each sheet of the plan set.

- (3) Add a woodland conservation sheet summary table to all appropriate plan sheets, which include site statistics about the number of specimen trees on the site and the number of specimen trees approved for removal.
  - (4) The correct TCP2 numbers shall be added to the section lines on the plan.
  - (5) In the legend, the existing and proposed 100-year floodplain shall be correctly identified.
  - (6) The 1.5 safety factor line shown on the plan should be removed, if it is no longer applicable, due to remediation.
- d. On Sheet 1:
- (1) Add the following note to the plan, under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE).”
  - (2) Add a signed Owner’s Awareness Certificate.
  - (3) Remove the soils table.
  - (4) Add a completed cumulative change table for Forest Conservation Act reporting.
- e. On Sheet 2:
- (1) The phased and individual section worksheet shall be revised to reflect impacts resulting from the required stream restoration, and include all associated information.
  - (2) The Woodland Summary Table shall be revised to include the sheet(s) where woodland conservation measures are shown, as well as any additional woodland conservation requirements necessary to address disturbance caused by stream restoration.
  - (3) Additional notes shall be added to the afforestation/reforestation notes regarding bonding and certification of the natural regeneration that has occurred on-site as afforestation, monitoring of the site over the four-year maintenance period, assessment techniques for the possible need of supplemental planting, and providing guidance.

- (4) A non-native invasive species management plan shall be prepared and added to the plan.
    - (5) A reforestation plant schedule shall be added to the plan, as needed, for additional planting areas that are developed with the required stream restoration.
    - (6) The reforestation plant schedule for Area B shall be revised to correct the stocking rate.
  - f. On Sheets 12, 13, and 14:
    - (1) Add elevations for top of wall and bottom of wall on the retaining wall.
    - (2) Show the primary management area (PMA) line on Parcel 213, on Sheets 13 and 14, and identify if any additional PMA impacts are incurred off-site by the grading proposed.
    - (3) Add a note to Parcel 213, on Sheets 13 and 14, indicating that no grading can occur on Parcel 213, without written permission from the property owner, prior to issuance of the grading permit. If permission is not granted, the plans will require revision to remove the off-site grading.
  - g. Add the following note on Sheets 15 and 16:

“Woodland Reforestation Area A (WRA A) was determined to have satisfactorily naturally regenerated based on an assessment performed by Kevin M McCarthy, State of Maryland Registered Forester #394, of Bay Environmental Inc. dated October 14, 2022, and located in the digital file for TCP2-045-2022. “
  - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. Prior to issuance of any grading permits, the certified specific design plan and associated Type 2 tree conservation plan shall reflect the required stream restoration work for Section 7.
  4. Prior to issuance of any permits, which impact 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.
  5. Prior to issuance of the first building permit for the Section 7 development, all selected and approved stream restoration projects shall be completed. Evidence of completion, including a summary of all work performed and photographs, shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by Environmental Planning staff.



6. Prior to issuance of building permits, all afforestation/reforestation and associated fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for the area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

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 Shapiro voting in favor of the motion at its regular meeting held on Thursday, February 23, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2023 \*and corrected administratively on April 4, 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: March 7, 2023 and April 7, 2023

\*Denotes Correction

Underlining indicates new language

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

C O R R E C T E D R E S O L U T I O N

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, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, applications for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, may be reviewed and decided in accordance with the prior Zoning; and

WHEREAS, in consideration of evidence presented at a public hearing on February 23, 2023, regarding Specific Design Plan SDP-2204 for Parkside Section 7, the Planning Board finds:

1. **Request:** The applicant is proposing to develop this site with 617 single-family attached dwelling units and associated infrastructure.
2. **Development Data Summary:**

|                            | <b>EXISTING</b> | <b>APPROVED</b> |
|----------------------------|-----------------|-----------------|
| Zone                       | LCD/MIO         | L-A-C/R-M/M-I-O |
| Use                        | Residential     | Residential     |
| Total Gross Acreage of SDP | 113.51          | 113.51          |
| Floodplain Acreage of SDP  | 9.58            | 9.58            |
| Net Acreage of SDP         | 103.93          | 103.93          |
| Lots                       | 0               | 617             |
| Parcels                    | 1               | 97              |

OTHER DEVELOPMENT DATA

| <b>Parking</b>                      | <b>Required</b> | <b>Provided</b> |
|-------------------------------------|-----------------|-----------------|
| Townhouse units at 2.04 x 617 units | 1,259           | 1,330           |
| Bicycle Parking                     | 0               | 22              |

3. **Location:** The larger Parkside subdivision (formerly known as 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 MD 4 (Pennsylvania Avenue), in Planning Area 78, Council District 6. Section 7 is located in the northwest corner of Parkside, north of the Westphalia Central Park.

4. **Surrounding Uses:** This site is bounded to the north by a residential single-family detached community in the Residential, Rural (RR) Zone; to the east by undeveloped land in the Legacy Comprehensive Design (LCD) Zone; to the south by undeveloped land and Westphalia Central Park, in the LCD Zone; and to the west by other sections of the Parkside development (Sections 1, 2, 3), in the LCD Zone.
5. **Previous Approvals:** The subject application is for Section 7, within a larger project currently known as Parkside, formerly known as Smith Home Farm, which consists of 757 gross acres. The larger Parkside project was rezoned from the Residential-Agricultural (R-A) Zone to the Residential Medium Development (R-M) (density permitted between 3.6-5.7 dwelling units per acre) and L-A-C Zones, with a residential component including a mixed-retirement component 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, through Zoning Map Amendments A-9965 and A-9966. The Prince George's County District Council approved both zoning map amendments on February 13, 2006, and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Prince George's County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 (PGCPB Resolution No. 06-56(C)) for the entire Parkside project, with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding construction of the MD 4/Westphalia Road interchange; Condition 7 regarding the location and size of the proposed community center and pool; and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions.

On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved infrastructure Specific Design Plan SDP-0506 and associated Type II Tree Conservation Plan TCPII-057-06 (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south), in the R-M Zone. This application also showed a portion of the roadway between MC-631 and Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, Specific Design Plan SDP-0506-02, was approved by the

Planning Board on March 29, 2012 (PGCPB Resolution No. 12-114), subject to conditions contained herein. A third amendment, Specific Design Plan SDP-0506-03, was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to conditions.

In addition to the prior approvals mentioned above, two later actions by the District Council have revised several conditions of CDP-0501 that govern development of the entire Smith Home Farm project. 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 (market rate) 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 an SDP for the Central Park, following approval of the Westphalia Sector Plan and SMA, and not as the second SDP, as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning the Public Facilities Financing and Implementation Program (PFFIP) District for 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 prior Prince George's County Subdivision Regulations, and other methods, in order to ensure the timely provision of adequate public facilities for larger projects, such as Westphalia.

Specific Design Plan SDP-1002 for stream restoration, as required by conditions of Preliminary Plan of Subdivision (PPS) 4-05080 and SDP-0506, was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012, formalizing that approval, subject to seven conditions. There are stream restoration projects identified in SDP-1002 as priority projects that are located within Section 7.

On July 21, 2022, the Planning Board approved Preliminary Plan of Subdivision 4-21029 and revised Type I Tree Conservation Plan TCPI-038-05-04 (PGCPB Resolution No. 2022-87) for 627 lots and 95 parcels, with 39 conditions.

This project is also subject to Stormwater Management (SWM) Concept Plan 41639-2021-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement on August 10, 2022.

6. **Design Features:** This project consists of Section 7 of a larger development known as Parkside, that is irregularly shaped. Access to the site will be from an extension of MC-631 (Central Park Drive), which will extend toward the southern edge of the development site. The site will also have direct access from Victoria Park Drive, which will extend east onto the site from other sections of Parkside.

The townhouses will be arranged in a modified grid pattern. The units will front on private roads and alleys, with a mix of front- and rear-load units, single- and double-garage units, and two- and three-story units.

### **Architecture**

Two two-story and three-story townhouse models are proposed for the 617 units, with front and rear garage units. Five unit types, identified as Abbey, Chandler II, Grable II, Harlow II, and Lana II, are provided for evaluation. The Abbey and Chandler II are three-story models with a single-stall garage rear-loaded on the Abbey and front-loaded on the Chandler II.

The Grable II and Harlow II models are three-story, two-stall, front-load garage units; and the Lana II model will be two-story, rear-load, two-stall garage units. Only the Lana II model is proposed to have basements. A condition has been provided herein, requiring the applicant to provide a unit-type count table on the SDP.

Each unit has multiple front elevation options and a variety of exterior finishes and roof designs, including shutters, balanced fenestration, front porches with decorative columns, awnings, cross gables, and dormers. The buildings have been designed to incorporate a variety of materials including brick, stone, and siding, creating a clean and contemporary design which will complement the surrounding uses. The Grable II and the Harlow II units are identical in architecture; however, the Grable II is proposed as 24-foot-wide units and the Harlow II is proposed as 22-foot-wide units.

All units propose architectural shingles on the roof and offer a variety of window and door treatments and architectural finishes, including a mix of high-quality building materials on the façades such as vinyl, brick, stone, and masonry. A table has been provided in the SDP to track the percentage of brickwork on the façades. Options are available for dormers and bay windows, with the options all represented on the templates; however, a rear elevation was not provided for the Abbey units. A condition has been included herein, requiring the applicant to provide the rear elevation and options for the Abbey unit type.

The highly visible units are shown on an exhibit. These units shall include a side elevation with a minimum of three standard features, in addition to a full first floor finished in brick or masonry; however, the architectural notes contained on this exhibit do not reference the requirements of the highly visible units. A condition has been provided herein requiring the applicant to provide the requirements for highly visible lots on the SDP Highly Visible Lot exhibit.

### **Recreational Facilities**

The applicant is proposing on-site recreation to satisfy the mandatory dedication of parkland requirement, by providing three main recreation parcels within this community. A large central parcel will provide a pre-school and school-age playground, a gazebo, walking surfaces, benches, bike racks, and open lawn areas.

On the eastern side of the community, a health circuit is proposed. This will be a compact circuit of multiple exercise stations, mostly contained within a canopy structure. The third main recreation parcel will be for passive enjoyment and will contain a semicircle trail with benches and lined with trees. In addition to these amenities, many of the units will have frontage on a common homeowners association green. In addition, this site is adjacent to the Westphalia Central Park, a premier park facility being developed within the community. As a condition of CDP-0501, each unit in Parkside is required to contribute toward funding the development of that park, as discussed in Finding 9 below.

### **Lighting**

A lighting and photometric plan were provided with the application, demonstrating that the proposed lighting levels are appropriate for residential development. The plan provides symbols used to identify the different light-types; however, those symbols do not match the symbols provided in the Luminaire Schedule on the plan. A condition is provided herein, requiring the applicant to provide matching symbols on the plans and in the schedule.

### **Signage**

A signage plan was not provided with this application, nor is there any indication on the plans of the intent to provide signage.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to conditions that are relevant to the review of this application, as follows:

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

A. **Land use types and quantities:**

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

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**

- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted 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**

**Note: \*The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The subject application consists of Section 7 and includes a total of 83.08 acres of land within the prior R-M Zone. The overall unit count for the entire Parkside community has been shown in a table on the SDP, for tracking purposes, for conformance with the requirements above and the CDP and preliminary plan approvals, in regard to the final density of the overall site.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

This SDP provides three recreational parcels, including a centrally located recreational area with a pre-school and school-aged playground, a gazebo, walking surfaces, benches, bike racks, and open lawn areas. Adequate recreational facilities have been addressed with this application.

**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.**

This SDP shows that all internal roadways and master plan rights-of-way (ROWs) are designed to facilitate the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommended policies and are served by a continuous network of internal pedestrian and bicycle facilities. In addition, the SDP submission shows P-616 improved with a network of sharrows, in both directions, within the limits of the site. A 10-foot-wide shared-use path is being proposed on both MC-631 and MC-632 and are shown on the southern and eastern sides of these master-planned roads, consistent with the master plan recommendations.

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

This site is interior among the sections of the community and not adjacent to any major roadways. This condition is therefore not applicable to this application.

**L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

**M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

**N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

**O. No woodland conservation shall be provided on any residential lots.**

The woodland conservation threshold (WCT) for the overall site is 24.53 percent, established by the District Council, which also requires 1:1 replacement for clearing within the primary management area (PMA), prohibits the crediting of woodland conservation on residential lots, and requires that the WCT for the overall development be met on-site. An evaluation of impacts to regulated environmental features (REF) is provided in Finding 15d below.

**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.**

This condition has been fulfilled. The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and a discussion of the application's conformance with Section 4.7, Buffering Incompatible Uses, is contained in Finding 14 below.

**8. Prince George's County Zoning Ordinance:** The subject SDP is in conformance with the applicable requirements of the Prince George's County Zoning Ordinance in the prior R-M and M-I-O Zones, as follows:



- a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the prior R-M Zone, as demonstrated in the prior approvals. The proposed single-family attached uses are permitted in the prior R-M Zone.
- b. Military Installation Overlay (M-I-O) Zone: A portion of the project is also located within the Noise Impact Zone (60-74 dBA noise contour) of the M-I-O Zone. A Phase II noise study will be needed at the time of a full-scale SDP, which shows that all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less.

The western portion of the property is located within the outer edge of the M-I-O Zone, in Height Zone E. The maximum building height limit is 515 feet. The proposed single-family attached buildings usually measure approximately 40 feet in height, well below the maximum building height limits.

9. **Comprehensive Design Plan CDP-0501, its amendment, and reconsideration:** CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 (PGCPB Resolution No. 06-56) and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and issuance of building permits, and was reapproved by the District Council on March 28, 2016 (PGCPB Resolution No. 06-56(C)(A)). The following conditions warrant discussion, in relation to the review of the subject SDP:

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

- 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.**
- f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
- g. **A trailhead facility for the Cabin Branch Trail.**
- h. **The architectural design around the Central Park and the view sheds and vistas from the Central Park.**

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

A comprehensive trails network exhibit was provided with previous SDP applications. This site does not include parts of the Cabin Branch Trail, trailhead, or Central Park. The pedestrian sidewalk was reviewed with this application and found to be adequate.

The viewsheds of the Central Park have been considered by the placement of townhouses with the front façades facing the park.

**10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC), its heirs, successors and/or assignees will perform design and construction work calculated up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016) of which approximately \$6,500,000 will be reimbursed from the applicant's generated park club permit fees and the balance of \$7,400,000 will be reimbursed from other developer generated park club fees or other sources. The applicant's obligation to provide design and construction work for the central park is applicable only through the 1600th building permit, beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR 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. \$400,000 shall be used by the applicant for the schematic design and specific design plan for the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 500th building permit.**
- c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase 1 (as shown in attached Exhibit-A) of the central park. DPR staff shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase 1 of the central park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to the issuance of the 700th building permit. DPR shall respond to applicant in writing with any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.**

- d. **\$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase 1(as shown in attached Exhibits B and C) of the central park prior to issuance of the 1,600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.**
- e. **The applicant shall complete the pond construction and rough grading of Phase 1 of the central park prior to issuance of the 1,000th building permit.**
- f. **In the event that sufficient funding is not available to fully construct Phase 1 at time of the 1400th permit, DPR and the applicant will work together to determine how the available funding will be used to construct portions of Phase 1 as called for in Exhibits A and B. Prior to the issuance of the 1400th building permit, the applicant and DPR shall enter into a Recreational Facilities Agreement (“RFA”) establishing both scope and a schedule for construction of Phase 1 of the central park.**

**DPR staff shall review the actual expenditures associated with each phase described above. The applicant’s obligation to provide services for the design, grading and construction of the central park set forth in Condition 10 herein shall be limited to: (i.) the amount of funds to be generated from 1600 of the applicant’s building permits pursuant to Condition 22; OR (ii.) the amount of funds available in the Westphalia Park Club Fund (which will include amounts to be contributed by other developers in the Westphalia Sector) or other sources at time of issuance of the applicant’s 1599th building permit, whichever is greater provided that the total amount of applicant’s services do not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the central park beyond the limits of this condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading and construction of the central park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and /or construction of the central park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis. Thirty (30) days prior to the start of construction of the central park, a performance bond equal to the amount of construction work agreed upon between DPR and the**

**applicant for Phase 1 work shall be posted with DPR for applicant’s construction of the central park. The cost for such bond(s) will be included as part of the cost of construction of the central park. If Phase 1 (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant will assign its current contracts to the Commission to complete Phase 1 construction at the Commission’s request. In the event of such an assignment to the Commission, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond will be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.**

The permit tracking associated with this condition must include the proposed building permits associated with the development of the site. At the time of each building permit, the required park fee will be collected, in accordance with this condition.

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

| <b>PHASING OF AMENITIES</b>   |   |  |
|---|---|--|
| <b>FACILITY</b>   | <b>BOND</b>   | <b>FINISH CONSTRUCTION</b>   |
| <b>Multi-age playground combinations (pre-school and school-aged)</b>   | <b>Prior to the issuance of the 165th building permit overall</b>   | <b>Complete by 330th building permit overall</b>                                     |
| <b>Health Circuit/Fitness Station</b>   | <b>Prior to the issuance of the 190th building permit overall</b>   | <b>Complete by 380th building permit overall</b>                                     |
| <b>Passive Park*</b>  | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 175th building permit overall</b>                                 |
| <b>Benches, trash/recycling receptacles, and pet waste stations throughout</b>  | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 75 percent of the building permits are issued in that section</b> |
| <p><b>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.</b></p> |   |  |

**\*The table provided on the SDP did not include timing for this recreational parcel. A condition is provided herein to provide construction timing for the passive park on the recreational facilities table.**

- 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.**

The required table is provided on the SDP.

- 20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**
- 22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.**
- 23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**

Per Conditions 20–23 above, at the time of CDP-0501 approval, the applicant offered dedication of parkland and provided design services for development of the SDP for the Westphalia Central Park and construction documents for Phase 1 of the park. In addition, the applicant will construct recreational facilities in Phase 1 of the park, in lieu of a financial contribution into the Westphalia Park Club, as set forth in CDP-0501. It is anticipated that the cost for these services will be reimbursed to the applicant from an escrow account established, administered, and maintained by the Prince George's County Department of Parks and Recreation (DPR). The remaining future phases of the Central

Park will be constructed by DPR using Westphalia Central Park Club funds, which will include funds contributed by other developers in the Westphalia Sector Plan area and/or other sources. The timing for the design and construction documents for future phases of the Central Park should be determined by DPR through the Prince George's County Capital Improvement Program (CIP), subject to available funding from park club fees and/or other sources. At the time of this resolution, the first phase of the Central Park has been approved with Specific Design Plan SDP-1101.

- 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 number of building permits released for the overall development of Parkside (Smith Home Farm), as of the date of this resolution, is 1,251, well below the threshold of 2,113. No commercial floor area has been constructed in Parkside.

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

The property is subject to the requirements of the Landscape Manual and a discussion of the application's conformance to Section 4.7 is contained in Finding 14 below.

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

The dwellings will range in height from 32 to 38 feet. No variances are necessary for density.

On December 1, 2011, CDP-0501-01 was approved by the Planning Board, subject to four conditions and the modification of Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01 (PGCPB Resolution No. 11-112). The following conditions warrant discussion, in relation to the subject SDP:

- 2. The following three conditions attached to previously approved Comprehensive Design Plan CDP 0501 shall be revised as follows (underlined text is added/changed):**

- 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).**

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

Notes:

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

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

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

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

The siting, size, and lot area for the proposed dwellings were found to be in conformance with these design standards.

The following three conditions were added by the District Council on May 21, 2012, when the District Council affirmed the Planning Board's decision and approved CDP-0501-01.

3. **Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.**
4. **If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.**
5. **If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.**

A community building is not proposed with this section.

10. **Preliminary Plan of Subdivision 4-21029:** On July 28, 2022, the Planning Board approved PPS 4-21029 for Section 7, with 39 conditions (PGCPB Resolution No. 2022-87). Signature approval of 4-21029 must be completed, prior to certification of this SDP. The following conditions warrant discussion, in relation to the subject SDP:

2. **A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.**

The uses proposed with SDP-2204 are consistent with the uses evaluated for adequacy with PPS 4-21029.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 41639-2021-00, once approved, and any subsequent revisions.**

This application was found to be in conformance with the approved SWM Concept Plan (41639-2021-00) and approval letter.



5. **In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**
6. **The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall be determined at the time of SDP.**
7. **Prior to submission of the final plat of subdivision for any residential lot, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.**
8. **Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.**

The applicant proposes a multi-age playground, fitness stations, park benches, trash/recycling receptacles, and pet waste stations as on-site recreational facilities, to meet Section 24-135(b) requirements. The list of recreational facilities should be revised to remove trash/recycling receptacles and pet waste stations, and the cost estimate for provided facilities updated. The Urban Design Section should review adequacy, proper siting, and triggers for construction proposed in this SDP. Conditions 7 and 8 will be further reviewed, at the time of final plat and building permits.

14. **Total development within the subject property shall be limited to uses which generate no more than 459 AM peak-hour trips and 532 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.**

This application is for 617 residential units only and generates a total of 431 AM and 493 PM new trips. Please note that this SDP does not include any retail uses assumed in the approved PPS and, therefore, internal capture was not included as part of the analysis. Any assumption for commercial uses will be considered with subsequent SDP submissions. The Planning Board concludes that the trip cap established, at the time of the PPS, will not be exceeded.

- 17. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each specific design plan.**

The unit cost of the residential development will remain unchanged from the PPS and will be paid at the time of permitting.

- 18. Prior to approval of the first building permit, the following transportation 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. The details of the following facilities shall be provided as part of the specific design plan:**

**Ritchie Marlboro Road and Sansbury Road**

- a. Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.**
- b. Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.**
- c. Design and prepare Traffic Signal Modification Plans.**

This condition will be addressed at the time of permitting.

- 19. If the development is phased, the applicant shall provide a phasing plan (with supplemental operational analysis and adequate justification) as part of each specific design plan to show the phasing of transportation improvements provided in Condition 18 to the phased development of the site. A determination shall be made at that time as to when said improvements shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.**

The applicant has not provided any supplemental analyses for phasing the development. As a condition of approval, the Planning Board requires that the applicant submit an operational analysis demonstrating phasing of the improvements to phased development for the SDP, prior to its certification. The notes of the SDP shall be updated to include the exact trigger of the improvements, based on the analysis.

- 20. Prior to acceptance of a specific design plan (SDP), the applicant and the applicant's heirs, successors and/or assignees shall include as part of the SDP site plan submission the following:**

- a. **A minimum six-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.**
- b. **Americans with Disabilities Act-accessible curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.**
- c. **Shared roadway pavement markings and signage along P-616, consistent with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by the operating agency, with written correspondence.**
- d. **Short-term bicycle parking at all recreation areas, consistent with the AASHTO Guide for the Development of Bicycle Facilities.**
- e. **A 10-foot-wide side path along one side of both MC-631 and MC-632, unless modified by the operating agency with written correspondence.**

This condition has been satisfied. Regarding Condition 20(a), a standard sidewalk of 5 feet has been provided. A site development plan, reflecting 5-foot-wide sidewalks, was approved by DPIE. Five-foot-wide sidewalks have been approved for the surrounding residential communities, adjacent to this development.

26. **Prior to acceptance of an application for the specific design plan for Parkside, Section 7, a revised natural resources inventory (NRI) shall be approved and submitted with the application. The updated NRI plan for Section 7 is specifically needed to confirm required stream buffers, which may enlarge the primary management area on the site; confirm the status of rare, threatened, and endangered species by the Maryland Department of Natural Resources Natural Heritage Program; and update the table of on-site specimen and champion trees and the plan drawing to confirm their size and location, because a Subtitle 25 variance would be required for removal.**

The updated natural resources inventory (NRI) plan for Section 7 was specifically needed to confirm expanded stream buffers; to update the rare, threatened, and endangered species survey performed in 2005 for Section 7; to guide the design of required stream restoration; and to confirm the size and location of specimen trees approved for removal in Section 7, including those within the limits of the stream restoration requiring a Subtitle 25 variance. The revised NRI was approved on August 29, 2022, prior to acceptance of the current SDP and Type 2 tree conservation plan (TCP2).

27. **At the time of specific design plan (SDP) review, a slope stability analysis based on the final grading plan proposed with the SDP shall be submitted for review to confirm that the safety factor line is less than 1.5. If a safety factor line greater than 1.5 is determined, it shall be shown on the SDP and Type 2 tree conservation plan.**

Marlboro clay is located in the vicinity of Section 7 of the Parkside development. A geotechnical report was provided and reviewed with the PPS and revised TCPI, and the elevation of the Marlboro clay layer was identified using soil boring logs. A slope stability analysis was performed, which resulted in a safety factor line of less than 1.5, based on the grading shown on the PPS submitted. The geotechnical report has also shown the site to have a less than 1.5 safety factor line. The applicant has provided a slope stability analysis, based on the grading plan submitted at the time of SDP review to confirm the safety factor line.

- 36. Pursuant to Section 27-480(d) of the Prince George’s County Zoning Ordinance, the applicant shall seek approval at the time of specific design plan for all townhouse groups exceeding six units. If such approval is not granted, the affected townhouse lots of those building groups shall be reduced and final platting shall conform to such reduction.**

Of the 121 building groups proposed with this SDP, six townhouse building groups exceed six units. There are three townhouse groups with seven units, and three townhouse groups with eight units. Pursuant to Section 27-480(d) of the prior Zoning Ordinance, the total number of building groups exceeding six units was less than 20 percent of the overall units, and all end units in these building groups are 24 feet in width.

- 37. Prior to approval of a use and occupancy permit for any nonresidential development, the applicant and the applicant’s heirs, successors, and/or assignees shall:**
- a. Contact the Prince George’s County Fire/EMS Department to request a pre-incident emergency plan for the facility.**
  - b. Install and maintain a sprinkler system that complies with National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems.**
  - c. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.**
  - d. Install and maintain bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.**

These requirements shall be noted on the SDP for the nonresidential portion of the development, for the subject site.

The requirements listed in Condition 37 are not noted on the SDP.

- 38. Prior to acceptance of the specific design plan, a tracking chart on the coversheet, which shows the number and percentage of lots in the Residential Medium Development Zone, smaller than 1,600 square feet across the different sections of the Parkside development shall be provided.**

The SDP includes a tracking chart, in conformance with this condition, on the cover sheet.

- 11. Specific Design Plan SDP-0506 and its amendments:** The Planning Board approved SDP-0506 for infrastructure, with three conditions. The condition that is relevant to the review of this SDP is discussed, as follows:

- 2. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**

- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. Identify areas of stream restoration that are not associated with future road crossings, stormwater management, and utility crossings that have an installation cost of no less than \$1,476,600, which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

A limited SDP for stream restoration (SDP-1002) was approved, with conditions, by the Planning Board on January 26, 2012. Per the conditions above, SDPs that include priority stream restoration projects shall be designed or revised to reflect conformance with the approved SWM concept approval for the stream restoration, prior to issuance of grading permits. Affected SDPs and associated TCP2s shall include the detailed engineering necessary for stream restoration implementation. Reaches 7-2, 7-3, 7-5, and 7-6 have been identified as priority stream restoration areas. Technical design to implement the required stream restoration in Section 7 is required to be shown on the SDP and TCP2 plans, prior to certification.

12. **2010 Prince George’s County Landscape Manual:** Per Section 27-528(a)(1) of the prior Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. This development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development From Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan, demonstrating conformance with these sections, except for Sections 4.1 and 4.6.

The plan shows that the lots show trees placed on the property, in fulfillment of the Section 4.1 requirement. On small townhouse lots, placing trees within the property can be problematic, in terms of usable yard space and future maintenance/replacement. The Planning Board requires that trees fulfilling the requirements of Section 4.1 be moved off of the lots and onto homeowners association (HOA) open spaces, to the maximum extent possible. A condition is provided herein requiring the applicant to relocate trees, for fulfillment of Section 4.1, off of the lots and onto HOA properties, to the extent possible.

**Section 4.6(c)(1)(A)(i)**

SDP-2204 proposes 617 single-family attached (townhouse) dwellings. The applicant has requested alternative compliance (AC) to grant relief from the requirements of Section 4.6(c)(1)(A)(i) for a reduced rear yard buffer adjacent to streets and special roadways. However, this is not required along private roadways internal to the townhouse development. The lots associated with this AC request all have rear yards oriented towards internal roadways. The Planning Board has determined that the AC request from Section 4.6(c)(1)(A)(i) is not required. The applicant should revise the landscape schedule, accordingly.

**Section 4.10(c)(1)**

The applicant also requests AC from Section 4.10(c)(1) to not provide the 5-foot-wide landscape strip between the street curb and the sidewalk. The applicant is seeking relief from these requirements, as follows:

**REQUIRED: Section 4.10(c)(1), Street Trees Along Private Road E**

|                                    |        |
|------------------------------------|--------|
| Length of Landscape Strip          | 215 LF |
| Width of Landscape Strip           | 5 ft.  |
| Shade Trees (1 per 35 linear feet) | 6      |

**APPROVED: Section 4.10(c)(1), Street Trees Along Private Road E**

|                                    |        |
|------------------------------------|--------|
| Length of Landscape Strip          | 215 LF |
| Width of Landscape Strip           | 0 ft.  |
| Shade Trees (1 per 35 linear feet) | 7      |

**Justification**

The applicant is proposing to have the sidewalk, along Private Road E, abut the curb without having a green space in between. The applicant has cited the lack of space along the frontage of Private Street E, due to stormwater management (SWM) facilities, the required 10-foot-wide public utility easement (PUE), and space for parallel parking needed to support the development. As a result, the landscape strip, typically provided for street trees, is non-existent on the eastern side of the street. This fails to meet the requirements of Section 4.10(c)(1), which requires a 5-foot-wide planting strip on both sides of private roads. The proposed layout shows the sidewalk abutting the curb, which creates a contiguous green space from the sidewalk to the dwellings. The applicant is proposing plantings in the area where the sidewalk would typically be.

Section 4.10 requires one street tree to be planted for every 35 linear feet of private street. Private Road E is a total of 215 linear feet in length. Using this formula, the applicant would be required to plant six street trees. The applicant is proposing to plant seven street trees, rather than the required six, with four on the side of the street without a landscape strip.

The Alternative Compliance Committee finds the applicant's proposal equally effective as normal compliance with Section 4.10, as the proposed solution provides an excess of the number of required street trees, while still allowing for parallel parking, SWM facilities, and a contiguous PUE.

**Section 4.10(c)(2)**

The applicant also requests AC from Section 4.10(c)(2) for the required amount of shade trees required along each side of private streets, for Private Road H. The applicant is seeking relief from these requirements, as follows:

**REQUIRED: Section 4.10(c)(2), Street Trees Along Private Road H**

|                                    |         |
|------------------------------------|---------|
| Length of Frontage                 | 742 ft. |
| Width of Landscape Strip           | 5 ft.   |
| Shade Trees (1 per 35 linear feet) | 21      |

**APPROVED: Section 4.10(c)(2), Street Trees Along Private Road H**

|                                    |         |
|------------------------------------|---------|
| Length of Frontage                 | 742 ft. |
| Width of Landscape Strip           | 5 ft.   |
| Shade Trees (1 per 35 linear feet) | 10      |

**Justification**

As stated previously, the applicant has cited spatial limitations, due to the placement of utilities and SWM devices. To compensate, the applicant has provided supplemental and enhanced planting throughout the development with ornamental trees, shrubs, and perennials especially on green space along private streets, and exceeded the required amount of street trees. The Planning Board is not opposed to additional planting throughout the development; however, this does not adequately address the lack of street trees on Private Road H, and does not meet the standard of equally effective as normal compliance. Therefore, the Planning Board requires that the applicant provide additional plantings, specifically ornamental trees, along Private Road H, prior to certification of the SDP. With these additional trees, the Planning Board has determined that the alternative design will be equally effective as normal compliance with Section 4.10(c)(2).

In previous submissions associated with the AC, the applicant has indicated that Private Road D was also associated with the AC request. However, in the latest submission, Private Road D has been removed from the request; although the landscape schedule still shows Private Road D not providing the minimum 10 trees required. The landscape schedule should be revised to indicate that Private Road D is meeting the requirements.

The Planning Board approves AC-22005 for Parkside Section 7, from the requirements of Sections 4.10(c)(1) and 4.10(c)(2), Street Trees along Private Streets, of the Landscape Manual, subject to conditions contained herein.

13. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO):**

This site is subject to the provisions of the WCO because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and there are previously approved TCPs. In a memorandum dated January 27, 2023, incorporated herein by reference, a full discussion was provided and is summarized, as follows:

- a. A revision to NRI-005-06-03 for Section 7 was required, prior to acceptance of an SDP and TCP2 for Section 7, and was necessary to guide the design of the master planned-stream crossing and the required stream restoration. PGATLAS does not indicate that Section 7 includes any sensitive species review area on the site, but this was



confirmed by the Natural Heritage Section, Maryland Department of Natural Resources, in conformance with Part B of the Environmental Technical Manual (ETM).

- b. The gross tract area of the overall Parkside site is 760.93 acres, with 112.65 acres in 100-year floodplain, resulting in a net tract area of 648.28 acres. The correct WCT for the site is 24.53 percent. The site has a mandatory 25 percent threshold requirement for land in the R-M Zone, determined by the District Council. The required on-site woodland conservation requirement is 159.52 acres. The woodland clearing of 104.20 acres is proposed on the net tract, 5.02 acres in the 100-year floodplain, and 7.00 acres of PMA, and the resulting total woodland conservation requirement is 253.55 acres.

The revised TCP1 (-04), approved with 4-21029, proposed preservation of 29.04 acres of on-site woodland, 135.60 acres of on-site afforestation/reforestation, and 88.91 acres of off-site mitigation, to fulfill the requirement. It should be noted that the revised TCP1 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but anticipates that afforestation/reforestation will be provided to offset the loss and provide expanded riparian and stream buffers.

Type 2 Tree Conservation Plan TCP2-045-2022 addresses the woodland conservation required and provided for Section 7. The gross tract area of Section 7 is 103.37 acres, with 7.84 acres in the 100-year floodplain, resulting in a net tract area of 99.53 acres. The correct WCT for Section 7 is 18.82 percent. Because of the limited amount of woodland located on the net tract, Section 7 is subject to the 15 percent afforestation requirement of 13.24 acres.

The amount of existing woodland on the net tract is 1.09 acres. Woodland clearing of 0.27 acre is proposed on the net tract, 0.02 acre in the 100-year floodplain, and 1.21 acres of off-site impacts, and the resulting total woodland conservation requirement is 15.83 acres.

The woodland conservation requirement for the site will be satisfied with 0.82 acre of on-site preservation and 15.01 acres of afforestation/reforestation.

It should be noted that the TCP2 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but anticipates that afforestation/reforestation or off-site woodland conservation will be provided to offset the additional loss resulting from stream restoration, prior to signature approval of the TCP2.

Because the overall Parkside site was a working farm, there was very limited existing woodland on the net tract area in 2005, when the first PPS and TCP1 were approved. Shortly after farming ceased on the property, natural regeneration began, particularly in Section 7 which is the last section to be developed. In addition, the property owner decided not to develop the portion of the property north of Reach 7 and eliminated a previously proposed stream crossing. Aerial photography of the site and a review of the most recent GIS Tree Canopy (2020) layer indicated that canopy had already developed

on the site. Bay Environmental, Inc. performed an on-site assessment to determine if any existing tree areas could be credited towards reforestation, to reduce the total planting requirements. The findings show that all plots sampled far exceeded the 700 trees per acre that are required for site stocking for whips, per the Site Stocking Table in Appendix A-60 of the ETM, but the distribution was not uniform. A Reforestation Plan Schedule has been provided, with a note stating “Afforestation/Reforestation areas shown on this plan may contain existing trees. Proposed volume of plantings to be confirmed at the time of construction/tree installation.” The recommendation of the professional forester, who submitted the assessment, was that natural regeneration will reforest the entire site, without the need for additional plantings. Based on this assessment, additional notes, regarding bonding and certification, shall be added to the afforestation/ reforestation notes provided on Sheet 2, to provide guidance for assessment and implementation of supplemental planting, if needed.

14. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3 (Tree Canopy Coverage Ordinance) of the Prince George’s County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. According to the TCC schedule, Section 7 is 113.51 acres, resulting in a TCC requirement of 17.0 acres. The schedule shows that the requirement will be met on-site through a combination of woodland preservation, reforestation, and proposed landscaping of 23.85 acres. The total woodland conservation shown on the TCC schedule is larger than the area shown on the TCP2, showing 15.99 acres and 15.86 acres, respectively. A condition has been included herein requiring the applicant to revise the schedule, to be consistent with the woodland conservation worksheet on the TCP2.
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated December 12, 2022, (Stabler, Smith, and Chisholm to Burke), which provided that this property was surveyed for archeological resources in 2005 and found that no archeological sites were identified in Section 7 of the Parkside development, and no additional archeological investigations are required in Section 7.
  - b. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023, (Diaz-Campbell to Burke), which provided a review of the subject SDP for conformance with the conditions attached to the approval of PPS 4-21029. The relevant comments have been included in the above findings of this resolution and a condition is provided herein.
  - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated January 25, 2023 (Burton to Burke), which provided a review of the SDP’s conformance with the most recent PPS, 4-21029. The relevant comments have been included in the above findings. The Transportation Planning Section concluded that

the subject development will be adequately served, within a reasonable time, with existing or programmed public facilities, either shown in the appropriate CIP or provided as part of the private development.

- d. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated January 30, 2023, (Finch to Burke), which provided a comprehensive analysis of the SDP’s conformance with all applicable environmental-related conditions attached to previous approvals, that have been included in above findings. Additional comments are, as follows:

**Specimen Trees**

Section 25-122(b)(1)(G) of the WCO requires that specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree, in its entirety, or preserve an appropriate percentage of the CRZ, in keeping with the tree’s condition and the species’ ability to survive construction, as provided in the ETM. Section 5-1611 of the Natural Resources Article requires local jurisdictions to provide procedures for granting variances to the local forest conservation program for removal of specimen trees, and the variance criteria in the WCO are set forth in Section 25-119(d).

The current NRI- 006-05-04 was approved on August 29, 2022, to provide an updated inventory of specimen, champion, and historic trees for Section 7. Although there are limited wooded areas on the site, the additional years of growth, which have occurred since the previous NRI, resulted in additional trees now being identified as specimen. Fifty-seven specimen trees were located on the subject site, or in close proximity.

Approval of a new PPS required that Section 7 be subject to the variance requirements of Subtitle 25-122(b)(1)(G), for removal of specimen trees. Sixteen specimen trees are currently proposed to be removed on the TCP2, within Section 7. A statement of justification and individual evaluation forms were submitted by the applicant.

**Nature of the Request**

With this application, the applicant requests a variance from Section 25-122(b)(1)(G) for removal of 16 specimen trees, for clearing and infrastructure associated with the proposed development. The specimen trees proposed for removal are identified below:

| TREES REQUESTED FOR REMOVAL WITH SDP-2204 |                |                                |              |                  |  |   |
|---|----------------|--------------------------------|--------------|------------------|--|---|
| No.                                       | Common Name    | Scientific Name                | DBH (inches) | Condition Rating | Comments   | Justification for Removal                               |
| 18  | Red Maple      | <i>Acer rubrum</i>             | 38           | Fair             | twin leaders with included bark, roots do not present on stream side | Grading and SWM devices are proposed in this location.  |
| 20  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 31           | Good             | oversized limb   | Grading and SWM devices are proposed in this location.  |
| 21  | American Beech | <i>Fagus grandiflora</i>       | 33           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 22  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 44           | Good             | top gone   | Grading and SWM devices are proposed in this location.  |
| 23  | Black Walnut   | <i>Juglans nigra</i>           | 36           | Fair             | twin leaders with included bark, oversized limb, fence in trunk      | Grading and SWM devices are proposed in this location.  |
| 24  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 32           | Poor             | oversized limb, thin crown, rot collar and lower trunk rot           | Grading and SWM devices are proposed in this location.  |
| 25  | American Beech | <i>Fagus grandiflora</i>       | 39           | Good             | small cavity, oversized limb   | Grading and SWM devices are proposed in this location.  |
| 26  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 46           | Poor             | all but dead, small band of living cambium on one side of tree       | Tree is in proposed townhouse location. Poor condition. |
| 27  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 31           | Good             | heavily vine covered, crown dieback                                  | Tree is in proposed townhouse location.                 |
| 28  | Hackberry      | <i>Celtis occidentalis</i>     | 35           | Poor             | large cavity from root collar up lower trunk to seven feet           | Tree in proposed road. Poor condition.                  |
| 40  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 33           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 41  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 47           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 42  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 35           | Fair             | shares root collar with tree #43                                     | Grading and SWM devices are proposed in this location.  |
| 43  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 37           | Fair             | shares root collar with tree #42, loose bark with insect evidence    | Grading and SWM devices are proposed in this location.  |

| TREES REQUESTED FOR REMOVAL WITH SDP-2204 |                   |                       |              |                  |   |   |
|---|-------------------|-----------------------|--------------|------------------|---|---|
| No.                                       | Common Name       | Scientific Name       | DBH (inches) | Condition Rating | Comments  | Justification for Removal   |
| 47  | American Sycamore | Platanus occidentalis | 31           | Good             | vine encumbered, oversized branch, a few dead branches  | Tree located at proposed road crossing and proposed SD pipe location. |
| 57  | Black Cherry      | Prunus serotina       | 37           | Fair             | oversized limb, three leaders, heavily vine encumbered, one dead scaffold branch, several dead smaller branches | Tree in proposed road and at proposed sewer line location.            |

The Planning Board approves removal of the 16 specimen trees requested by the applicant, based on the following findings:

**Evaluation**

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain specimen trees ST-18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 41, 42, 43, 47, and 57. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The 16 specimen trees proposed for removal are primarily located in the stream valley, along the middle and eastern portions of the site. The proposed development respects the existing environmental constraints on the property and has limited impacts to the PMA, to the fullest extent possible, as determined by the Planning Board. Preservation of the specimen trees requested for removal would result in an unnecessary hardship on the applicant to revise the site layout and is not consistent with the desired development density and pattern envisioned in the Westphalia Sector Plan and SMA.

Specimen trees ST-18, 20, 21, 22, 23, 24, and 25 are impacted by stormwater outfalls from the submerged gravel wetlands for the required SWM on the site to connect to the floodplain. Specimen tree ST- 18 is in fair condition and is the only specimen tree proposed for removal associated with submerged gravel wetland 3 (SGW-3). The stormwater outfall is proposed in the same location as

the specimen trees in poor condition, so adjacent specimen trees which are in better condition can be retained.

Specimen trees ST-20, 21, 22, and 25 are in good condition; however, removal is required to construct the pond embankment outside of the PMA. This will be located at a low point on the site, to allow stormwater to be redirected to the adjacent stream.

Specimen trees ST-23 and 24 are in poor and fair condition, respectively, and also require removal for construction of the pond embankment adjacent to the stream, but located outside of the PMA.

Specimen trees ST-26, 28, and 57 are in poor to fair condition and are located in the middle of proposed roads, utility locations, and buildings. This location is also proposed to be substantially elevated. The development features were laid out to minimize impacts to the PMA and wetland features, as well as utilizing existing roadways in achieving the desired pattern of development. Specimen tree ST-27 is a sweet gum in good shape, but is located in a proposed private road laid out in a grid pattern, and avoidance of the tree and construction impacts to the CRZ, due to substantial fill for development, make long-term retention infeasible.

Specimen trees ST-40, 41, 42, and 43 are impacted by grading associated with a stormwater outfall and the grading slope required down to the existing stream. The trees to be removed are tulip poplars, which have low tolerance to construction, and the outfall has been located to retain a grove of adjacent specimen trees, in better condition, and species with better construction tolerance.

Specimen Tree ST-47 is impacted by construction of a road crossing for a master-planned roadway (Central Park Drive – MC-631) and associated infrastructure, which was located to minimize stream impacts and cannot be feasibly relocated, at this point in the development process.

The proposed use for single-family attached residential, with a small commercial component, is a reasonable use for the subject site and it cannot be accomplished elsewhere on the site, without additional variances. The property is part of a larger master-planned area. Development cannot occur on the portions of the site containing Marlboro clay, REF, and PMA, which limit the site area available for development. Requiring the applicant to retain the 16 specimen trees on the site, to avoid impacts to the CRZs, would limit the already constrained area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Circumstances unique to the site include limited opportunities to provide access to and from the site from master-planned rights-of-way, constraints associated with the size and shape of developable areas, and preservation of PMA. The subject variance is necessary for the applicant to develop the property to achieve the best use of the property, in ways similar to other comparable properties and uses. Requiring preservation of all specimen trees would limit the property developable for allowable zoning uses. Granting the requested variance would not result in a privilege to the applicant, but would allow development to proceed with similar rights afforded to similar properties and land uses, especially those within the master-planned Parkside (formerly Smith Home Farm) development.

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other properties containing REF, Marlboro clay, and specimen trees are in a similar condition and location on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The nature of the variance request is premised on preserving the existing natural features of the site and the necessity to implement grading and clearing, to allow for adequate and safe development practices. The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. Removal of the 16 specimen trees would be the result of

the grading required for the desired development pattern for the site. The request to remove the trees is solely based on the trees' locations on the site, species, and condition.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size under natural conditions and have not been impacted by any neighboring land or building uses.

**(F) Granting of the variance will not adversely affect water quality.**

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state's standards, which are established to ensure that no degradation occurs.

**Conclusion**

Section 25-119(d)(4) states that the variance granted under these findings are not to be considered zoning variances. They are specific variances meant to recognize special circumstances relating to the removal of specimen trees only. In this case, there are special circumstances relating to the property, including the shape, size of developable area, master plan layout, and the location of PMA. The required findings of Section 25-119(d) have been adequately addressed for removal of specimen trees ST-18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 41, 42, 43, 47, and 57. The Planning Board approves the requested variance for removal of 16 specimen trees, for construction of Parkside, Section 7, as shown on TCP2-045-2022.

**Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA)**

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection, in accordance with Sections 24-130(b) and 24-130(b)(5) of the Subdivision Regulations, which provides for the protection of REF, to the fullest extent possible.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state to the fullest extent possible consistent with the guidance provided by the



ETM established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

The site has previously approved impacts associated with PPS 4-05080 and 4-16001 for roads approved and implemented under SDP-0506, revisions for infrastructure, SWM features implemented as part of the previously approved concept plan, and previously approved conceptual impacts for the stream restoration project on the overall Parkside development associated with SDP-1002. Additional impacts for development of Section 7 were reviewed and approved with PPS 4-21029 and TCP1-038-05-04.

Impacts to REF are limited to those that are necessary for development of the property and are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate, if placed at the location of an existing crossing or at the point of least impact to REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings, where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

#### **Environmental Letter of Justification (LOJ)**

A revised LOJ was submitted for proposed impacts to REF, dated September 29, 2022. The current LOJ and associated exhibits proposed three permanent impacts to REF associated with the proposed pattern of development, totaling approximately 1.87 acres, which are necessary for SWM facilities and culvert installation for road crossing and street connections.

The table below summarizes the proposed permanent impacts to REF on the property, and included in PMA Impacts Exhibits attached to the LOJ. It should be noted that the previously proposed layout of Parkside, Section 7 (as shown in CDP-0501-02), included an additional crossing of the stream in the northwest portion of the site and was eliminated during the review of the PPS. The proposed PMA impacts with the SDP have increased by 0.11 acre (6,620 square feet) more than those approved with the PPS.

**Table 1: PMA Impacts Summary**

| <b>Impact ID</b> | <b>Impact Type/<br/>Duration</b>        | <b>PMA Impact (SF/AC)</b>     | <b>Stream Buffer Impact (SF)</b> | <b>Wetland Impact (SF/AC)</b> | <b>Wetland Buffer (SF/AC)</b> | <b>Floodplain Impact (SF)</b> |
|------------------|---|-------------------------------|----------------------------------|-------------------------------|-------------------------------|-------------------------------|
| 1                | Storm drain outfall & grading/Permanent | 2,925 SF/<br>0.07 AC          | 2,468 SF                         | 0 SF/<br>0.00 AC              | 0 SF/<br>0.00 AC              | 2,831 SF                      |
| 2                | Storm drain outfall & grading/Permanent | 8,409 SF/<br>0.19 AC          | 0 SF/<br>0.00 AC                 | 0 SF/<br>0.00 AC              | 0 SF/<br>0.00 AC              | 4,932 SF                      |
| 3                | Road Crossing/<br>Permanent             | 70,248 SF/<br>1.61 AC         | 57,383 SF                        | 0.00 SF                       | 0.00 SF                       | 64,488 SF                     |
| <b>Total</b>     |   | <b>81,582 SF/<br/>1.87 AC</b> | <b>67,907 SF</b>                 | <b>0.00 SF</b>                | <b>0.00 SF</b>                | <b>72,251 SF</b>              |

**Analysis of Impacts**

**Impact 1: Stormwater Outfall For SGW-3**

This permanent impact is for a proposed stormwater outfall from SGW-3. The rip-rap apron, from the outfall pipe, extends into the PMA. Room is provided to allow for appropriate grading of the 10:1 slope, from the stormdrain rip-rap outfall to the stream, per SCD and DPIE standards. The total impact to PMA will be approximately 2,925 square feet (0.07 acre), which is consistent with the impacts approved at the time of PPS. The stormwater outfall meets best management practices for discharging water back into the stream, while limiting erosion at discharge points and is required by County Code.

**Impact 2: Stormwater Outfall For SGW-2**

This permanent impact is for a proposed stormwater outfall from SGW-2. The rip-rap apron from the outfall pipe extends into the PMA. Room is provided to allow for the appropriate grading of the 10:1 slope, from the stormdrain rap-rap outfall to the stream, per SCD and DPIE standards. A previously approved impact to this section of PMA was approximately 5,432 square feet (0.12 acre), which has increased by 2,977 square feet to 8,409 square feet (0.19 acre). The stormwater outfall meets best management practices for discharging water back into the stream, while limiting erosion at discharge points and is required by County Code.

**Impact 3: Road Crossing of master-planned road MC-631**

This permanent impact is proposed for a road crossing over a stream for construction of a primary planned roadway connecting to properties east of Parkside, Section 7. The road crossing is placed perpendicular to the PMA, to minimize the amount of disturbance. As part of the MPOT, the proposed master collector (MC-631) is intended to provide and improve the overall connectivity in the Westphalia Sector Plan Area. The impacts proposed allow for installation of an appropriately sized culvert and the required

temporary diversion of the stream. The impact also includes an outfall, with appropriate grading for SGW-1, per SCD and DPIE standards. Also included is the sanitary sewer outfall for the site, which connects to the existing sewer main that runs through the stream valley. Due to the location of the existing sewer line, this impact is inevitable to provide access to services necessary for development and has been collocated with the road crossing, to minimize additional impacts. The previously approved impact involved 66,605 square feet of permanent disturbance to REF and 380 linear feet of stream. Additional impacts associated with the SDP have increased by 3,648 square feet (0.08 acre).

#### **Summary of REF Impacts**

After evaluating the applicant's LOJ for proposed impacts to REF, the additional proposed impacts of 0.11 acre (6,620 square feet) are approved by the Planning Board. The proposed PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure, and impacts cannot be avoided, eliminated, or minimized because they are required by other provisions of County and state codes. The TCP2 shows the preservation and enhancement of PMA, to the fullest extent practicable.

#### **Stormwater Management**

An SWM Concept Plan (41639-2021-00) was approved by DPIE, on August 10, 2022, which proposes three submerged gravel wetlands with outfalls. The PMA impacts required to implement the proposed stormwater facilities are evaluated herein and approved.

- e. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Bishop to Burke), which provided a summary of general plan, master plan, and sectional map amendment criteria, as they relate to this property.
- f. **Permits**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Jacobs to Burke), which provided a comment regarding the architectural elevations, and is provided herein.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—Comments were not provided by DPIE.
- h. **Prince George's County Health Department**—Comments were not provided by the Health Department.
- i. **Prince George's County Police Department**—Comments were not provided by the Police Department.
- j. **Prince George's County Fire/EMS Department**—The Planning Board has reviewed and adopts the email dated December 22, 2022 (Reilly to Burke), in which the Fire/EMS Department provided comments to be addressed at the time of permit review.

- k. **Prince George’s County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the memorandum dated January 19, 2023 (Thompson to Burke), which provided an evaluation of PPS conditions and details regarding the required monetary contribution to the park club for the Central Park.
- l. **Westphalia Section Development Review Council (WSDRC)**—Comments were not provided by WSDRC.

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 II Tree Conservation Plans TCP2-045-2022 and APPROVED Alternative Compliance AC-22005, and further APPROVED Specific Design Plan SDP-2204 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP):
  - a. Correct General Note 3 on the SDP to describe the zoning as Legacy Comprehensive Design (LCD) Zone for the current zoning, and R-M and L-A-C as the prior Zones. Include a note stating that, in accordance with Section 27-1704(b), this application is proceeding under the prior Prince George’s County Zoning Ordinance.
  - \*[~~b.~~] The applicant and the applicant’s heirs, successors, and/or assignees shall submit an operational analysis demonstrating phasing of the improvements to phased development for the SDP.]
  - \*[~~c.~~] Update the notes section of the SDP to include the exact trigger of the transportation improvements, based on the operational analysis.]
  - \*[~~d.~~] List the requirements of PGCPB Resolution No. 2022-87, Condition 37, on the coversheet of the site plan.]
  - \*[~~e.~~] b. In the “Approved Total Units in Preliminary Plan #4-21029” chart on the coversheet, revise the suffix of the preliminary plan of subdivision to state, “per resolution.”
  - \*[~~f.~~] c. Provide a table on the SDP showing the unit-type count for each proposed unit type.
  - \*[~~g.~~] d. Provide the rear elevation and options for the Abbey unit type.
  - \*[~~h.~~] e. Identify the elevations of each unit of the Lana II model.

\*Denotes Correction

Underlining indicates new language

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

- \*~~[i-]~~ f. List the requirements for highly visible lots on the SDP Highly Visible Lot exhibit.
- \*~~[j-]~~ g. Provide matching symbols on the lighting plan and in the associated schedule.
- \*~~[k-]~~ h. Provide construction timing for the passive park on the recreational facilities table, to set the bonding requirement at prior to issuance of any building permits for that phase and completion of the passive park before issuance of the 175th building permit, overall.
- \*~~[l-]~~ i. Relocate trees off of the lots and onto homeowners association properties, to the extent possible, for fulfillment of Section 4.1 of the 2010 *Prince George's County Landscape Manual*.
- \*~~[m-]~~ j. Revise the schedule to be consistent with the woodland conservation worksheet on the Type 2 tree conservation plan.
- \*~~[n-]~~ k. The applicant shall request Environmental Planning Section staff approval of the recommended priority stream restoration projects selected to be implemented in Section 7, and provide the appropriate documentation for review and selection of the projects to be implemented. The priority stream restoration projects shall be evaluated for feasibility, cost, and water quality benefits, based on the current site design proposal. Four priority stream restoration projects were identified by Specific Design Plan SDP-1002 in Section 7: Reach 7-2, 7-3, 7-5, and 7-6.
  - (1) A minimum expenditure of \$1,476,600, in priority stream restoration, is required on the overall Parkside development site by SDP-1002. Previous stream restoration projects on Reach 3-4 and 6-2 have expended \$942,146. The remaining required funds to be spent on priority stream restoration projects is \$534,454. Section 7 is the last developing section in Parkside.
  - (2) The applicant shall demonstrate, to the satisfaction of staff, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, including Section 7, will be no less than \$1,476,600, based on estimates from qualified consultants.
  - (3) After the proposed project sites for Section 7 have been approved by staff, the technical design of the stream restoration projects and environmental impacts shall be prepared for approval by the Prince George's County Department of Permitting, Inspections and Enforcement.

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- (4) Prior to certification of the SDP and Type 2 tree conservation plan (TCP2) for Section 7, detailed stream restoration plans for the selected priority stream restoration project areas shall be approved by the Prince George's County Department of Permitting, Inspections and Enforcement, and the detailed stream restoration design shall be included on the SDP and TCP2. Each stream restoration plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.
- (5) Prior to certification of the SDP and Type 2 tree conservation plan (TCP2) for Section 7, the table of impacts to regulated environmental features of the site shall be amended, to include the permanent and temporary impacts resulting from construction of stream restoration on Reach 7. The area of impacts to the primary management area (PMA), resulting from the required stream restoration, shall be addressed in the TCP2 woodland conservation worksheet for mitigation of PMA impacts at 1:1.
- (6) Stream restoration implemented may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site, to the fullest extent possible.

2. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site:

- a. Documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Prince George's County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows, with the recorded liber/folio:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

- b. Include the final technical design approved for the required stream restoration, and reconcile all plan sheets, tables, worksheets, and notes to reflect the full impacts of the stream restoration projects and any additional mitigation required by federal and/or state permits.
- c. On all plan sheets:
  - (1) The TCP2 and specific design plan numbers shall be added to the approval block.
  - (2) A valid and current seal shall be provided on each sheet of the plan set.

- (3) Add a woodland conservation sheet summary table to all appropriate plan sheets, which include site statistics about the number of specimen trees on the site and the number of specimen trees approved for removal.
  - (4) The correct TCP2 numbers shall be added to the section lines on the plan.
  - (5) In the legend, the existing and proposed 100-year floodplain shall be correctly identified.
  - (6) The 1.5 safety factor line shown on the plan should be removed, if it is no longer applicable, due to remediation.
- d. On Sheet 1:
- (1) Add the following note to the plan, under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE).
  - (2) Add a signed Owner’s Awareness Certificate.
  - (3) Remove the soils table.
  - (4) Add a completed cumulative change table for Forest Conservation Act reporting.
- e. On Sheet 2:
- (1) The phased and individual section worksheet shall be revised to reflect impacts resulting from the required stream restoration, and include all associated information.
  - (2) The Woodland Summary Table shall be revised to include the sheet(s) where woodland conservation measures are shown, as well as any additional woodland conservation requirements necessary to address disturbance caused by stream restoration.
  - (3) Additional notes shall be added to the afforestation/reforestation notes regarding bonding and certification of the natural regeneration that has occurred on-site as afforestation, monitoring of the site over the four-year maintenance period, assessment techniques for the possible need of supplemental planting, and providing guidance.

- (4) A non-native invasive species management plan shall be prepared and added to the plan.
    - (5) A reforestation plant schedule shall be added to the plan, as needed, for additional planting areas that are developed with the required stream restoration.
    - (6) The reforestation plant schedule for Area B shall be revised to correct the stocking rate.
  - f. On Sheets 12, 13, and 14:
    - (1) Add elevations for top of wall and bottom of wall on the retaining wall.
    - (2) Show the primary management area (PMA) line on Parcel 213, on Sheets 13 and 14, and identify if any additional PMA impacts are incurred off-site by the grading proposed.
    - (3) Add a note to Parcel 213, on Sheets 13 and 14, indicating that no grading can occur on Parcel 213, without written permission from the property owner, prior to issuance of the grading permit. If permission is not granted, the plans will require revision to remove the off-site grading.
  - g. Add the following note on Sheets 15 and 16:

“Woodland Reforestation Area A (WRA A) was determined to have satisfactorily naturally regenerated based on an assessment performed by Kevin M McCarthy, State of Maryland Registered Forester #394, of Bay Environmental Inc. dated October 14, 2022, and located in the digital file for TCP2-045-2022. “
  - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. Prior to issuance of any grading permits, the certified specific design plan and associated Type 2 tree conservation plan shall reflect the required stream restoration work for Section 7.
  4. Prior to issuance of any permits, which impact 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.
  5. Prior to issuance of the first building permit for the Section 7 development, all selected and approved stream restoration projects shall be completed. Evidence of completion, including a summary of all work performed and photographs, shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by Environmental Planning staff.



6. Prior to issuance of building permits, all afforestation/reforestation and associated fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for the area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

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 Shapiro voting in favor of the motion at its regular meeting held on Thursday, February 23, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2023 \*and corrected administratively on April 4, 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: March 7, 2023 and April 7, 2023

\*Denotes Correction

Underlining indicates new language

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

March 21, 2023

Dan Ryan Builders  
2101 Gaither Road, Suite 200  
Rockville, MD 20850



Re: Notification of Planning Board Action on  
**Specific Design Plan SDP-2204**  
**Parkside Section 7**

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **March 16, 2023**, pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-528.01 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of the final notice (**March 21, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,  
James R. Hunt, Chief  
Development Review Division

By: *Dominique Lockhart*  
Reviewer

Attachment: PGCPB Resolution No. **2023-19**

cc: Donna J. Brown, Clerk of the County Council  
Persons of Record

R E S O L U T I O N

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, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, applications for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, may be reviewed and decided in accordance with the prior Zoning; and

WHEREAS, in consideration of evidence presented at a public hearing on February 23, 2023, regarding Specific Design Plan SDP-2204 for Parkside Section 7, the Planning Board finds:

1. **Request:** The applicant is proposing to develop this site with 617 single-family attached dwelling units and associated infrastructure.
2. **Development Data Summary:**

|                            | <b>EXISTING</b> | <b>APPROVED</b> |
|----------------------------|-----------------|-----------------|
| Zone                       | LCD/MIO         | L-A-C/R-M/M-I-O |
| Use                        | Residential     | Residential     |
| Total Gross Acreage of SDP | 113.51          | 113.51          |
| Floodplain Acreage of SDP  | 9.58            | 9.58            |
| Net Acreage of SDP         | 103.93          | 103.93          |
| Lots                       | 0               | 617             |
| Parcels                    | 1               | 97              |

OTHER DEVELOPMENT DATA

| <b>Parking</b>                      | <b>Required</b> | <b>Provided</b> |
|-------------------------------------|-----------------|-----------------|
| Townhouse units at 2.04 x 617 units | 1,259           | 1,330           |
| Bicycle Parking                     | 0               | 22              |

3. **Location:** The larger Parkside subdivision (formerly known as 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 MD 4 (Pennsylvania Avenue), in Planning Area 78, Council District 6. Section 7 is located in the northwest corner of Parkside, north of the Westphalia Central Park.

4. **Surrounding Uses:** This site is bounded to the north by a residential single-family detached community in the Residential, Rural (RR) Zone; to the east by undeveloped land in the Legacy Comprehensive Design (LCD) Zone; to the south by undeveloped land and Westphalia Central Park, in the LCD Zone; and to the west by other sections of the Parkside development (Sections 1, 2, 3), in the LCD Zone.
5. **Previous Approvals:** The subject application is for Section 7, within a larger project currently known as Parkside, formerly known as Smith Home Farm, which consists of 757 gross acres. The larger Parkside project was rezoned from the Residential-Agricultural (R-A) Zone to the Residential Medium Development (R-M) (density permitted between 3.6-5.7 dwelling units per acre) and L-A-C Zones, with a residential component including a mixed-retirement component 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, through Zoning Map Amendments A-9965 and A-9966. The Prince George's County District Council approved both zoning map amendments on February 13, 2006, and the orders of approval became effective on March 9, 2006.

On February 23, 2006, the Prince George's County Planning Board approved Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 (PGCPB Resolution No. 06-56(C)) for the entire Parkside project, with 30 conditions. On June 12, 2006, the District Council adopted the findings of the Planning Board and approved CDP-0501 with 34 conditions.

On July 20, 2011, an amendment to CDP-0501 was filed to modify Condition 3 regarding construction of the MD 4/Westphalia Road interchange; Condition 7 regarding the location and size of the proposed community center and pool; and Condition 16 regarding the size of the market-rate single-family attached lots in the R-M Zone. On December 1, 2011, the Planning Board approved CDP-0501-01 (PGCPB Resolution No. 11-112) with four conditions. On May 21, 2012, the District Council affirmed the Planning Board's decision with five conditions.

On March 28, 2016, the District Council reconsidered the approval of CDP-0501 and modified Conditions 10, 11, 24, 31, and 32, after adopting the findings and conclusions set forth by the Planning Board, with 31 conditions.

On July 27, 2006, the Planning Board approved infrastructure Specific Design Plan SDP-0506 and associated Type II Tree Conservation Plan TCPII-057-06 (PGCPB Resolution No. 06-192) for portions of roadways identified as MC-631 (oriented east/west, also known as C-631) and C-627 (oriented north/south), in the R-M Zone. This application also showed a portion of the roadway between MC-631 and Presidential Parkway, also known as A-67. On December 12, 2007, Specific Design Plan SDP-0506-01 was approved by the Planning Director for the purpose of revising A-67 to a 120-foot right-of-way and adding bus stops and a roundabout. A second amendment, Specific Design Plan SDP-0506-02, was approved by the

Planning Board on March 29, 2012 (PGCPB Resolution No. 12-114), subject to conditions contained herein. A third amendment, Specific Design Plan SDP-0506-03, was approved by the Planning Board on July 31, 2014 (PGCPB Resolution No. 14-70), subject to conditions.

In addition to the prior approvals mentioned above, two later actions by the District Council have revised several conditions of CDP-0501 that govern development of the entire Smith Home Farm project. 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 (market rate) 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 an SDP for the Central Park, following approval of the Westphalia Sector Plan and SMA, and not as the second SDP, as stated in the original Condition 23 of CDP-0501.

On October 26, 2010, the District Council approved a resolution concerning the Public Facilities Financing and Implementation Program (PFFIP) District for 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 prior Prince George's County Subdivision Regulations, and other methods, in order to ensure the timely provision of adequate public facilities for larger projects, such as Westphalia.

Specific Design Plan SDP-1002 for stream restoration, as required by conditions of Preliminary Plan of Subdivision (PPS) 4-05080 and SDP-0506, was approved by the Planning Board on January 26, 2012 and PGCPB Resolution No. 12-07 was adopted on February 16, 2012, formalizing that approval, subject to seven conditions. There are stream restoration projects identified in SDP-1002 as priority projects that are located within Section 7.

On July 21, 2022, the Planning Board approved Preliminary Plan of Subdivision 4-21029 and revised Type I Tree Conservation Plan TCPI-038-05-04 (PGCPB Resolution No. 2022-87) for 627 lots and 95 parcels, with 39 conditions.

This project is also subject to Stormwater Management (SWM) Concept Plan 41639-2021-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement on August 10, 2022.

6. **Design Features:** This project consists of Section 7 of a larger development known as Parkside, that is irregularly shaped. Access to the site will be from an extension of MC-631 (Central Park Drive), which will extend toward the southern edge of the development site. The site will also have direct access from Victoria Park Drive, which will extend east onto the site from other sections of Parkside.

The townhouses will be arranged in a modified grid pattern. The units will front on private roads and alleys, with a mix of front- and rear-load units, single- and double-garage units, and two- and three-story units.

### **Architecture**

Two two-story and three-story townhouse models are proposed for the 617 units, with front and rear garage units. Five unit types, identified as Abbey, Chandler II, Grable II, Harlow II, and Lana II, are provided for evaluation. The Abbey and Chandler II are three-story models with a single-stall garage rear-loaded on the Abbey and front-loaded on the Chandler II.

The Grable II and Harlow II models are three-story, two-stall, front-load garage units; and the Lana II model will be two-story, rear-load, two-stall garage units. Only the Lana II model is proposed to have basements. A condition has been provided herein, requiring the applicant to provide a unit-type count table on the SDP.

Each unit has multiple front elevation options and a variety of exterior finishes and roof designs, including shutters, balanced fenestration, front porches with decorative columns, awnings, cross gables, and dormers. The buildings have been designed to incorporate a variety of materials including brick, stone, and siding, creating a clean and contemporary design which will complement the surrounding uses. The Grable II and the Harlow II units are identical in architecture; however, the Grable II is proposed as 24-foot-wide units and the Harlow II is proposed as 22-foot-wide units.

All units propose architectural shingles on the roof and offer a variety of window and door treatments and architectural finishes, including a mix of high-quality building materials on the façades such as vinyl, brick, stone, and masonry. A table has been provided in the SDP to track the percentage of brickwork on the façades. Options are available for dormers and bay windows, with the options all represented on the templates; however, a rear elevation was not provided for the Abbey units. A condition has been included herein, requiring the applicant to provide the rear elevation and options for the Abbey unit type.

The highly visible units are shown on an exhibit. These units shall include a side elevation with a minimum of three standard features, in addition to a full first floor finished in brick or masonry; however, the architectural notes contained on this exhibit do not reference the requirements of the highly visible units. A condition has been provided herein requiring the applicant to provide the requirements for highly visible lots on the SDP Highly Visible Lot exhibit.

### **Recreational Facilities**

The applicant is proposing on-site recreation to satisfy the mandatory dedication of parkland requirement, by providing three main recreation parcels within this community. A large central parcel will provide a pre-school and school-age playground, a gazebo, walking surfaces, benches, bike racks, and open lawn areas.

On the eastern side of the community, a health circuit is proposed. This will be a compact circuit of multiple exercise stations, mostly contained within a canopy structure. The third main recreation parcel will be for passive enjoyment and will contain a semicircle trail with benches and lined with trees. In addition to these amenities, many of the units will have frontage on a common homeowners association green. In addition, this site is adjacent to the Westphalia Central Park, a premier park facility being developed within the community. As a condition of CDP-0501, each unit in Parkside is required to contribute toward funding the development of that park, as discussed in Finding 9 below.

**Lighting**

A lighting and photometric plan were provided with the application, demonstrating that the proposed lighting levels are appropriate for residential development. The plan provides symbols used to identify the different light-types; however, those symbols do not match the symbols provided in the Luminaire Schedule on the plan. A condition is provided herein, requiring the applicant to provide matching symbols on the plans and in the schedule.

**Signage**

A signage plan was not provided with this application, nor is there any indication on the plans of the intent to provide signage.

**COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendment A-9965-C:** On February 13, 2006, the District Council approved Zoning Map Amendment A-9965-C, subject to conditions that are relevant to the review of this application, as follows:

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

A. **Land use types and quantities:**

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

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**

- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted 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**

**Note: \*The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The subject application consists of Section 7 and includes a total of 83.08 acres of land within the prior R-M Zone. The overall unit count for the entire Parkside community has been shown in a table on the SDP, for tracking purposes, for conformance with the requirements above and the CDP and preliminary plan approvals, in regard to the final density of the overall site.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

This SDP provides three recreational parcels, including a centrally located recreational area with a pre-school and school-aged playground, a gazebo, walking surfaces, benches, bike racks, and open lawn areas. Adequate recreational facilities have been addressed with this application.

**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.**

This SDP shows that all internal roadways and master plan rights-of-way (ROWs) are designed to facilitate the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommended policies and are served by a continuous network of internal pedestrian and bicycle facilities. In addition, the SDP submission shows P-616 improved with a network of sharrows, in both directions, within the limits of the site. A 10-foot-wide shared-use path is being proposed on both MC-631 and MC-632 and are shown on the southern and eastern sides of these master-planned roads, consistent with the master plan recommendations.



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

This site is interior among the sections of the community and not adjacent to any major roadways. This condition is therefore not applicable to this application.

**L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

**M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

**N. All Tree Conservation Plans shall have the following note:**

**“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**

**O. No woodland conservation shall be provided on any residential lots.**

The woodland conservation threshold (WCT) for the overall site is 24.53 percent, established by the District Council, which also requires 1:1 replacement for clearing within the primary management area (PMA), prohibits the crediting of woodland conservation on residential lots, and requires that the WCT for the overall development be met on-site. An evaluation of impacts to regulated environmental features (REF) is provided in Finding 15d below.

**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.**

This condition has been fulfilled. The property is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and a discussion of the application's conformance with Section 4.7, Buffering Incompatible Uses, is contained in Finding 14 below.

**8. Prince George's County Zoning Ordinance:** The subject SDP is in conformance with the applicable requirements of the Prince George's County Zoning Ordinance in the prior R-M and M-I-O Zones, as follows:

- a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; Section 27-509, Regulations; and Section 27-510, Minimum size exceptions, of the Zoning Ordinance governing development in the prior R-M Zone, as demonstrated in the prior approvals. The proposed single-family attached uses are permitted in the prior R-M Zone.
- b. Military Installation Overlay (M-I-O) Zone: A portion of the project is also located within the Noise Impact Zone (60-74 dBA noise contour) of the M-I-O Zone. A Phase II noise study will be needed at the time of a full-scale SDP, which shows that all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less.

The western portion of the property is located within the outer edge of the M-I-O Zone, in Height Zone E. The maximum building height limit is 515 feet. The proposed single-family attached buildings usually measure approximately 40 feet in height, well below the maximum building height limits.

9. **Comprehensive Design Plan CDP-0501, its amendment, and reconsideration:** CDP-0501 for Smith Home Farm was approved by the Planning Board on February 23, 2006 (PGCPB Resolution No. 06-56) and by the District Council on June 12, 2006. This approval was reconsidered to revise five conditions and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and issuance of building permits, and was reapproved by the District Council on March 28, 2016 (PGCPB Resolution No. 06-56(C)(A)). The following conditions warrant discussion, in relation to the review of the subject SDP:

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

- 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.**
- f. **A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.**
- g. **A trailhead facility for the Cabin Branch Trail.**
- h. **The architectural design around the Central Park and the view sheds and vistas from the Central Park.**

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

A comprehensive trails network exhibit was provided with previous SDP applications. This site does not include parts of the Cabin Branch Trail, trailhead, or Central Park. The pedestrian sidewalk was reviewed with this application and found to be adequate.

The viewsheds of the Central Park have been considered by the placement of townhouses with the front façades facing the park.

**10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC), its heirs, successors and/or assignees will perform design and construction work calculated up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016) of which approximately \$6,500,000 will be reimbursed from the applicant's generated park club permit fees and the balance of \$7,400,000 will be reimbursed from other developer generated park club fees or other sources. The applicant's obligation to provide design and construction work for the central park is applicable only through the 1600th building permit, beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**

- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR 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. \$400,000 shall be used by the applicant for the schematic design and specific design plan for the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 500th building permit.**
- c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase 1 (as shown in attached Exhibit-A) of the central park. DPR staff shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase 1 of the central park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to the issuance of the 700th building permit. DPR shall respond to applicant in writing with any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.**

- d. **\$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase 1(as shown in attached Exhibits B and C) of the central park prior to issuance of the 1,600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.**
- e. **The applicant shall complete the pond construction and rough grading of Phase 1 of the central park prior to issuance of the 1,000th building permit.**
- f. **In the event that sufficient funding is not available to fully construct Phase 1 at time of the 1400th permit, DPR and the applicant will work together to determine how the available funding will be used to construct portions of Phase 1 as called for in Exhibits A and B. Prior to the issuance of the 1400th building permit, the applicant and DPR shall enter into a Recreational Facilities Agreement (“RFA”) establishing both scope and a schedule for construction of Phase 1 of the central park.**

**DPR staff shall review the actual expenditures associated with each phase described above. The applicant’s obligation to provide services for the design, grading and construction of the central park set forth in Condition 10 herein shall be limited to: (i.) the amount of funds to be generated from 1600 of the applicant’s building permits pursuant to Condition 22; OR (ii.) the amount of funds available in the Westphalia Park Club Fund (which will include amounts to be contributed by other developers in the Westphalia Sector) or other sources at time of issuance of the applicant’s 1599th building permit, whichever is greater provided that the total amount of applicant’s services do not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the central park beyond the limits of this condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading and construction of the central park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and /or construction of the central park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis. Thirty (30) days prior to the start of construction of the central park, a performance bond equal to the amount of construction work agreed upon between DPR and the**

**applicant for Phase 1 work shall be posted with DPR for applicant’s construction of the central park. The cost for such bond(s) will be included as part of the cost of construction of the central park. If Phase 1 (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant will assign its current contracts to the Commission to complete Phase 1 construction at the Commission’s request. In the event of such an assignment to the Commission, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond will be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.**

The permit tracking associated with this condition must include the proposed building permits associated with the development of the site. At the time of each building permit, the required park fee will be collected, in accordance with this condition.

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

| <b>PHASING OF AMENITIES</b>   |   |  |
|---|---|--|
| <b>FACILITY</b>   | <b>BOND</b>   | <b>FINISH CONSTRUCTION</b>   |
| <b>Multi-age playground combinations (pre-school and school-aged)</b>   | <b>Prior to the issuance of the 165th building permit overall</b>   | <b>Complete by 330th building permit overall</b>                                     |
| <b>Health Circuit/Fitness Station</b>   | <b>Prior to the issuance of the 190th building permit overall</b>   | <b>Complete by 380th building permit overall</b>                                     |
| <b>Passive Park*</b>  | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 175th building permit overall</b>                                 |
| <b>Benches, trash/recycling receptacles, and pet waste stations throughout</b>  | <b>Prior to the issuance of any building permits for that phase</b> | <b>Complete before 75 percent of the building permits are issued in that section</b> |
| <p><b>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.</b></p> |   |  |

**\*The table provided on the SDP did not include timing for this recreational parcel. A condition is provided herein to provide construction timing for the passive park on the recreational facilities table.**

- 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.**

The required table is provided on the SDP.

- 20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**
- 22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and managed by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.**
- 23. The applicant shall develop a SDP for the Central Park. The SDP for the Central Park shall be reviewed and approved by the Planning Board as the second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**

Per Conditions 20–23 above, at the time of CDP-0501 approval, the applicant offered dedication of parkland and provided design services for development of the SDP for the Westphalia Central Park and construction documents for Phase 1 of the park. In addition, the applicant will construct recreational facilities in Phase 1 of the park, in lieu of a financial contribution into the Westphalia Park Club, as set forth in CDP-0501. It is anticipated that the cost for these services will be reimbursed to the applicant from an escrow account established, administered, and maintained by the Prince George's County Department of Parks and Recreation (DPR). The remaining future phases of the Central

Park will be constructed by DPR using Westphalia Central Park Club funds, which will include funds contributed by other developers in the Westphalia Sector Plan area and/or other sources. The timing for the design and construction documents for future phases of the Central Park should be determined by DPR through the Prince George's County Capital Improvement Program (CIP), subject to available funding from park club fees and/or other sources. At the time of this resolution, the first phase of the Central Park has been approved with Specific Design Plan SDP-1101.

- 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 number of building permits released for the overall development of Parkside (Smith Home Farm), as of the date of this resolution, is 1,251, well below the threshold of 2,113. No commercial floor area has been constructed in Parkside.

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

The property is subject to the requirements of the Landscape Manual and a discussion of the application's conformance to Section 4.7 is contained in Finding 14 below.

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

The dwellings will range in height from 32 to 38 feet. No variances are necessary for density.

On December 1, 2011, CDP-0501-01 was approved by the Planning Board, subject to four conditions and the modification of Conditions 3, 7, and 16 of the original approval. On May 21, 2012, the District Council affirmed the Planning Board's decision and approved CDP-0501-01 (PGCPB Resolution No. 11-112). The following conditions warrant discussion, in relation to the subject SDP:

- 2. The following three conditions attached to previously approved Comprehensive Design Plan CDP 0501 shall be revised as follows (underlined text is added/changed):**

- 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).**

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

Notes:

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

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

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

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



The siting, size, and lot area for the proposed dwellings were found to be in conformance with these design standards.

The following three conditions were added by the District Council on May 21, 2012, when the District Council affirmed the Planning Board's decision and approved CDP-0501-01.

3. **Prior to the issuance of the 200th residential building permit, the first 10,000-square-foot community building in the R-M Zone shall be bonded, and prior to the issuance of the 400th residential building permit, the community building shall be complete and open to the residents.**
4. **If the applicant decides to build two community buildings only (not including the community building for the seniors), prior to the issuance of the 1,325th residential building permit in the R-M Zone, the second 5,000-square-foot community building shall be bonded, and prior to the issuance of the 1,550th building permit, the community building shall be complete and open to the residents. The exact size, timing of construction and completion of the additional community buildings shall be established by the Planning Board at time of appropriate SDP approvals.**
5. **If the applicant decides to build one 15,000-square-foot community building (not including the community building for the seniors), the community building shall be bonded prior to the issuance of the 1,325th building permit and the community building shall have a validly issued use & occupancy permit and be open to the residents prior to the 1,550th building permit.**

A community building is not proposed with this section.

10. **Preliminary Plan of Subdivision 4-21029:** On July 28, 2022, the Planning Board approved PPS 4-21029 for Section 7, with 39 conditions (PGCPB Resolution No. 2022-87). Signature approval of 4-21029 must be completed, prior to certification of this SDP. The following conditions warrant discussion, in relation to the subject SDP:

2. **A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.**

The uses proposed with SDP-2204 are consistent with the uses evaluated for adequacy with PPS 4-21029.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 41639-2021-00, once approved, and any subsequent revisions.**

This application was found to be in conformance with the approved SWM Concept Plan (41639-2021-00) and approval letter.

5. **In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**
6. **The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall be determined at the time of SDP.**
7. **Prior to submission of the final plat of subdivision for any residential lot, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.**
8. **Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.**

The applicant proposes a multi-age playground, fitness stations, park benches, trash/recycling receptacles, and pet waste stations as on-site recreational facilities, to meet Section 24-135(b) requirements. The list of recreational facilities should be revised to remove trash/recycling receptacles and pet waste stations, and the cost estimate for provided facilities updated. The Urban Design Section should review adequacy, proper siting, and triggers for construction proposed in this SDP. Conditions 7 and 8 will be further reviewed, at the time of final plat and building permits.

14. **Total development within the subject property shall be limited to uses which generate no more than 459 AM peak-hour trips and 532 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.**

This application is for 617 residential units only and generates a total of 431 AM and 493 PM new trips. Please note that this SDP does not include any retail uses assumed in the approved PPS and, therefore, internal capture was not included as part of the analysis. Any assumption for commercial uses will be considered with subsequent SDP submissions. The Planning Board concludes that the trip cap established, at the time of the PPS, will not be exceeded.

- 17. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each specific design plan.**

The unit cost of the residential development will remain unchanged from the PPS and will be paid at the time of permitting.

- 18. Prior to approval of the first building permit, the following transportation 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. The details of the following facilities shall be provided as part of the specific design plan:**

**Ritchie Marlboro Road and Sansbury Road**

- a. Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.**
- b. Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right turn only lane.**
- c. Design and prepare Traffic Signal Modification Plans.**

This condition will be addressed at the time of permitting.

- 19. If the development is phased, the applicant shall provide a phasing plan (with supplemental operational analysis and adequate justification) as part of each specific design plan to show the phasing of transportation improvements provided in Condition 18 to the phased development of the site. A determination shall be made at that time as to when said improvements shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.**

The applicant has not provided any supplemental analyses for phasing the development. As a condition of approval, the Planning Board requires that the applicant submit an operational analysis demonstrating phasing of the improvements to phased development for the SDP, prior to its certification. The notes of the SDP shall be updated to include the exact trigger of the improvements, based on the analysis.

- 20. Prior to acceptance of a specific design plan (SDP), the applicant and the applicant's heirs, successors and/or assignees shall include as part of the SDP site plan submission the following:**

- a. **A minimum six-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.**
- b. **Americans with Disabilities Act-accessible curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.**
- c. **Shared roadway pavement markings and signage along P-616, consistent with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by the operating agency, with written correspondence.**
- d. **Short-term bicycle parking at all recreation areas, consistent with the AASHTO Guide for the Development of Bicycle Facilities.**
- e. **A 10-foot-wide side path along one side of both MC-631 and MC-632, unless modified by the operating agency with written correspondence.**

This condition has been satisfied. Regarding Condition 20(a), a standard sidewalk of 5 feet has been provided. A site development plan, reflecting 5-foot-wide sidewalks, was approved by DPIE. Five-foot-wide sidewalks have been approved for the surrounding residential communities, adjacent to this development.

26. **Prior to acceptance of an application for the specific design plan for Parkside, Section 7, a revised natural resources inventory (NRI) shall be approved and submitted with the application. The updated NRI plan for Section 7 is specifically needed to confirm required stream buffers, which may enlarge the primary management area on the site; confirm the status of rare, threatened, and endangered species by the Maryland Department of Natural Resources Natural Heritage Program; and update the table of on-site specimen and champion trees and the plan drawing to confirm their size and location, because a Subtitle 25 variance would be required for removal.**

The updated natural resources inventory (NRI) plan for Section 7 was specifically needed to confirm expanded stream buffers; to update the rare, threatened, and endangered species survey performed in 2005 for Section 7; to guide the design of required stream restoration; and to confirm the size and location of specimen trees approved for removal in Section 7, including those within the limits of the stream restoration requiring a Subtitle 25 variance. The revised NRI was approved on August 29, 2022, prior to acceptance of the current SDP and Type 2 tree conservation plan (TCP2).

27. **At the time of specific design plan (SDP) review, a slope stability analysis based on the final grading plan proposed with the SDP shall be submitted for review to confirm that the safety factor line is less than 1.5. If a safety factor line greater than 1.5 is determined, it shall be shown on the SDP and Type 2 tree conservation plan.**

Marlboro clay is located in the vicinity of Section 7 of the Parkside development. A geotechnical report was provided and reviewed with the PPS and revised TCPI, and the elevation of the Marlboro clay layer was identified using soil boring logs. A slope stability analysis was performed, which resulted in a safety factor line of less than 1.5, based on the grading shown on the PPS submitted. The geotechnical report has also shown the site to have a less than 1.5 safety factor line. The applicant has provided a slope stability analysis, based on the grading plan submitted at the time of SDP review to confirm the safety factor line.

- 36. Pursuant to Section 27-480(d) of the Prince George's County Zoning Ordinance, the applicant shall seek approval at the time of specific design plan for all townhouse groups exceeding six units. If such approval is not granted, the affected townhouse lots of those building groups shall be reduced and final platting shall conform to such reduction.**

Of the 121 building groups proposed with this SDP, six townhouse building groups exceed six units. There are three townhouse groups with seven units, and three townhouse groups with eight units. Pursuant to Section 27-480(d) of the prior Zoning Ordinance, the total number of building groups exceeding six units was less than 20 percent of the overall units, and all end units in these building groups are 24 feet in width.

- 37. Prior to approval of a use and occupancy permit for any nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:**
- a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.**
  - b. Install and maintain a sprinkler system that complies with National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems.**
  - c. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.**
  - d. Install and maintain bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.**

These requirements shall be noted on the SDP for the nonresidential portion of the development, for the subject site.

The requirements listed in Condition 37 are not noted on the SDP.

- 38. Prior to acceptance of the specific design plan, a tracking chart on the coversheet, which shows the number and percentage of lots in the Residential Medium Development Zone, smaller than 1,600 square feet across the different sections of the Parkside development shall be provided.**

The SDP includes a tracking chart, in conformance with this condition, on the cover sheet.

- 11. Specific Design Plan SDP-0506 and its amendments:** The Planning Board approved SDP-0506 for infrastructure, with three conditions. The condition that is relevant to the review of this SDP is discussed, as follows:

- 2. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDP's shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.**

**The limited SDP for stream restoration shall:**

- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management;**
- b. Consider the stormwater management facilities proposed;**
- c. Include all land necessary to accommodate the proposed grading for stream restoration;**
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site;**
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;**

- f. **Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and**
- g. **Identify areas of stream restoration that are not associated with future road crossings, stormwater management, and utility crossings that have an installation cost of no less than \$1,476,600, which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).**

A limited SDP for stream restoration (SDP-1002) was approved, with conditions, by the Planning Board on January 26, 2012. Per the conditions above, SDPs that include priority stream restoration projects shall be designed or revised to reflect conformance with the approved SWM concept approval for the stream restoration, prior to issuance of grading permits. Affected SDPs and associated TCP2s shall include the detailed engineering necessary for stream restoration implementation. Reaches 7-2, 7-3, 7-5, and 7-6 have been identified as priority stream restoration areas. Technical design to implement the required stream restoration in Section 7 is required to be shown on the SDP and TCP2 plans, prior to certification.

12. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the prior Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. This development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development From Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. The required plantings and schedules have been provided on the submitted landscape plan, demonstrating conformance with these sections, except for Sections 4.1 and 4.6.

The plan shows that the lots show trees placed on the property, in fulfillment of the Section 4.1 requirement. On small townhouse lots, placing trees within the property can be problematic, in terms of usable yard space and future maintenance/replacement. The Planning Board requires that trees fulfilling the requirements of Section 4.1 be moved off of the lots and onto homeowners association (HOA) open spaces, to the maximum extent possible. A condition is provided herein requiring the applicant to relocate trees, for fulfillment of Section 4.1, off of the lots and onto HOA properties, to the extent possible.

**Section 4.6(c)(1)(A)(i)**

SDP-2204 proposes 617 single-family attached (townhouse) dwellings. The applicant has requested alternative compliance (AC) to grant relief from the requirements of Section 4.6(c)(1)(A)(i) for a reduced rear yard buffer adjacent to streets and special roadways. However, this is not required along private roadways internal to the townhouse development. The lots associated with this AC request all have rear yards oriented towards internal roadways. The Planning Board has determined that the AC request from Section 4.6(c)(1)(A)(i) is not required. The applicant should revise the landscape schedule, accordingly.

**Section 4.10(c)(1)**

The applicant also requests AC from Section 4.10(c)(1) to not provide the 5-foot-wide landscape strip between the street curb and the sidewalk. The applicant is seeking relief from these requirements, as follows:

**REQUIRED: Section 4.10(c)(1), Street Trees Along Private Road E**

|                                    |        |
|------------------------------------|--------|
| Length of Landscape Strip          | 215 LF |
| Width of Landscape Strip           | 5 ft.  |
| Shade Trees (1 per 35 linear feet) | 6      |

**APPROVED: Section 4.10(c)(1), Street Trees Along Private Road E**

|                                    |        |
|------------------------------------|--------|
| Length of Landscape Strip          | 215 LF |
| Width of Landscape Strip           | 0 ft.  |
| Shade Trees (1 per 35 linear feet) | 7      |

**Justification**

The applicant is proposing to have the sidewalk, along Private Road E, abut the curb without having a green space in between. The applicant has cited the lack of space along the frontage of Private Street E, due to stormwater management (SWM) facilities, the required 10-foot-wide public utility easement (PUE), and space for parallel parking needed to support the development. As a result, the landscape strip, typically provided for street trees, is non-existent on the eastern side of the street. This fails to meet the requirements of Section 4.10(c)(1), which requires a 5-foot-wide planting strip on both sides of private roads. The proposed layout shows the sidewalk abutting the curb, which creates a contiguous green space from the sidewalk to the dwellings. The applicant is proposing plantings in the area where the sidewalk would typically be.

Section 4.10 requires one street tree to be planted for every 35 linear feet of private street. Private Road E is a total of 215 linear feet in length. Using this formula, the applicant would be required to plant six street trees. The applicant is proposing to plant seven street trees, rather than the required six, with four on the side of the street without a landscape strip.

The Alternative Compliance Committee finds the applicant’s proposal equally effective as normal compliance with Section 4.10, as the proposed solution provides an excess of the number of required street trees, while still allowing for parallel parking, SWM facilities, and a contiguous PUE.

**Section 4.10(c)(2)**

The applicant also requests AC from Section 4.10(c)(2) for the required amount of shade trees required along each side of private streets, for Private Road H. The applicant is seeking relief from these requirements, as follows:



**REQUIRED: Section 4.10(c)(2), Street Trees Along Private Road H**

|                                    |         |
|------------------------------------|---------|
| Length of Frontage                 | 742 ft. |
| Width of Landscape Strip           | 5 ft.   |
| Shade Trees (1 per 35 linear feet) | 21      |

**APPROVED: Section 4.10(c)(2), Street Trees Along Private Road H**

|                                    |         |
|------------------------------------|---------|
| Length of Frontage                 | 742 ft. |
| Width of Landscape Strip           | 5 ft.   |
| Shade Trees (1 per 35 linear feet) | 10      |

**Justification**

As stated previously, the applicant has cited spatial limitations, due to the placement of utilities and SWM devices. To compensate, the applicant has provided supplemental and enhanced planting throughout the development with ornamental trees, shrubs, and perennials especially on green space along private streets, and exceeded the required amount of street trees. The Planning Board is not opposed to additional planting throughout the development; however, this does not adequately address the lack of street trees on Private Road H, and does not meet the standard of equally effective as normal compliance. Therefore, the Planning Board requires that the applicant provide additional plantings, specifically ornamental trees, along Private Road H, prior to certification of the SDP. With these additional trees, the Planning Board has determined that the alternative design will be equally effective as normal compliance with Section 4.10(c)(2).

In previous submissions associated with the AC, the applicant has indicated that Private Road D was also associated with the AC request. However, in the latest submission, Private Road D has been removed from the request; although the landscape schedule still shows Private Road D not providing the minimum 10 trees required. The landscape schedule should be revised to indicate that Private Road D is meeting the requirements.

The Planning Board approves AC-22005 for Parkside Section 7, from the requirements of Sections 4.10(c)(1) and 4.10(c)(2), Street Trees along Private Streets, of the Landscape Manual, subject to conditions contained herein.

13. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO):**

This site is subject to the provisions of the WCO because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and there are previously approved TCPs. In a memorandum dated January 27, 2023, incorporated herein by reference, a full discussion was provided and is summarized, as follows:

- a. A revision to NRI-005-06-03 for Section 7 was required, prior to acceptance of an SDP and TCP2 for Section 7, and was necessary to guide the design of the master planned-stream crossing and the required stream restoration. PGATLAS does not indicate that Section 7 includes any sensitive species review area on the site, but this was

confirmed by the Natural Heritage Section, Maryland Department of Natural Resources, in conformance with Part B of the Environmental Technical Manual (ETM).

- b. The gross tract area of the overall Parkside site is 760.93 acres, with 112.65 acres in 100-year floodplain, resulting in a net tract area of 648.28 acres. The correct WCT for the site is 24.53 percent. The site has a mandatory 25 percent threshold requirement for land in the R-M Zone, determined by the District Council. The required on-site woodland conservation requirement is 159.52 acres. The woodland clearing of 104.20 acres is proposed on the net tract, 5.02 acres in the 100-year floodplain, and 7.00 acres of PMA, and the resulting total woodland conservation requirement is 253.55 acres.

The revised TCP1 (-04), approved with 4-21029, proposed preservation of 29.04 acres of on-site woodland, 135.60 acres of on-site afforestation/reforestation, and 88.91 acres of off-site mitigation, to fulfill the requirement. It should be noted that the revised TCP1 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but anticipates that afforestation/reforestation will be provided to offset the loss and provide expanded riparian and stream buffers.

Type 2 Tree Conservation Plan TCP2-045-2022 addresses the woodland conservation required and provided for Section 7. The gross tract area of Section 7 is 103.37 acres, with 7.84 acres in the 100-year floodplain, resulting in a net tract area of 99.53 acres. The correct WCT for Section 7 is 18.82 percent. Because of the limited amount of woodland located on the net tract, Section 7 is subject to the 15 percent afforestation requirement of 13.24 acres.

The amount of existing woodland on the net tract is 1.09 acres. Woodland clearing of 0.27 acre is proposed on the net tract, 0.02 acre in the 100-year floodplain, and 1.21 acres of off-site impacts, and the resulting total woodland conservation requirement is 15.83 acres.

The woodland conservation requirement for the site will be satisfied with 0.82 acre of on-site preservation and 15.01 acres of afforestation/reforestation.

It should be noted that the TCP2 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but anticipates that afforestation/reforestation or off-site woodland conservation will be provided to offset the additional loss resulting from stream restoration, prior to signature approval of the TCP2.

Because the overall Parkside site was a working farm, there was very limited existing woodland on the net tract area in 2005, when the first PPS and TCP1 were approved. Shortly after farming ceased on the property, natural regeneration began, particularly in Section 7 which is the last section to be developed. In addition, the property owner decided not to develop the portion of the property north of Reach 7 and eliminated a previously proposed stream crossing. Aerial photography of the site and a review of the most recent GIS Tree Canopy (2020) layer indicated that canopy had already developed

on the site. Bay Environmental, Inc. performed an on-site assessment to determine if any existing tree areas could be credited towards reforestation, to reduce the total planting requirements. The findings show that all plots sampled far exceeded the 700 trees per acre that are required for site stocking for whips, per the Site Stocking Table in Appendix A-60 of the ETM, but the distribution was not uniform. A Reforestation Plan Schedule has been provided, with a note stating “Afforestation/Reforestation areas shown on this plan may contain existing trees. Proposed volume of plantings to be confirmed at the time of construction/tree installation.” The recommendation of the professional forester, who submitted the assessment, was that natural regeneration will reforest the entire site, without the need for additional plantings. Based on this assessment, additional notes, regarding bonding and certification, shall be added to the afforestation/ reforestation notes provided on Sheet 2, to provide guidance for assessment and implementation of supplemental planting, if needed.

14. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3 (Tree Canopy Coverage Ordinance) of the Prince George’s County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. According to the TCC schedule, Section 7 is 113.51 acres, resulting in a TCC requirement of 17.0 acres. The schedule shows that the requirement will be met on-site through a combination of woodland preservation, reforestation, and proposed landscaping of 23.85 acres. The total woodland conservation shown on the TCC schedule is larger than the area shown on the TCP2, showing 15.99 acres and 15.86 acres, respectively. A condition has been included herein requiring the applicant to revise the schedule, to be consistent with the woodland conservation worksheet on the TCP2.
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated December 12, 2022, (Stabler, Smith, and Chisholm to Burke), which provided that this property was surveyed for archeological resources in 2005 and found that no archeological sites were identified in Section 7 of the Parkside development, and no additional archeological investigations are required in Section 7.
  - b. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023, (Diaz-Campbell to Burke), which provided a review of the subject SDP for conformance with the conditions attached to the approval of PPS 4-21029. The relevant comments have been included in the above findings of this resolution and a condition is provided herein.
  - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated January 25, 2023 (Burton to Burke), which provided a review of the SDP’s conformance with the most recent PPS, 4-21029. The relevant comments have been included in the above findings. The Transportation Planning Section concluded that

the subject development will be adequately served, within a reasonable time, with existing or programmed public facilities, either shown in the appropriate CIP or provided as part of the private development.

- d. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated January 30, 2023, (Finch to Burke), which provided a comprehensive analysis of the SDP’s conformance with all applicable environmental-related conditions attached to previous approvals, that have been included in above findings. Additional comments are, as follows:

**Specimen Trees**

Section 25-122(b)(1)(G) of the WCO requires that specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree, in its entirety, or preserve an appropriate percentage of the CRZ, in keeping with the tree’s condition and the species’ ability to survive construction, as provided in the ETM. Section 5-1611 of the Natural Resources Article requires local jurisdictions to provide procedures for granting variances to the local forest conservation program for removal of specimen trees, and the variance criteria in the WCO are set forth in Section 25-119(d).

The current NRI- 006-05-04 was approved on August 29, 2022, to provide an updated inventory of specimen, champion, and historic trees for Section 7. Although there are limited wooded areas on the site, the additional years of growth, which have occurred since the previous NRI, resulted in additional trees now being identified as specimen. Fifty-seven specimen trees were located on the subject site, or in close proximity.

Approval of a new PPS required that Section 7 be subject to the variance requirements of Subtitle 25-122(b)(1)(G), for removal of specimen trees. Sixteen specimen trees are currently proposed to be removed on the TCP2, within Section 7. A statement of justification and individual evaluation forms were submitted by the applicant.

**Nature of the Request**

With this application, the applicant requests a variance from Section 25-122(b)(1)(G) for removal of 16 specimen trees, for clearing and infrastructure associated with the proposed development. The specimen trees proposed for removal are identified below:

| TREES REQUESTED FOR REMOVAL WITH SDP-2204 |                |                                |              |                  |  |   |
|---|----------------|--------------------------------|--------------|------------------|--|---|
| No.                                       | Common Name    | Scientific Name                | DBH (inches) | Condition Rating | Comments   | Justification for Removal                               |
| 18  | Red Maple      | <i>Acer rubrum</i>             | 38           | Fair             | twin leaders with included bark, roots do not present on stream side | Grading and SWM devices are proposed in this location.  |
| 20  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 31           | Good             | oversized limb   | Grading and SWM devices are proposed in this location.  |
| 21  | American Beech | <i>Fagus grandiflora</i>       | 33           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 22  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 44           | Good             | top gone   | Grading and SWM devices are proposed in this location.  |
| 23  | Black Walnut   | <i>Juglans nigra</i>           | 36           | Fair             | twin leaders with included bark, oversized limb, fence in trunk      | Grading and SWM devices are proposed in this location.  |
| 24  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 32           | Poor             | oversized limb, thin crown, rot collar and lower trunk rot           | Grading and SWM devices are proposed in this location.  |
| 25  | American Beech | <i>Fagus grandiflora</i>       | 39           | Good             | small cavity, oversized limb   | Grading and SWM devices are proposed in this location.  |
| 26  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 46           | Poor             | all but dead, small band of living cambium on one side of tree       | Tree is in proposed townhouse location. Poor condition. |
| 27  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 31           | Good             | heavily vine covered, crown dieback                                  | Tree is in proposed townhouse location.                 |
| 28  | Hackberry      | <i>Celtis occidentalis</i>     | 35           | Poor             | large cavity from root collar up lower trunk to seven feet           | Tree in proposed road. Poor condition.                  |
| 40  | Sweet Gum      | <i>Liquidambar styraciflua</i> | 33           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 41  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 47           | Good             | no apparent problems   | Grading and SWM devices are proposed in this location.  |
| 42  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 35           | Fair             | shares root collar with tree #43                                     | Grading and SWM devices are proposed in this location.  |
| 43  | Yellow Poplar  | <i>Liriodendron tulipifera</i> | 37           | Fair             | shares root collar with tree #42, loose bark with insect evidence    | Grading and SWM devices are proposed in this location.  |

| TREES REQUESTED FOR REMOVAL WITH SDP-2204 |                   |                       |              |                  |   |   |
|---|-------------------|-----------------------|--------------|------------------|---|---|
| No.                                       | Common Name       | Scientific Name       | DBH (inches) | Condition Rating | Comments  | Justification for Removal   |
| 47  | American Sycamore | Platanus occidentalis | 31           | Good             | vine encumbered, oversized branch, a few dead branches  | Tree located at proposed road crossing and proposed SD pipe location. |
| 57  | Black Cherry      | Prunus serotina       | 37           | Fair             | oversized limb, three leaders, heavily vine encumbered, one dead scaffold branch, several dead smaller branches | Tree in proposed road and at proposed sewer line location.            |

The Planning Board approves removal of the 16 specimen trees requested by the applicant, based on the following findings:

**Evaluation**

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain specimen trees ST-18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 41, 42, 43, 47, and 57. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The 16 specimen trees proposed for removal are primarily located in the stream valley, along the middle and eastern portions of the site. The proposed development respects the existing environmental constraints on the property and has limited impacts to the PMA, to the fullest extent possible, as determined by the Planning Board. Preservation of the specimen trees requested for removal would result in an unnecessary hardship on the applicant to revise the site layout and is not consistent with the desired development density and pattern envisioned in the Westphalia Sector Plan and SMA.

Specimen trees ST-18, 20, 21, 22, 23, 24, and 25 are impacted by stormwater outfalls from the submerged gravel wetlands for the required SWM on the site to connect to the floodplain. Specimen tree ST- 18 is in fair condition and is the only specimen tree proposed for removal associated with submerged gravel wetland 3 (SGW-3). The stormwater outfall is proposed in the same location as

the specimen trees in poor condition, so adjacent specimen trees which are in better condition can be retained.

Specimen trees ST-20, 21, 22, and 25 are in good condition; however, removal is required to construct the pond embankment outside of the PMA. This will be located at a low point on the site, to allow stormwater to be redirected to the adjacent stream.

Specimen trees ST-23 and 24 are in poor and fair condition, respectively, and also require removal for construction of the pond embankment adjacent to the stream, but located outside of the PMA.

Specimen trees ST-26, 28, and 57 are in poor to fair condition and are located in the middle of proposed roads, utility locations, and buildings. This location is also proposed to be substantially elevated. The development features were laid out to minimize impacts to the PMA and wetland features, as well as utilizing existing roadways in achieving the desired pattern of development. Specimen tree ST-27 is a sweet gum in good shape, but is located in a proposed private road laid out in a grid pattern, and avoidance of the tree and construction impacts to the CRZ, due to substantial fill for development, make long-term retention infeasible.

Specimen trees ST-40, 41, 42, and 43 are impacted by grading associated with a stormwater outfall and the grading slope required down to the existing stream. The trees to be removed are tulip poplars, which have low tolerance to construction, and the outfall has been located to retain a grove of adjacent specimen trees, in better condition, and species with better construction tolerance.

Specimen Tree ST-47 is impacted by construction of a road crossing for a master-planned roadway (Central Park Drive – MC-631) and associated infrastructure, which was located to minimize stream impacts and cannot be feasibly relocated, at this point in the development process.

The proposed use for single-family attached residential, with a small commercial component, is a reasonable use for the subject site and it cannot be accomplished elsewhere on the site, without additional variances. The property is part of a larger master-planned area. Development cannot occur on the portions of the site containing Marlboro clay, REF, and PMA, which limit the site area available for development. Requiring the applicant to retain the 16 specimen trees on the site, to avoid impacts to the CRZs, would limit the already constrained area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Circumstances unique to the site include limited opportunities to provide access to and from the site from master-planned rights-of-way, constraints associated with the size and shape of developable areas, and preservation of PMA. The subject variance is necessary for the applicant to develop the property to achieve the best use of the property, in ways similar to other comparable properties and uses. Requiring preservation of all specimen trees would limit the property developable for allowable zoning uses. Granting the requested variance would not result in a privilege to the applicant, but would allow development to proceed with similar rights afforded to similar properties and land uses, especially those within the master-planned Parkside (formerly Smith Home Farm) development.

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other properties containing REF, Marlboro clay, and specimen trees are in a similar condition and location on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The nature of the variance request is premised on preserving the existing natural features of the site and the necessity to implement grading and clearing, to allow for adequate and safe development practices. The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. Removal of the 16 specimen trees would be the result of



the grading required for the desired development pattern for the site. The request to remove the trees is solely based on the trees' locations on the site, species, and condition.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size under natural conditions and have not been impacted by any neighboring land or building uses.

**(F) Granting of the variance will not adversely affect water quality.**

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state's standards, which are established to ensure that no degradation occurs.

**Conclusion**

Section 25-119(d)(4) states that the variance granted under these findings are not to be considered zoning variances. They are specific variances meant to recognize special circumstances relating to the removal of specimen trees only. In this case, there are special circumstances relating to the property, including the shape, size of developable area, master plan layout, and the location of PMA. The required findings of Section 25-119(d) have been adequately addressed for removal of specimen trees ST-18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 41, 42, 43, 47, and 57. The Planning Board approves the requested variance for removal of 16 specimen trees, for construction of Parkside, Section 7, as shown on TCP2-045-2022.

**Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA)**

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection, in accordance with Sections 24-130(b) and 24-130(b)(5) of the Subdivision Regulations, which provides for the protection of REF, to the fullest extent possible.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state to the fullest extent possible consistent with the guidance provided by the

ETM established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

The site has previously approved impacts associated with PPS 4-05080 and 4-16001 for roads approved and implemented under SDP-0506, revisions for infrastructure, SWM features implemented as part of the previously approved concept plan, and previously approved conceptual impacts for the stream restoration project on the overall Parkside development associated with SDP-1002. Additional impacts for development of Section 7 were reviewed and approved with PPS 4-21029 and TCP1-038-05-04.

Impacts to REF are limited to those that are necessary for development of the property and are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate, if placed at the location of an existing crossing or at the point of least impact to REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings, where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

### **Environmental Letter of Justification (LOJ)**

A revised LOJ was submitted for proposed impacts to REF, dated September 29, 2022. The current LOJ and associated exhibits proposed three permanent impacts to REF associated with the proposed pattern of development, totaling approximately 1.87 acres, which are necessary for SWM facilities and culvert installation for road crossing and street connections.

The table below summarizes the proposed permanent impacts to REF on the property, and included in PMA Impacts Exhibits attached to the LOJ. It should be noted that the previously proposed layout of Parkside, Section 7 (as shown in CDP-0501-02), included an additional crossing of the stream in the northwest portion of the site and was eliminated during the review of the PPS. The proposed PMA impacts with the SDP have increased by 0.11 acre (6,620 square feet) more than those approved with the PPS.

**Table 1: PMA Impacts Summary**

| <b>Impact ID</b> | <b>Impact Type/<br/>Duration</b>        | <b>PMA Impact (SF/AC)</b>     | <b>Stream Buffer Impact (SF)</b> | <b>Wetland Impact (SF/AC)</b> | <b>Wetland Buffer (SF/AC)</b> | <b>Floodplain Impact (SF)</b> |
|------------------|---|-------------------------------|----------------------------------|-------------------------------|-------------------------------|-------------------------------|
| 1                | Storm drain outfall & grading/Permanent | 2,925 SF/<br>0.07 AC          | 2,468 SF                         | 0 SF/<br>0.00 AC              | 0 SF/<br>0.00 AC              | 2,831 SF                      |
| 2                | Storm drain outfall & grading/Permanent | 8,409 SF/<br>0.19 AC          | 0 SF/<br>0.00 AC                 | 0 SF/<br>0.00 AC              | 0 SF/<br>0.00 AC              | 4,932 SF                      |
| 3                | Road Crossing/<br>Permanent             | 70,248 SF/<br>1.61 AC         | 57,383 SF                        | 0.00 SF                       | 0.00 SF                       | 64,488 SF                     |
| <b>Total</b>     |   | <b>81,582 SF/<br/>1.87 AC</b> | <b>67,907 SF</b>                 | <b>0.00 SF</b>                | <b>0.00 SF</b>                | <b>72,251 SF</b>              |

**Analysis of Impacts**

**Impact 1: Stormwater Outfall For SGW-3**

This permanent impact is for a proposed stormwater outfall from SGW-3. The rip-rap apron, from the outfall pipe, extends into the PMA. Room is provided to allow for appropriate grading of the 10:1 slope, from the stormdrain rip-rap outfall to the stream, per SCD and DPIE standards. The total impact to PMA will be approximately 2,925 square feet (0.07 acre), which is consistent with the impacts approved at the time of PPS. The stormwater outfall meets best management practices for discharging water back into the stream, while limiting erosion at discharge points and is required by County Code.

**Impact 2: Stormwater Outfall For SGW-2**

This permanent impact is for a proposed stormwater outfall from SGW-2. The rip-rap apron from the outfall pipe extends into the PMA. Room is provided to allow for the appropriate grading of the 10:1 slope, from the stormdrain rap-rap outfall to the stream, per SCD and DPIE standards. A previously approved impact to this section of PMA was approximately 5,432 square feet (0.12 acre), which has increased by 2,977 square feet to 8,409 square feet (0.19 acre). The stormwater outfall meets best management practices for discharging water back into the stream, while limiting erosion at discharge points and is required by County Code.

**Impact 3: Road Crossing of master-planned road MC-631**

This permanent impact is proposed for a road crossing over a stream for construction of a primary planned roadway connecting to properties east of Parkside, Section 7. The road crossing is placed perpendicular to the PMA, to minimize the amount of disturbance. As part of the MPOT, the proposed master collector (MC-631) is intended to provide and improve the overall connectivity in the Westphalia Sector Plan Area. The impacts proposed allow for installation of an appropriately sized culvert and the required

temporary diversion of the stream. The impact also includes an outfall, with appropriate grading for SGW-1, per SCD and DPIE standards. Also included is the sanitary sewer outfall for the site, which connects to the existing sewer main that runs through the stream valley. Due to the location of the existing sewer line, this impact is inevitable to provide access to services necessary for development and has been collocated with the road crossing, to minimize additional impacts. The previously approved impact involved 66,605 square feet of permanent disturbance to REF and 380 linear feet of stream. Additional impacts associated with the SDP have increased by 3,648 square feet (0.08 acre).

#### **Summary of REF Impacts**

After evaluating the applicant's LOJ for proposed impacts to REF, the additional proposed impacts of 0.11 acre (6,620 square feet) are approved by the Planning Board. The proposed PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure, and impacts cannot be avoided, eliminated, or minimized because they are required by other provisions of County and state codes. The TCP2 shows the preservation and enhancement of PMA, to the fullest extent practicable.

#### **Stormwater Management**

An SWM Concept Plan (41639-2021-00) was approved by DPIE, on August 10, 2022, which proposes three submerged gravel wetlands with outfalls. The PMA impacts required to implement the proposed stormwater facilities are evaluated herein and approved.

- e. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Bishop to Burke), which provided a summary of general plan, master plan, and sectional map amendment criteria, as they relate to this property.
- f. **Permits**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Jacobs to Burke), which provided a comment regarding the architectural elevations, and is provided herein.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—Comments were not provided by DPIE.
- h. **Prince George's County Health Department**—Comments were not provided by the Health Department.
- i. **Prince George's County Police Department**—Comments were not provided by the Police Department.
- j. **Prince George's County Fire/EMS Department**—The Planning Board has reviewed and adopts the email dated December 22, 2022 (Reilly to Burke), in which the Fire/EMS Department provided comments to be addressed at the time of permit review.

- k. **Prince George’s County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the memorandum dated January 19, 2023 (Thompson to Burke), which provided an evaluation of PPS conditions and details regarding the required monetary contribution to the park club for the Central Park.
- l. **Westphalia Section Development Review Council (WSDRC)**—Comments were not provided by WSDRC.

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 II Tree Conservation Plans TCP2-045-2022 and APPROVED Alternative Compliance AC-22005, and further APPROVED Specific Design Plan SDP-2204 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP):
  - a. Correct General Note 3 on the SDP to describe the zoning as Legacy Comprehensive Design (LCD) Zone for the current zoning, and R-M and L-A-C as the prior Zones. Include a note stating that, in accordance with Section 27-1704(b), this application is proceeding under the prior Prince George’s County Zoning Ordinance.
  - b. The applicant and the applicant’s heirs, successors, and/or assignees shall submit an operational analysis demonstrating phasing of the improvements to phased development for the SDP.
  - c. Update the notes section of the SDP to include the exact trigger of the transportation improvements, based on the operational analysis.
  - d. List the requirements of PGCPB Resolution No. 2022-87, Condition 37, on the coversheet of the site plan.
  - e. In the “Approved Total Units in Preliminary Plan #4-21029” chart on the coversheet, revise the suffix of the preliminary plan of subdivision to state, “per resolution.”
  - f. Provide a table on the SDP showing the unit-type count for each proposed unit type.
  - g. Provide the rear elevation and options for the Abbey unit type.
  - h. Identify the elevations of each unit of the Lana II model.
  - i. List the requirements for highly visible lots on the SDP Highly Visible Lot exhibit.
  - j. Provide matching symbols on the lighting plan and in the associated schedule.

- k. Provide construction timing for the passive park on the recreational facilities table, to set the bonding requirement at prior to issuance of any building permits for that phase and completion of the passive park before issuance of the 175th building permit, overall.
- l. Relocate trees off of the lots and onto homeowners association properties, to the extent possible, for fulfillment of Section 4.1 of the 2010 *Prince George's County Landscape Manual*.
- m. Revise the schedule to be consistent with the woodland conservation worksheet on the Type 2 tree conservation plan.
- n. The applicant shall request Environmental Planning Section staff approval of the recommended priority stream restoration projects selected to be implemented in Section 7, and provide the appropriate documentation for review and selection of the projects to be implemented. The priority stream restoration projects shall be evaluated for feasibility, cost, and water quality benefits, based on the current site design proposal. Four priority stream restoration projects were identified by Specific Design Plan SDP-1002 in Section 7: Reach 7-2, 7-3, 7-5, and 7-6.
  - (1) A minimum expenditure of \$1,476,600, in priority stream restoration, is required on the overall Parkside development site by SDP-1002. Previous stream restoration projects on Reach 3-4 and 6-2 have expended \$942,146. The remaining required funds to be spent on priority stream restoration projects is \$534,454. Section 7 is the last developing section in Parkside.
  - (2) The applicant shall demonstrate, to the satisfaction of staff, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, including Section 7, will be no less than \$1,476,600, based on estimates from qualified consultants.
  - (3) After the proposed project sites for Section 7 have been approved by staff, the technical design of the stream restoration projects and environmental impacts shall be prepared for approval by the Prince George's County Department of Permitting, Inspections and Enforcement.
  - (4) Prior to certification of the SDP and Type 2 tree conservation plan (TCP2) for Section 7, detailed stream restoration plans for the selected priority stream restoration project areas shall be approved by the Prince George's County Department of Permitting, Inspections and Enforcement, and the detailed stream restoration design shall be included on the SDP and TCP2. Each stream restoration plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.

- (5) Prior to certification of the SDP and Type 2 tree conservation plan (TCP2) for Section 7, the table of impacts to regulated environmental features of the site shall be amended, to include the permanent and temporary impacts resulting from construction of stream restoration on Reach 7. The area of impacts to the primary management area (PMA), resulting from the required stream restoration, shall be addressed in the TCP2 woodland conservation worksheet for mitigation of PMA impacts at 1:1.
  - (6) Stream restoration implemented may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site, to the fullest extent possible.
2. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site:
- a. Documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Prince George's County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows, with the recorded liber/folio:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
  - b. Include the final technical design approved for the required stream restoration, and reconcile all plan sheets, tables, worksheets, and notes to reflect the full impacts of the stream restoration projects and any additional mitigation required by federal and/or state permits.
  - c. On all plan sheets:
    - (1) The TCP2 and specific design plan numbers shall be added to the approval block.
    - (2) A valid and current seal shall be provided on each sheet of the plan set.
    - (3) Add a woodland conservation sheet summary table to all appropriate plan sheets, which include site statistics about the number of specimen trees on the site and the number of specimen trees approved for removal.
    - (4) The correct TCP2 numbers shall be added to the section lines on the plan.
    - (5) In the legend, the existing and proposed 100-year floodplain shall be correctly identified.

- (6) The 1.5 safety factor line shown on the plan should be removed, if it is no longer applicable, due to remediation.
- d. On Sheet 1:
- (1) Add the following note to the plan, under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE).”
  - (2) Add a signed Owner’s Awareness Certificate.
  - (3) Remove the soils table.
  - (4) Add a completed cumulative change table for Forest Conservation Act reporting.
- e. On Sheet 2:
- (1) The phased and individual section worksheet shall be revised to reflect impacts resulting from the required stream restoration, and include all associated information.
  - (2) The Woodland Summary Table shall be revised to include the sheet(s) where woodland conservation measures are shown, as well as any additional woodland conservation requirements necessary to address disturbance caused by stream restoration.
  - (3) Additional notes shall be added to the afforestation/reforestation notes regarding bonding and certification of the natural regeneration that has occurred on-site as afforestation, monitoring of the site over the four-year maintenance period, assessment techniques for the possible need of supplemental planting, and providing guidance.
  - (4) A non-native invasive species management plan shall be prepared and added to the plan.
  - (5) A reforestation plant schedule shall be added to the plan, as needed, for additional planting areas that are developed with the required stream restoration.
  - (6) The reforestation plant schedule for Area B shall be revised to correct the stocking rate.



- f. On Sheets 12, 13, and 14:
    - (1) Add elevations for top of wall and bottom of wall on the retaining wall.
    - (2) Show the primary management area (PMA) line on Parcel 213, on Sheets 13 and 14, and identify if any additional PMA impacts are incurred off-site by the grading proposed.
    - (3) Add a note to Parcel 213, on Sheets 13 and 14, indicating that no grading can occur on Parcel 213, without written permission from the property owner, prior to issuance of the grading permit. If permission is not granted, the plans will require revision to remove the off-site grading.
  - g. Add the following note on Sheets 15 and 16:

“Woodland Reforestation Area A (WRA A) was determined to have satisfactorily naturally regenerated based on an assessment performed by Kevin M McCarthy, State of Maryland Registered Forester #394, of Bay Environmental Inc. dated October 14, 2022, and located in the digital file for TCP2-045-2022. “
  - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. Prior to issuance of any grading permits, the certified specific design plan and associated Type 2 tree conservation plan shall reflect the required stream restoration work for Section 7.
  4. Prior to issuance of any permits, which impact 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.
  5. Prior to issuance of the first building permit for the Section 7 development, all selected and approved stream restoration projects shall be completed. Evidence of completion, including a summary of all work performed and photographs, shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by Environmental Planning staff.
  6. Prior to issuance of building permits, all afforestation/reforestation and associated fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for the area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.


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 Shapiro voting in favor of the motion at its regular meeting held on Thursday, February 23, 2023, in Upper Marlboro, Maryland.

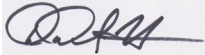
Adopted by the Prince George's County Planning Board this 16th day of March 2023.

Peter A. Shapiro  
Chairman

By  Jessica Jones  
Planning Board Administrator

PAS:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: March 7, 2023