



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Specific Design Plan Case Yergat

SDP-2203

REQUEST	STAFF RECOMMENDATION
Grading infrastructure only for a residential community.	With the conditions recommended herein: <ul style="list-style-type: none"> • Approval of Specific Design Plan SDP-2203 • Approval of Type 2 Tree Conservation Plan TCP2-048-2022

Location: On the southern side of Westphalia Road, approximately 3,750 feet west of its intersection with Ritchie Marlboro Road.	
Gross Acreage:	158.28
Zone:	LCD/MIO
Prior Zone:	R-M/M-I-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	N/A
Gross Floor Area:	N/A
Planning Area:	78
Council District:	06
Municipality:	N/A
Applicant/Address: Andy Garrich 4506 Daly Drive, Suite 300 Chantilly, VA 20151	
Staff Reviewer: Tom Burke Phone Number: 301-952-2739 Email: Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	03/09/2023
Planning Board Action Limit:	03/09/2023
Staff Report Date:	02/23/2023
Date Accepted:	12/14/2022
Informational Mailing:	03/15/2022
Acceptance Mailing:	11/15/2022
Sign Posting Deadline:	07/07/2023

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

Table of Contents

EVALUATION.....	3
FINDINGS.....	4
1. Request.....	4
2. Development Data Summary.....	4
3. Location.....	4
4. Surrounding Uses.....	4
5. Previous Approvals.....	4
6. Design Features.....	5
COMPLIANCE WITH EVALUATION CRITERIA.....	5
7. Zoning Map Amendment A-9973 (Basic Plan)-Approved Zoning Change 6 of the Sectional Map Amendment/Sector Plan Development Concept 3 for Woodside Village in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment.....	5
8. Prince George’s County Zoning Ordinance.....	6
9. Comprehensive Design Plan CDP-0601.....	9
10. Preliminary Plan of Subdivision 4-21049.....	10
11. 2010 Prince George’s County Landscape Manual.....	10
12. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.....	11
13. Prince George’s Country Tree Canopy Coverage Ordinance.....	11
14. Referral Comments.....	11
RECOMMENDATION.....	16

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-2203
Type 2 Tree Conservation Plan TCP2-048-2022
Case Yergat

The Urban Design staff has reviewed the specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION

This property is within the Legacy Comprehensive Design (LCD) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) of the Zoning Ordinance, which allows an application for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, to be reviewed and approved under the prior Zoning Ordinance. This specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9973-02;
- b. The requirements of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*;
- c. The requirements of the prior Prince George's County Zoning Ordinance in the Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) Zones;
- d. The requirements of Comprehensive Design Plan CDP-0601 and its amendments;
- e. The requirements of Preliminary Plan of Subdivision 4-21049;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- h. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- i. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** This application requests approval of a specific design plan (SDP) for grading infrastructure only for a residential community.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zones	LCD/MIO	Prior R-M/M-I-O
Use	Vacant	Grading Infrastructure
Gross Total Acreage	158.28	158.28
Floodplain Acreage	2.07	2.07
Net Acreage of SDP	156.21	156.21

3. **Location:** This site is located on the south side of Westphalia Road, approximately 3,750 feet west of its intersection with Ritchie Marlboro Road. The subject property is in Planning Area 78 and Council District 6.
4. **Surrounding Uses:** To the north of this site is Westphalia Road, with existing residential development in the Residential Estate (RE) Zone beyond; to the east is vacant land in the RE Zone; to the south is vacant land in the LCD Zone, and to the west is existing residential development in the Residential, Rural Zone.
5. **Previous Approvals:** The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) rezoned the subject property from the Residential-Agricultural (R-A) Zone to the Residential Medium Development (R-M) Zone. The 2021 *Approved Countywide Map Amendment* placed the subject property in the Military Installation Overlay/Legacy Comprehensive Design (MIO/LCD) Zones.

Zoning Map Amendment (Basic Plan) A-9973 and Comprehensive Design Plan CDP-0601, titled Woodside Village, established the original plan for the overall development of the subject site. On February 6, 2007, the Prince George’s County District Council approved the Westphalia Sector Plan and SMA (Prince George’s County Council Resolution CR-2-2007). A-9973, which requested rezoning from the prior R-A Zone to the prior R-M Zone, for approximately 381.95 acres of land, was included within the Council’s approval of the SMA. In 2009, the District Council affirmed the Prince George’s County Planning Board’s approval of CDP-0601, for development of 1,422–1,496 residential units, including approximately 1,276 single-family dwelling units (attached and detached) and 220 multifamily dwelling units. However, no subsequent applications were ever submitted or approved pursuant to these approvals.

On November 15, 2021, the District Council approved A-9973-02 to amend the original Woodside Village basic plan, to separate approximately 158.28 acres consisting of Parcel 5 (Yergat property) and Parcel 19 (Case property) and establish a new basic plan specific to

the property included in this SDP. A-9973-02 approved up to 661 dwelling units on the subject site, with 15 conditions.

On May 19, 2022, the Planning Board adopted a resolution of approval for CDP-0601-01 for Case Yergat (PGCPB Resolution No. 2022-50), to allow 516–531 single-family detached and 110–130 single-family attached residential dwelling units for a maximum of 661 dwelling units, subject to 7 conditions. On June 6, 2022, the District Council waived the election to review this case. CDP-0601-01 approved amendments to CDP-0601 applicable to this site only, in accordance with A-9973-02.



Figure 1: Approved Conceptual Design Plan

On July 21, 2022, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-21049 for Case Yergat (PGCPB Resolution No. 2022-86). The PPS approved 610 lots and 58 parcels for the development of 493 single-family detached and 117 single-family attached dwelling units, with 30 conditions.

6. **Design Features:** This site is roughly rectangular in shape, with bump outs in the southeast and southwest corners, and follows the Westphalia Road curves along the northern property line. Grading and the limits of disturbance are shown on the SDP together with existing environmental features on the property such as streams, floodplain, wetlands, and primary management areas (PMAs). Details of layout and site design for this development will be determined when a full-scale SDP is submitted for review.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9973-Approved Zoning Change 6 of the Sectional Map Amendment/Sector Plan Development Concept 3 for Woodside Village in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The larger property of approximately 381.95 acres was rezoned to the R-M Zone from the R-A-Zone by the Westphalia Sector Plan and SMA, as stated in Appendix 5, including

five conditions. The District Council approved Basic Plan A-9973-02 (Zoning Ordinance No. 8-2021) on November 15, 2021, which supersedes the previous approval and conditions with 15 conditions, the following of which are relevant to this application for infrastructure only:

4. **Prior to approval of a SDP, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for: a. Avoiding and preserving the resource in place; or b. Phase III Data Recovery investigations and interpretation.**

None of the archeological sites identified in the Phase I and II investigations of the Case and Yergat properties were found to be intact or significant. No further archeological investigations are recommended on any of the archeological sites.

5. **If required, prior to approval of a SDP or the area including the cemetery and the archeological sites, the applicant's Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the Guidelines for Archeological Review before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.**

Phase III archeological investigations were not recommended on the archeological sites identified on the Case and Yergat properties.

6. **Prior to approval of a SDP, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the HPC and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur prior to issuance of the first building permit for development.**

This condition is still outstanding and will be addressed with the SDP for architecture.

7. **Prior to approval of a SDP for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.**

This condition is still outstanding and will be addressed with the SDP for architecture.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-M Zone of the prior Zoning Ordinance.

a. Section 27-527 of the prior Zoning Ordinance sets forth the following criteria for approval of an SDP:

- (a) **The applicant shall demonstrate to the Planning Board that, in the preparation of the Specific Design Plan, he has devoted adequate attention to building and landscape design, and engineering factors. The signatures of a qualified design team (including an architect, a landscape architect, and a professional engineer) on the Specific Design Plan shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.**

This application is for grading infrastructure only and does not include any landscape, building, or architectural components. The proposed application has been prepared by Soltesz, LLC and signed by the appropriate civil engineer in accordance with this requirement. This criterion will be evaluated again with future SDP applications.



Figure 2: Grading Infrastructure Plan

- (b) **The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**

- (1) **A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**

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

This SDP has been prepared to meet all the applicable drawing and plan submission requirements. It should be noted that the application is for infrastructure to support the ultimate development of the property. Thus, no architectural elevations are included at this time. Such plan details will be reflected in future SDP revisions.

- (c) **An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of this Division, or any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Type 2 Tree Conservation Plan and must also approve a Type 2 Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure.**

This SDP is for infrastructure only. Specifically, the application proposes grading, clearing, and sediment control/stormwater management (SWM) devices for the property. All areas shown to be impacted by this application will ultimately be developed with residential units, in conformance with the approved CDP and PPS 4-21049 applicable to the property. A Type 2 tree conservation plan (TCP2) has been submitted for review with this application.

- b. Section 27-528 of the prior Zoning Ordinance sets forth the following criteria for approval of an SDP for infrastructure:

(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

This application conforms to the approved CDP and PPS 4-21049 applicable to Woodside Village, as mentioned herein. Further, the proposed layout and associated infrastructure will not be detrimental to the health, safety, or welfare of any resident or property owner within the County. The property does contain numerous regulated environmental features including streams, wetlands, and floodplain, all of which are contained within the PMA, as shown on the approved natural resources inventory (NRI) plan. Impacts are proposed to the PMA and stream buffer and were reviewed and approved at the time of PPS. No additional impacts are proposed with this application.

The proposed infrastructure is necessary to implement the planned residential development for the property, as reflected in the approved basic plan, CDP, and PPS. The ultimate development of the residential uses for the property will promote the health, safety, and welfare of the existing residents of the County by providing a variety of new living opportunities, as well as increasing the overall tax base for Prince George's County. In addition, all grading activities will be performed pursuant to a site development permit from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and will respect all approved limits of disturbance established for the property, thereby preventing off-site property damage and environmental degradation. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge.

- 9. **Comprehensive Design Plan CDP-0601:** CDP-0601 for Woodside Village was approved by the Planning Board on July 31, 2008 (PGCPB Resolution No. 08-121) and affirmed by the District Council on February 9, 2009, for development of 1,422–1,496 residential units, including approximately 1,276 single-family dwelling units (attached and detached) and 220 multifamily dwelling units; however, no subsequent applications were ever submitted or approved pursuant to these approvals. An amendment, CDP-0601-01, was approved by the Planning Board on April 28, 2022 (PGCPB Resolution No. 2022-50), to allow 516–531 single-family detached and 110–130 single-family attached residential dwelling units for a maximum of 661 dwelling units, subject to 7 conditions. The following condition relates to this application:

5. At the time of specific design plan (SDP), the applicant shall:

- a. **Submit a list of sustainable site and green building techniques at the site, building, and appliance levels that will be used in this development.**

b. Provide the following site plan notes on the SDP:

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

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

These required notes are within the general notes of the SDP.

Conformance with the remaining applicable conditions will be evaluated when a full-scale SDP is submitted for consideration.

- 10. Preliminary Plan of Subdivision 4-21049:** On July 21, 2022, the Planning Board approved PPS 4-21049 (PGCPB Resolution No. 2022-86) for 610 lots and 58 parcels, for the development of 493 single-family detached and 117 single-family attached dwelling units, with 30 conditions. The following conditions are relevant to this application:

- 3. Development of this site shall be in conformance with the approved stormwater management concept plan (38822-2021-00) and any subsequent revisions.**

An approved SWM concept plan (38822-2021-00) was submitted for review with the SDP. The approved concept plan shows the use of submerged gravel wetlands, bioswales, and ponds. The TCP2 shall be revised to be reflective of the locations of the proposed stormwater features and shall show outfalls and identify each feature with the same numbering system as shown on the approved stormwater concept.

- 26. Prior to acceptance of the specific design plan, a global stability analysis performed on critical slopes shall be submitted for both unmitigated and mitigated conditions, in compliance with Techno-gram 005-2018.**

The revised slope analysis on Section DD was provided on February 7, 2023 and indicated that the grading and unit weight of the New Fill has changed, making this section qualify as passing. Prior to certification of the SDP, a final geotechnical report, including the revised slope stability analysis on Section DD which the slope stability had failed in the original geotechnical report, shall be submitted for review. The specifications of the materials and the construction of the New Fill shall be described on the final geotechnical report. The final geotechnical report shall be reviewed and approved by DPIE at the time of the grading permit process.

- 11. 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 2010 *Prince George’s County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the

Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces or gross floor area on the subject property. Future SDPs that include development of the site will have to be reevaluated for conformance with the applicable sections of the Landscape Manual.

- 12. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** TCP2-048-2022 was submitted with this application and shows the overall 158.28-acre site with a net tract area of 156.21 acres. The site has 31.52 acres of existing woodland in the net tract area, and 2.07 acres of existing woodlands in the floodplain. The woodland conservation threshold is 31.24 acres (20 percent of the net tract area). The woodland conservation worksheet shows the removal of 16.23 acres of woodland on the net tract area, 0.41-acre of woodlands in the floodplain, and 0.32 acre off-site resulting in a woodland conservation requirement of 63.95 acres. This requirement is proposed to be met with 15.29 acres of woodland preservation, 9.31 acres of afforestation, and 39.35 acres of off-site credits. Of the required 31.52-acre threshold, only 24.60 acres (78 percent) are being met on-site.
- 13. Prince George’s Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP is submitted for consideration.
- 14. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:

 - a. Community Planning**—In a memorandum dated January 5, 2023 (Bishop to Burke), incorporated herein by reference, the Community Planning Division noted that the Westphalia Sector Plan and SMA rezoned the subject property from the R-A Zone to the R-M Zone, and the 2021 *Approved Countywide Map Amendment* placed the subject property in the MIO/LCD Zone.

Pursuant to Part 8, Division 4, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
 - b. Transportation Planning**—In a memorandum dated February 6, 2023 (Ryan to Burke), incorporated herein by reference, Transportation staff provided an analysis of previous conditions of approval that have been incorporated in the findings above. The memorandum noted that the site has frontage on Westphalia Road (C-626), along its northern boundary. In addition, the site is impacted by two master plan roads that traverse through the site. The location and design of these roadways, as well as the bicycle and pedestrian facilities, were depicted and approved with PPS 4-21049, as envisioned in the 2009 *Approved Countywide Master Plan of Transportation*, and will be used to evaluate future SDPs. Specific to the subject application, the location of SWM facilities has been strategically placed so as not to interfere with any of the planned roadways, which will ultimately serve the subject site. Staff finds that the application meets master plan compliance regarding recommended roadways.

- c. **Subdivision**—In a memorandum dated February 2, 2023 (Vatandoost to Burke), incorporated herein by reference, Subdivision staff provided an analysis of previous conditions of approval which are incorporated in the findings of this technical staff report. In addition, staff found that the line type used for proposed outparcel boundary lines is not consistent and some of the property boundary lines are not described by the bearings and distances. A condition is provided herein, requiring the SDP to be revised to reflect a consistent boundary line type, and provide all property line bearings and distances.
- d. **Environmental Planning**—In a memorandum dated February 13, 2023 (Kirchhof to Burke), incorporated herein by reference, a review of the site’s environmental features and prior conditions of approvals was presented. The site has an approved natural resources inventory plan (NRI-158-05-03) which shows the existing conditions of the property. The TCP2 requires technical corrections, with conditions recommended herein.

Specimen Trees

Section 25-122(b)(1)(G) of the Prince George’s County Code 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 of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The Code, however, is not inflexible.

The authorizing legislation of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The required findings of Section 25-119(d) were adequately addressed with the PPS. Staff reviewed a specimen tree variance request for the removal of 25 specimen trees (24–28, 32–40, 45, 46, 49–51, 53–57, and 60). Specimen tree removals were approved by the Planning Board on July 21, 2022, in association with the PPS approval.

Due to required grading for the 1.5 factor of safety line, modifications are required to the proposed SWM facility on Sheet 15, which has resulted in the request for removal of an additional two specimen trees numbered 13 and 14. A variance request was submitted with the revised material dated January 26, 2023. A revised variance request was submitted on February 9, 2023, which provided an analysis of each specimen tree proposed for removal.

Tree #	DBH	Common Name	Condition	Reason for Removal
13	57	Red oak	Fair	1.5 Factor of Safety
14	31	White oak	Fair	1.5 Factor of Safety

Evaluation

Staff supports the removal of the two specimen trees requested by the applicant, based on the findings below. 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 the two specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location. The property is 158.28 acres, and the NRI shows approximately 24.42 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 15 percent of the overall site area. The applicant proposed nine impacts to the site’s PMA with the PPS, which were fully minimized to the extent practicable, and is proposing woodland conservation and afforestation to further protect the PMA.

The specimen trees are located across the entire site, many within the PMA or just outside the PMA. The specimen trees proposed for removal are located in the areas of the site that are being utilized for the safe transference of stormwater off-site. This required additional grading is due to the nature of the soils and slopes on-site. This site contains steep slopes, wetlands, streams, and floodplains, which restrict grading. Complete retention of these trees would severely limit the developable area of the site. A summary of each tree follows.

Specimen Tree 13 is identified on the TCP2 as 57-inch diameter at breast height, red oak in fair condition. Provided within the variance request, the condition of the tree is further detailed. The assessment of this tree reports some trunk and top decay, as well as general dieback. The trunk is split in one area and limited amounts of decay was observed. This tree is located within the south-central portion of the site outside of the PMA. While the red oak species tend to have good to medium construction tolerances, the fair condition of the tree shows that further stress could result in additional decay or hazard. The applicant is proposing to remove this tree due to the limitations of the slope type, which requires the 1.5 factor of safety line in certain areas of the site. If this tree were to be retained, the required slope stability grading could not occur, which may lead to slope failure of the associated stormwater feature. The submerged gravel wetland proposed in this area of the site is used as a catchment area for runoff and rainwater from the proposed development. In the event of a slope failure, additional water/runoff may enter the PMA. Specimen Tree 13 is supported for removal in order to establish the safe transference of stormwater off-site.

Specimen Tree 14 is identified on the TCP2 as 31-inch diameter at breast height, white oak in fair condition. Provided within the variance request, the condition of the tree is further detailed. The assessment of the tree reports some trunk and top decay, as well as general dieback. The trunk was observed to be in good visual condition, with limited scarring. This tree is located within the south-central portion of the site outside of the PMA, roughly 30 feet away from Specimen Tree 13. While the white oak species tend to have good to medium construction tolerances, the fair condition of the tree shows that further stress could result in additional decay or hazard. The applicant is proposing to remove this tree due to the limitations of the slope type, which requires the 1.5 factor of safety line in certain areas of the site. If this tree were to be retained, the required slope stability grading could not occur, which may lead to slope failure of the associated stormwater feature. This submerged gravel wetland proposed in this area of the site is used as a catchment area for runoff and rainwater from the proposed development. In the event of a slope failure, additional water/runoff may enter the PMA. Specimen Tree 14 is supported for removal in order to establish the safe transference of stormwater off-site.

(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 critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual 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 critical root zone would have a considerable impact on the stormwater control and slope stability for the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential development is a use that aligns with the uses permitted in the R-M Zone. The specimen trees requested for removal are located within the most structurally sound engineering parts of the site.

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

Not granting the variance would prevent the project from being developed in a functional, safe, and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured regulated environmental features and specimen trees in similar conditions and locations, it would be given the same considerations 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 existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the two specimen trees would be the result of the stormwater infrastructure and 1.5 factor of safety grading required due to underlying soil types for the development. While oak species have good to medium tolerances, the above trees are in fair condition, and may become stressed by grading activities required to stabilize the slopes, thus retaining these trees could lead to hazardous conditions. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

There are no existing conditions relating to land, building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on 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 the DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. 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 the State's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of two specimen trees, identified as Specimen Trees 13 and 14. Staff recommends that the Planning Board approve the requested variance for the removal of two specimen trees for the construction of a residential development.

- e. **Historic**—In a memorandum dated January 18, 2023 (Gross and Stabler to Burke), incorporated herein by reference, it was noted that the Historic Preservation Commission reviewed the SDP at its January 17, 2023 meeting and voted unanimously in support of this application, with conditions carried forward from previous applications.
- f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not comment on the subject SDP.

- g. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department did not comment on the subject SDP.
- h. **Prince George’s County Health Department**—In a memorandum dated December 21, 2022 (Adepoju to Burke), incorporated herein by reference, the Health Department provided a comment that prior to the grading of the site, if any well and septic structures are discovered, then the applicant is to abandon and backfill those structures according to the guidance of the local regulatory agency. Contact the Health Department’s Environmental Engineering and Policy Program for guidance at (301) 883-7681.
- i. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated February 6, 2023 (Thompson to Burke), DPR noted that at the time of PPS review, the applicant opted to provide private on-site recreational facilities in designated areas of the site, to serve the recreational needs of the proposed community. The fulfillment of on-site recreation facilities will be evaluated with the future SDP for the site development.

The applicant shall make a monetary contribution into a park club, as recommended by the Westphalia Sector Plan and SMA and conditioned with the PPS.
- j. **Prince George’s County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department did not comment on the subject SDP. However, at the Subdivision Development Review Committee meeting, the Fire/EMS Department indicated that there were no issues with this application.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-2203, and Type 2 Tree Conservation Plan TCP2-048-2022, for Case Yergat, subject to the following condition:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall provide the following information and/or revise the site plan to provide the following:
 - a. Revise the boundary lines for outparcels using a consistent line type and providing all bearings and distances.
 - b. A final geotechnical report, including the revised slope stability analysis on Section DD, which the slope stability had failed in the original geotechnical report, shall be submitted for review.
 - c. Provide a legend on each sheet of the Type 2 tree conservation plan.
 - d. Revise the legend to indicate the wetlands symbology present on the Type 2 tree conservation plan.

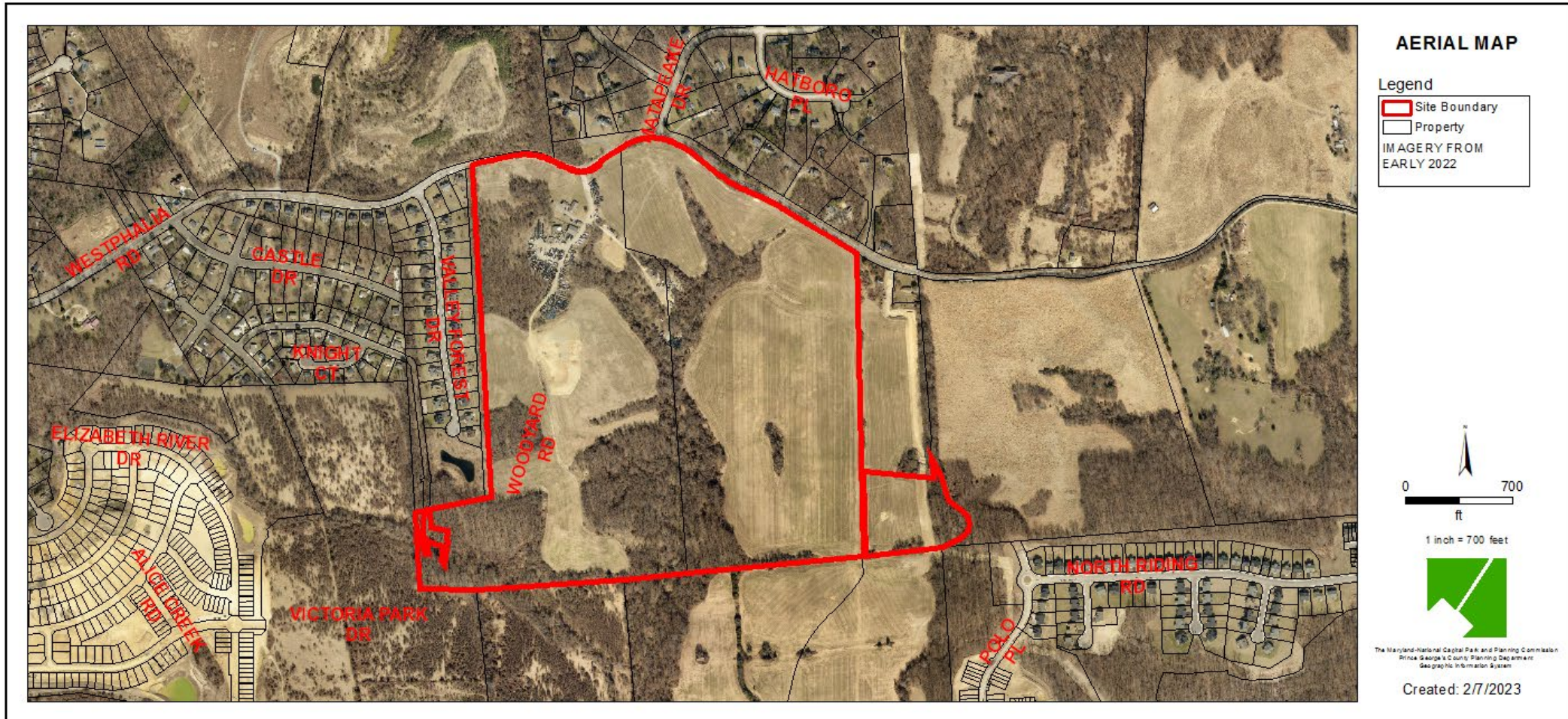
- e. All easements and impacts associated with the Washington Suburban Sanitary Commission easement shall be shown on the Type 2 tree conservation plan.
- f. Each stormwater facility shall be labeled on the Type 2 tree conservation plan and be reflective of the approved stormwater management concept plan.

CASE YERGAT

SPECIFIC DESIGN PLAN

TCP2-048-2022

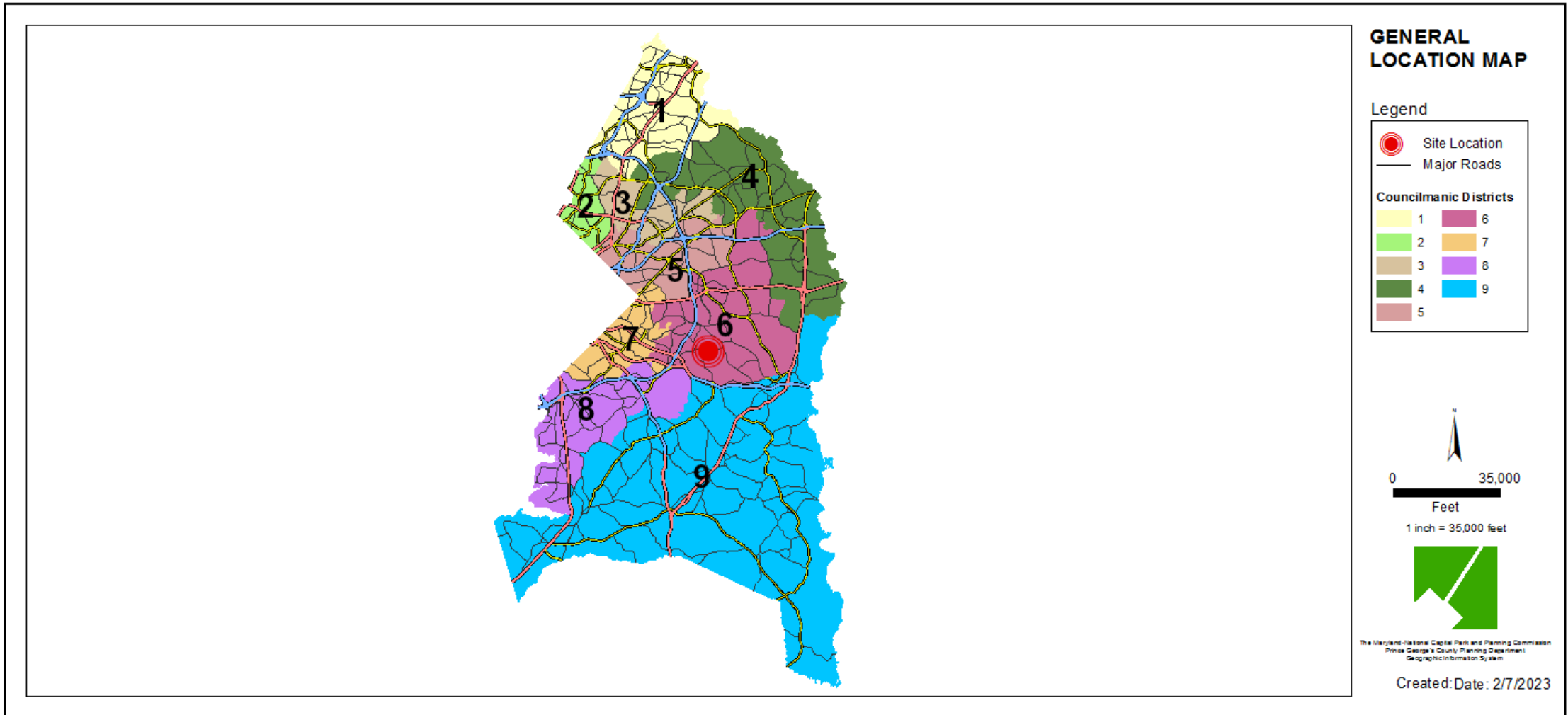
Staff Recommendation: APPROVAL with conditions



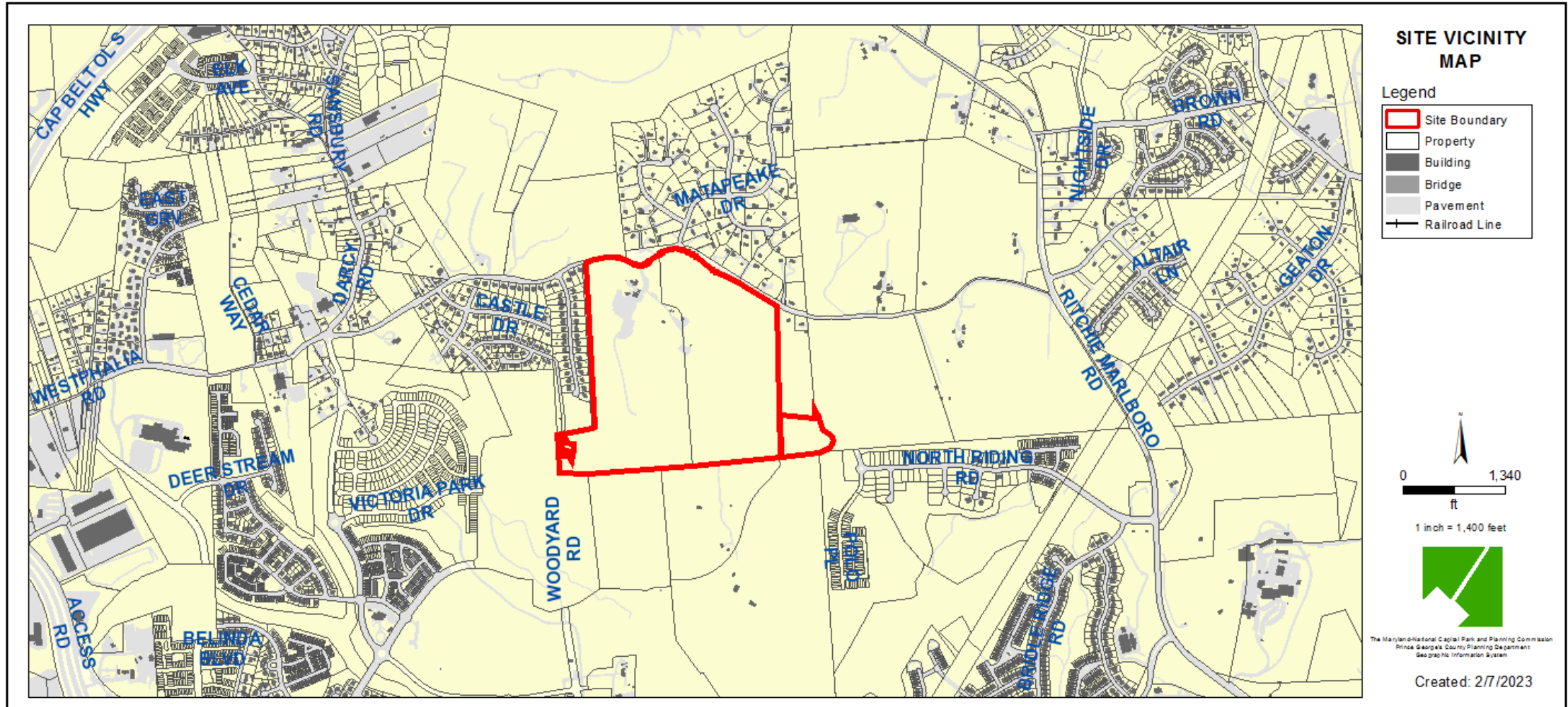
GENERAL LOCATION MAP

Council District: 06

Planning Area: 078



SITE VICINITY MAP

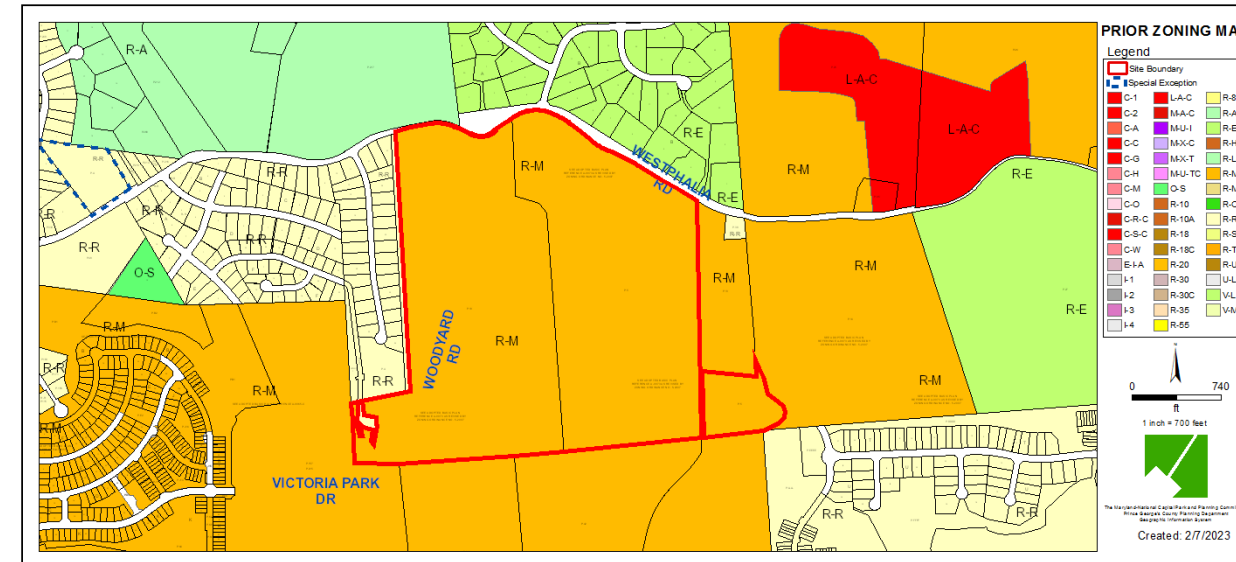
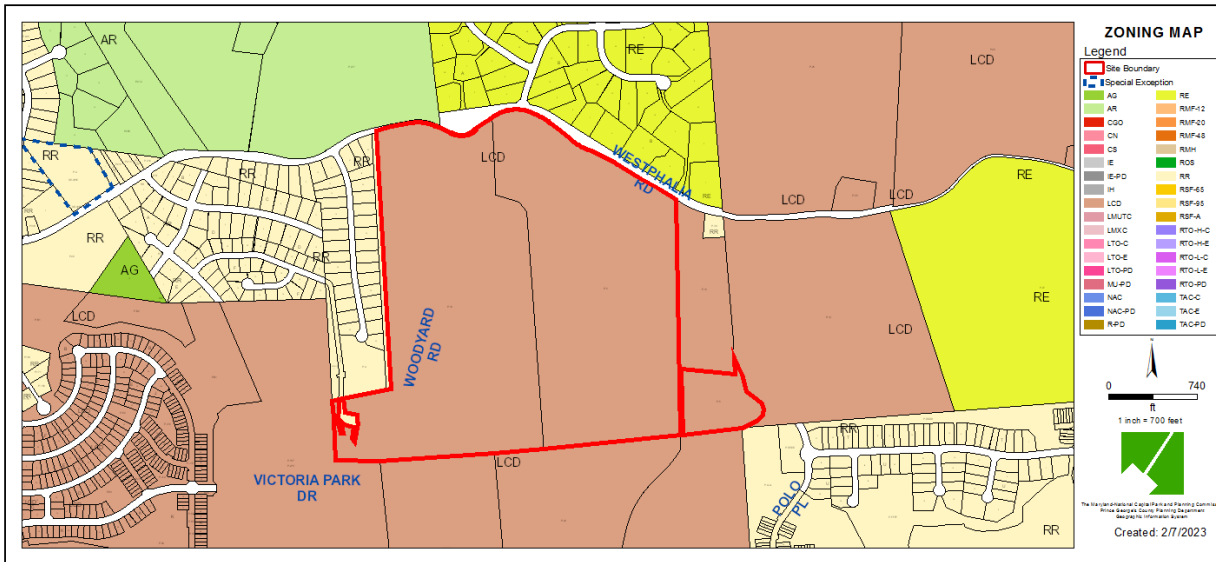


ZONING MAP (CURRENT & PRIOR)

Property Zone: LCD/MIO
 Prior Property Zone: R-M/M-I-O

CURRENT ZONING MAP

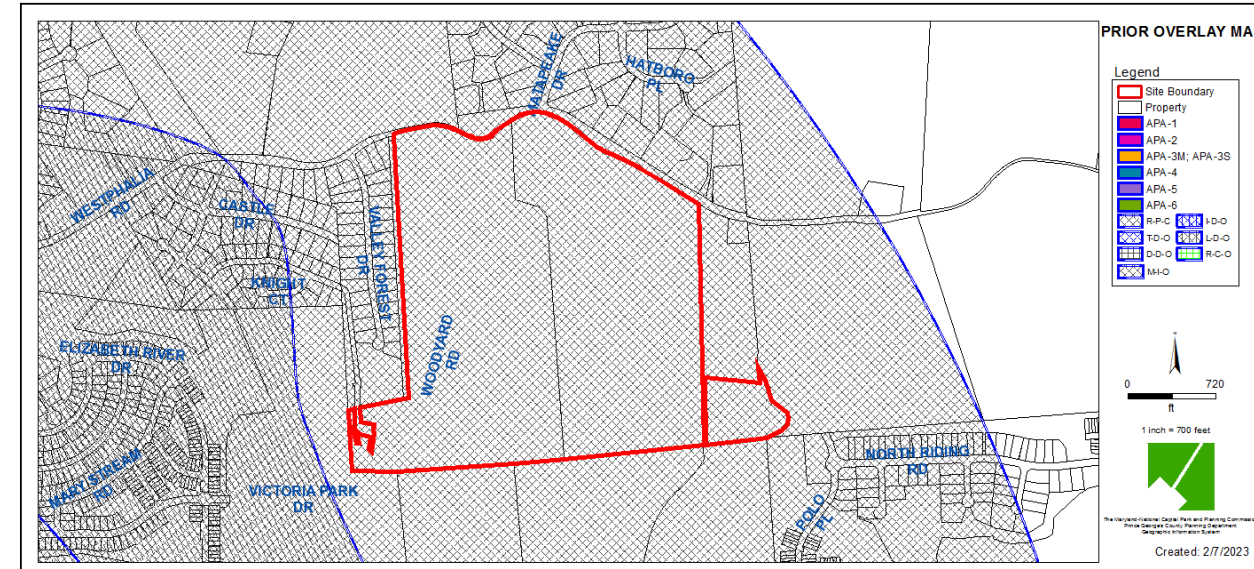
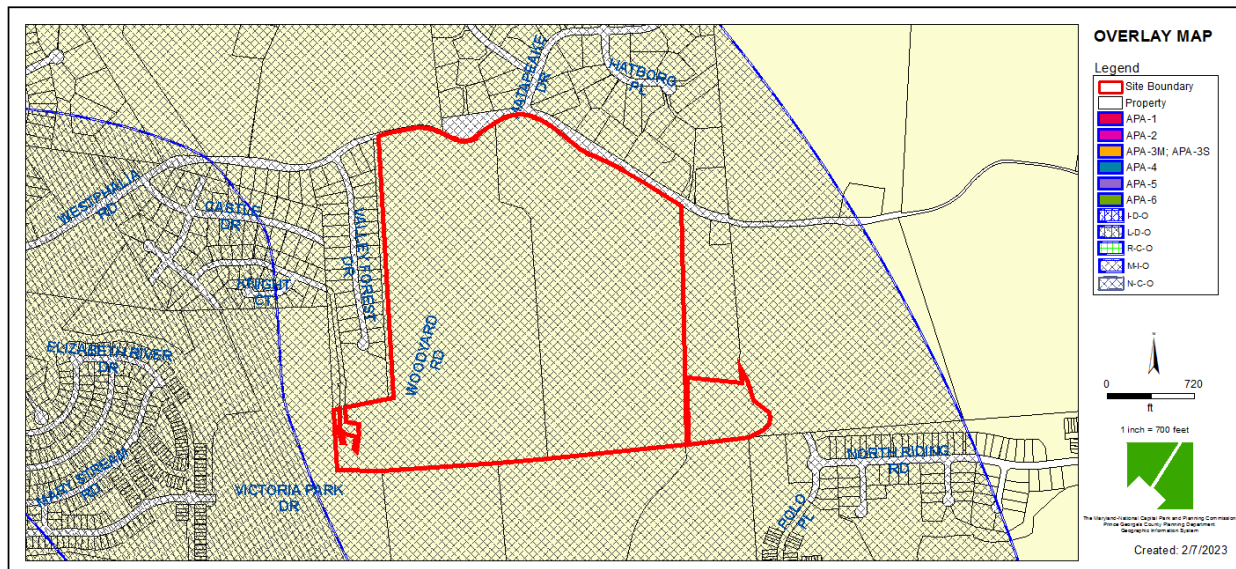
PRIOR ZONING MAP



OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

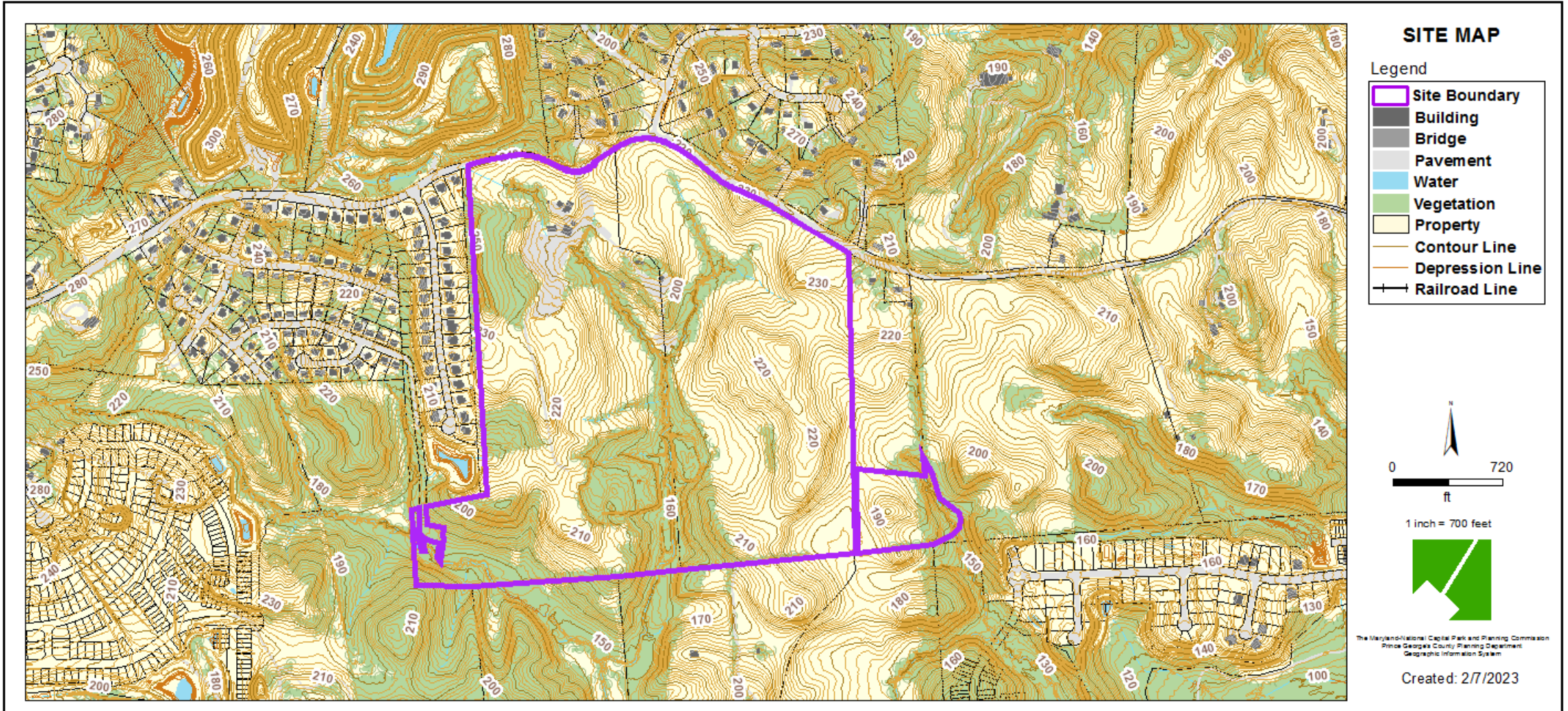
PRIOR OVERLAY MAP



AERIAL MAP



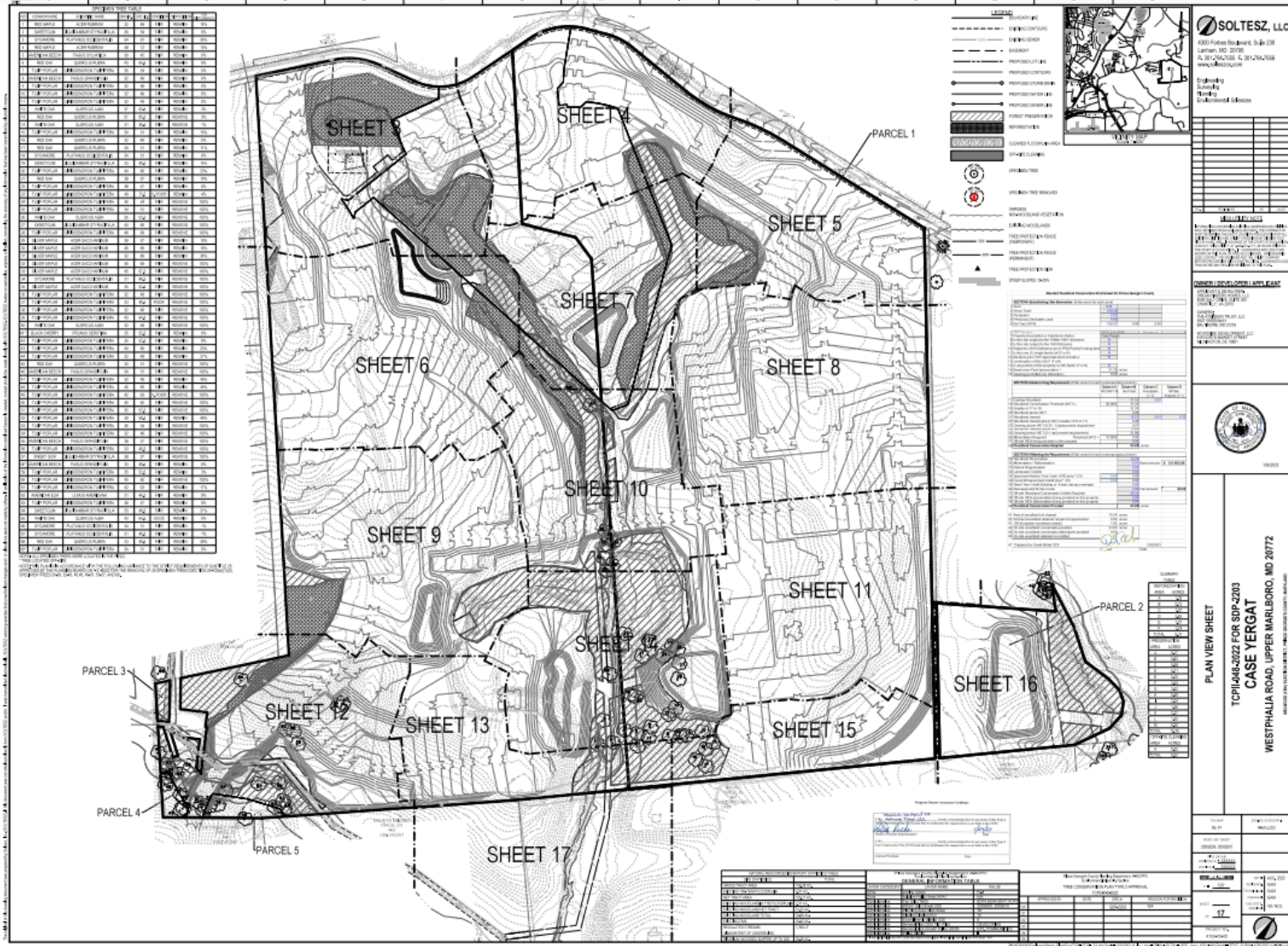
SITE MAP



SITE DEVELOPMENT PLAN



TYPE II TREE CONSERVATION PLAN



STAFF RECOMMENDATION

APPROVAL with conditions

APPROVAL with conditions

Specific Design Plan SDP-2203

Type 2 Tree Conservation Plan TCP2-048-2022

Major Issues:

N/A

Applicant Required Mailings:

- Informational Mailing 3/15/2022
- Acceptance Mailing 11/15/2022

LAW OFFICES
SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shhpa.com

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III *
Robert J. Antonetti, Jr.

Bradley S. Farrar
L. Paul Jackson

*Also admitted in the District of Columbia

January 31, 2023

VIA ELECTRONIC DELIVERY

Ms. Anne Fothergill, Supervisor
Urban Design Section
Development Review Division
Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

**RE: WOODSIDE VILLAGE (Case/Yergat)
Specific Design Plan (SDP-2203)
Statement of Justification
(INFRASTRUCTURE ONLY)**

Dear Ms. Fothergill:

On behalf of our client, **Dream Finders Homes, LLC** (the "Applicant"), Robert J. Antonetti, Jr., and Shipley and Horne, P.A. submits this statement of justification in support of Specific Design Plan, SDP-2203 (the "SDP"). The Woodside Village (Case/Yergat) project is a tract of land located on the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road and containing approximately 158.28 acres in the LCD/M-I-O (Legacy Comprehensive Design, Military Installation Overlay) Zone (hereinafter the "Property"). The Property is located within Planning Area 78 and Council District 6. This SDP is for infrastructure only and includes grading, clearing, sediment control and required stormwater management facilities.

ELECTION TO UTILIZE R-M ZONING PROCEDURES (Section 27-1704(b))

On April 1, 2022, the approved Countywide Sectional Map Amendment ("CMA") and the updated Prince George's County Zoning Ordinance ("New Zoning Ordinance") became effective and rezoned the Property from the R-M (Residential-Medium Development) Zone to the newly created LCD (Legacy Comprehensive Design) Zone. Notwithstanding, the Applicant elects to obtain approval utilizing the applicable provisions of the prior zoning ordinance pursuant to Section 27-1704(b) which states in pertinent part:

**Section 27-1704. Projects Which Received Development or Permit Approval
Prior to the Effective Date of this Ordinance**

(b) *Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.*

The underlying CDP-0601-01 for the Property is valid until April 1, 2042. In accordance with Section 27-1704(b) of the New Zoning Ordinance, since the underlying CDP approval is currently valid, the Applicant can proceed with applications utilizing the provisions of the Zoning Ordinance that existed prior to April 1, 2022. The Applicant hereby elects to pursue approval of SDP-2203 using the R-M/MIO Zone provisions of the former zoning ordinance.

A. Neighboring Properties Use and Zoning:

The Property subject to this application consists of 158.28 acres in the LCD/MIO Zone, and was previously classified in the R-M/MIO (Residential-Medium Development, Military Installation Overlay) Zone. The Property in this application is bounded in all directions by existing or proposed residential development. To the southeast is the Marlboro Ridge development, to the southwest is the Parkside development, and to the north is the proposed Villages at Westphalia development. The subject Property is located within Planning Area 78 and Council District 6.

B. Previous Approvals

The specific approvals for the Woodside Village development include the following:

Development Review Case:	Associated TCP(s):	Authority:	Status:	Action Date:	Resolution Number:
CNU-6730-88-U (Trash Hauling Operation) - on western portion of Parcel 19 (Case Property)	N/A	District Council	Approved	1988	Unknown

A-9973	TCPII/223/92 (Includes portion of Property as part of a grading permit)	District Council	Approved	Planning Board 6/1/2006 Zoning Hearing Examiner 7/13/2006 District Council 2/6/2007	PGCBP No. 06-112 N/A CR-2-2007 (DR-2)
NRI-158-05	N/A	Environmental Planning Section	Approved	7/10/2006	N/A
CDP-0601	TCPI/006/08	District Council	Approved	Planning Board 9/11/2008 District Council 2/9/2009 (Affirmed with conditions)	PGCBP No. 08-121
NRI-158-05-01	N/A	Environmental Planning Section	Approved	10/04/2012	N/A
A-9973-02 (Parcel 19 and Parcel 5)	TCPI/006/08 TCPII/223/92	District Council	Approved	Planning Board 9/16/2021 ZHE 10/29/2021 District Council 11/15/2021 (Approved)	N/A Zoning Ordinance No. 08-2021
CDP-0601-01	TCP1-006-2022	District Council	Approved	Planning Board 5/19/2022 District Council 6/6/2022	PGCBP No. 2022-50

				(PB Decision is Final)	
Site Development Concept Plan 38822-2021-00	N/A	DPIE	Approved	Pending	N/A
PPS 4-21049	TCP1-006-2022-01	Planning Board	Approved	Approved	PGCBP No. (Pending)

C. Proposed Request

The SDP allows for the on-site grading and clearing within the approved limits of disturbance for the Property. This SDP will also include installation of sediment control/SWM devices to serve the ultimate development on the Property. A Sediment Control plan for rough grading and a conceptual SWM plan will support this effort. Utilities and/or roads are not covered under this application. No building permit will be applied for using this plan. Subsequent SDPs for lots, recreational facilities, and architecture for each phase will be submitted later to apply for a fine grade permit and building permits as appropriate.

This SDP will also be followed with a final plat for a single large outlot. Said final plat will be used to obtain the rough grading permit for the Property. The plat will be replaced in the future with plats reflecting lots once phased SDPs are approved.

D. CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE

Section 27-527 - Contents of Plan.

- (a) **The applicant shall demonstrate to the Planning Board that, in the preparation of the Specific Design Plan, he has devoted adequate attention to building and landscape design, and engineering factors. The signatures of a qualified design team (including an architect, a landscape architect, and a professional engineer) on the Specific Design Plan shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.**

RESPONSE: The proposed application has been prepared by Soltesz and signed by the appropriate civil engineer in accordance with the requirements in Section 27-527(a).

- (b) **The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**
- (1) **A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**
 - (2) **Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
 - (3) **A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**
 - (4) **A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard Letter of Exemption;**
 - (5) **An approved Natural Resource Inventory; and**
 - (6) **A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible.**

RESPONSE: The proposed specific design plan has been prepared to meet all the applicable drawing and plan submission requirements set forth in Section 27-527(b). It should be noted that the application is for infrastructure (i.e., grading, clearing, sediment control/SWM devices) to support the ultimate development of the Property. Thus, no architectural elevations are included at this time. Such plan details will be reflected in future SDP revisions.

- (c) **An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of this Division, or**

any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Type 2 Tree Conservation Plan and must also approve a Type 2 Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure.

RESPONSE: The instant specific design plan is for infrastructure only. Specifically, the application proposes grading, clearing, and sediment control/SWM devices for the Property. All areas shown to be impacted by this application will ultimately be developed with residential units in conformance with the approved CDP and PPS 4-21049 applicable to the Property. A Type 2 Tree Conservation plan has been submitted for review with this application.

- (d) Within three (3) years of approval of a Specific Design Plan for Infrastructure, a permit for infrastructure improvements, in accordance with this Plan, shall be issued by the Department of Permitting, Inspections, and Enforcement. If a permit is not issued within this period of time, the Specific Design Plan for Infrastructure is no longer valid.**

RESPONSE: The Applicant agrees with the above.

- (e) A Specific Design Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.**

RESPONSE: The Applicant has submitted a complete application and respectfully requests acceptance of this specific design plan for review.

- (f) This Section shall not apply to:**
 - (1) All stadium wayfinding signs located within parking areas at a stadium.**

RESPONSE: The above section is not applicable to this application.

Section 27-528 – Required findings for approval.

- (a) Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones,**

the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

RESPONSE: The subject SDP conforms to the approved Comprehensive Deign Plan CDP-0601-01. Specifically, the approved CDP for the project shows that the Property is to be developed with various residential uses. Further this application's desired infrastructure is consistent with location of residential units shown in approved PPS 4-21049 applicable to the Property. The instant application will establish required infrastructure to support said residential units. The site has been designed with the applicable standards of the Landscape Manual as appropriate.

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

RESPONSE: Approved PPS 4-21049 demonstrates that adequate public facilities exist to support the ultimate residential development of the Property. CR-66-2010 also set up a Public Facilities Financing and Implementation Program (PFFIP) district for the Westphalia Sector Plan area. The resolution creating the PFFIP also set forth milestones to ensure that all development within the Sector Plan area will be adequately served by programmed facilities within a reasonable time.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties; and**

RESPONSE: This proposal is consistent with the Site Development Concept Plan 38822-2021-00 approved for the Property. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

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

RESPONSE: The proposal is in substantial conformance with the approved TCP1-006-2022. A Type 2 Tree Conservation plan is included with this submission for review and approval.

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

RESPONSE: The proposed amended SDP preserved all regulated environmental features to the fullest extent possible and seeks to minimize any impacts to said features through its plan design.

- (b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

RESPONSE: The instant application request conforms to the approved CDP and PPS 4-21049 applicable to Woodside Village as mentioned herein. Further, the proposed layout and associated infrastructure will not be detrimental to the health, safety, welfare of any resident or property owner within the County. The Property as a whole does contain numerous regulated environmental features including streams, wetlands, and floodplain all of which are contained within the PMA as shown on the approved NRI. The subject SDP has proposed environmental impacts to the PMA and stream buffer. The impacts (and the justification for the impacts) are outlined in further detail in a separate Environmental Impact Justification included with this submittal. The proposed infrastructure is necessary to implement the planned residential development for the Property as reflected in the approved Basic Plan, CDP, and Preliminary Plan. The ultimate development of the residential uses for the Property will promote the health, safety, and welfare of the existing residents of the County by providing a variety of new living opportunities as well as increasing the overall tax base for Prince George's County. Additionally, all grading activities will be performed pursuant to a validly issued site development permit from DPIE and will respect all approved limits of disturbance established for the Property. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion or pollution discharge.

- (c) The Planning Board may only deny the Specific Design Plan if it does not meet the requirements of Section 27-528 (a) and (b), above.**

RESPONSE: As discussed herein, the proposed SDP application satisfies all requirements of Section 27-528(a) and (b).

- (d) Each staged unit (shown on the Comprehensive Design Plan) shall be approved. Later stages shall be approved after initial stages. A Specific Design Plan may encompass more than one (1) stage.**

RESPONSE: The proposed infrastructure set forth in the SDP represents a single stage of development.

- (e) An approved Specific Design Plan shall be valid for not more than six (6) years,**

unless construction (in accordance with the Plan) has begun within that time period. All approved Specific Design Plans which would otherwise expire during 1994 shall remain valid for one (1) additional year beyond the six (6) year validity period.

RESPONSE: The above referenced validity period will be applicable to the subject application upon its final approval.

- (f) The Planning Board's decision on a Specific Design Plan shall be embodied in a resolution adopted at a regularly scheduled public meeting. The resolution shall set forth the Planning Board's findings.**

RESPONSE: The Planning Board is required to comply with this requirement.

- (g) A copy of the Planning Board's resolution and minutes on the Specific Design Plan shall be sent to the Clerk of the Council for any Specific Design Plan for the Village Zones.**

RESPONSE: The subject property is in the LCD Zone and is not within a Village Zone.

E. Compliance with Zoning Map Amendment (Basic Plan) A-9973-02

Basic Plan Amendment A-9973-02 was approved for the subject Property by the District Council on November 15, 2021, (Zoning Ordinance No. 8-2021). This SDP satisfies the following conditions in A-9973-02 related to specific design plans:

- 1. *The following development data and conditions of approval serve as limitations on the landuse types, densities, and intensities, and shall become a part of the approved Basic Plan:***

Total Area	158.28 acres
Land in the 100-year floodplain*	2.07 acres
Adjusted gross area: (158.28 acres less half floodplain)	157.25 acres
Density permitted under the R-M (Residential Medium) Zone	3.6 - 5.7 dwelling units/acre
Base residential density (3.6 du/ac)	566 dwelling units
Maximum residential density (5.7 du/ac)	896 dwelling units

Proposed Land Use Types and Quantities	
Residential: 157.25 gross acres @ 3.98-4.205 du/ac	626 - 661 dwelling units

Number of the units above the base density:	60-95 dwelling units
Density proposed in the R-M (Residential Medium) Zone	3.98 -4.205 dwelling units/acre
Permanent open space: (23 percent of original site area) (Includes environmental, recreational, and HOA areas)	37 acres

COMMENT: The Applicant’s request in this SDP is for infrastructure and is wholly consistent approved land use types and quantities approved in A-9973-02.

4. Prior to approval of a specific design plan, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:

- a. Avoiding and preserving the resource in place; or**
- b. Phase III Data Recovery investigations and interpretation.**

COMMENT: A Phase I archeology survey was conducted on the Yergat Property in February of 2005, with additional investigations in April of 2007. A total of 613 shovel test pits were excavated across the Yergat Property, and 229 locations were investigated by pedestrian survey. Two historic archeological sites, 18PR898, (a late nineteenth to twentieth century tenant site), and 18PR899, (a late nineteenth to twentieth century artifact scatter), were identified on the Property. Due to the large number of artifacts recovered and the large size of the site, Phase II evaluation was recommended for site 18PR898 to determine its eligibility to the National Register of Historic Places. No further work was recommended for site 18PR899 due to its lack of intact deposits, lack of structural debris, and lack of evidence for structures at this location. Phase II archeology investigations conducted on sites 18PR900 and 18PR901 on the Case property indicated that there was a high degree of disturbance to both sites due to agricultural activities and recent grading and dumping on the southern portion of the Property. Historic Preservation staff concurred with the findings and conclusions of the Phase II archeological investigations for the Case Property that no further work was necessary on either site. None of the archeological sites identified in the Phase I and II investigations of the Case and Yergat properties were found to be intact or significant. No further archeological investigations were recommended on any of the archeological sites. As a result, the above condition has been satisfied.

5. *If required, prior to approval of a specific design plan or the area including the cemetery and the archeological sites, the applicant's Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the Guidelines for Archeological Review before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.*

COMMENT: Phase III archeological investigations were not recommended on the archeological sites identified on the Case and Yergat properties. This condition has been satisfied.

6. *Prior to approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur, prior to issuance of the first building permit for development.*

COMMENT: The Applicant concurs with the above condition. The details of the wording related to the one (1) interpretive sign will be reflected on the next SDP which will include residential units.

7. *Prior to approval of a specific design plan for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.*

COMMENT: The Applicant concurs with the above condition. The details of the required buffer(s) will be reflected on the next SDP which will include residential units.

15. *Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder/McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince*

George's County Subdivision Regulations, including:

- a. An inventory of existing cemetery elements.***
- b. Measures to protect the cemetery during development.***
- c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder/McGregor family) cemetery.***
- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.***

COMMENT: The Applicant concurs with the above condition. The Applicant has provided an inventory of the Magruder/McGregor Family Cemetery to the HPC staff as part of the Preliminary Plan application, (4-21049). The inventory includes a map showing the location of the cemetery within the development property, a detailed map showing the current location of all stones, the approximate boundary of the cemetery, a photograph of each stone and record of the inscriptions on each stone that were readable. A super-silt fence will be installed around the cemetery prior to the issuance of a grading permit, leaving a sufficient buffer. All other items required by this condition will be provided at time of permit.

F. Compliance with Comprehensive Design Plan, CDP-0601-01

Comprehensive Design Plan, CDP-0601-01 was approved by the Planning Board on May 19, 2022, (PGCPB Resolution No. 2022-50). The following conditions are applicable to the review of an SDP:

- 5. At the time of specific design plan (SDP), the applicant shall:***
 - a. Submit a list of sustainable site and green building techniques at the site, building, and appliance levels that will be used in this development.***

COMMENT: The instant SDP is for infrastructure only. The list of green building

techniques will be provided as part of a future SDP seeking approval of buildings.

b. Provide the following site plan notes on the SDP:

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

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

COMMENT: The Applicant concurs with the above condition. The required notes have been added to this SDP.

c. Provide tracking tables for both the percentage of those townhouses that have 100 percent brick front elevations and those townhouses that have frontage width larger than 16 feet.

COMMENT: The instant SDP is for infrastructure only. The required tracking tables will be provided as part of a future SDP seeking approval of buildings.

d. Provide a highly visible unit exhibit and corresponding elevations of the proposed architecture models.

COMMENT: The instant SDP is for infrastructure only. The required highly visible unit exhibit will be provided as part of a future SDP seeking approval of buildings/architecture.

e. Provide an additional 10 percent parking for visitors in the townhouse development.

COMMENT: The instant SDP is for infrastructure only. The required parking will be provided as part of a future SDP showing streets and on-street and off-street parking for the future townhouses.

f. Provide a fire engine turning radius exhibit for the townhouse development.

COMMENT: The instant SDP is for infrastructure only. The required exhibit will be provided as part of a future SDP showing streets and alleys for the future residential buildings.

G. Conclusion

This application meets all requirements for approval of a specific design plan as discussed herein. As such, the Applicant respectfully requests that SDP-2203 be approved.

Thank you in advance for your consideration of this application. If you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti, Jr.", with a stylized flourish at the end.

Robert J. Antonetti, Jr.

cc: Dream Finders Homes, LLC
Woodside Development, LLC
The Atkinson Trust, L.L.C.
Arthur J. Horne, Jr., Esq.
Ken Dunn, P.E.



PGCPB No. 06-112

File No. A-9973

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Zoning Map Amendment Petition No. A-9973, Woodside Village requesting rezoning from the R-A (Rural Agriculture) Zone to the R-M (Residential Medium Development) Comprehensive Design Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 11, 2006, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The 370.3-acre subject property has approximately 4,500 feet of frontage along the south side of Westphalia Road, approximately one-third mile southwest of its intersection with Ritchie Marlboro Road, and opposite the Westphalia Woods Subdivision. The property is hatchet-shaped and comprises four contiguous parcels ranging in size from 63 to 149 acres: Parcel 5 (Yergat); Parcel 14 (A. Bean); Parcel 19 (Case); and Parcel 42 (Suit) on Tax Map 82. A rectangular shaped property wedges into the site from Westphalia Road and divides the frontage into two parts. The property is adjacent to the Smith Home Farms project to the west and Marlboro Ridge (Villages of Clagett Farm) to the east. The southern boundary is the Cabin Branch stream.

A certified nonconforming use (CNU 6730-88-U) for a trash hauling operation exists on the western-most portion of the subject property on Parcel 19 (Case property), operating under the name PG Trash. The remainder of the subject property contains agricultural fields, a few barns, and a dwelling.

B. **History:** The 1994 *Melwood-Westphalia Approved Master Plan and Sectional Map Amendment* (SMA) retained the property in the R-A (Residential-Agricultural) Zone. The R-A Zone is intended to be a holding zone for the majority of the subject property until the area is developed in accordance with the master plan's designated "planned community" and comprehensive design zone recommendations.

C. **Master Plan Recommendation:**

1. **2002 General Plan:** This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Growth policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to designated centers, preserve and enhance environmental features and green infrastructure elements, provide as many multimodal transportation options as feasible, and provide public facilities to support the planned development pattern.

2. **1994 Approved Master Plan and Sectional Map Amendment (SMA) for Melwood and Westphalia (Planning Areas 77 and 78):** The master plan shows the subject property within the South Westphalia community. All except the 63-acre A. Bean portion

PGCPB No. 06-112
File No. A-9973
Page 2

(Parcel 14) is within a 1,300-acre rural area recommended for a “planned community.” A proposed stream valley park is recommended along Cabin Branch. There are no public facilities recommended on the subject property, other than improvements to Westphalia Road and Dower House Road extended. The 1994 SMA placed the property in the R-A Zone.

Several design principles are recommended by the plan to guide implementation of the planned community concept. Several residential, open space and general guidelines to direct the physical form of development are provided (pp. 68 and 69). Implementation of the planned community is envisioned through use of several different comprehensive design zones that correspond to the density levels shown on the master plan’s “conceptual planned community” map, and described in Table 8 of the master plan (p. 67). We emphasize that these density levels are not intended to be property specific because they are graphically rendered as a series of concentric rings to convey diminishing densities as distance from planned activity centers increases. The master plan’s “planned community” recommendations are:

- [A planned community shall be] comprehensively planned with a balanced mix of residential, commercial, recreational and public uses and include public gathering places for residents to participate in community activities.
- [It shall provide] a variety of lot sizes and dwelling types to ensure housing for a broad spectrum of incomes, ages and family structures.
- [It shall have] a distinct physical identity, expressed through a coherent and compact land plan, consistent treatment of common design elements such as streetscape and signage, and emphasis on the public realm.
- [It shall promote] a form of development that facilitates the most efficient use of costly public infrastructure.
- [It shall provide] development on a human scale with strong community identity based on a shared, coherent, physical, economic, social and cultural environment.
- [It shall] link proximate land uses with trails, sidewalks and paths.

On January 17, 2006, the District Council initiated a sector plan amendment to the 1994 master plan and a concurrent SMA, including an amendment to the 2002 General Plan (Council Resolution CR-5-2006). The amendment will establish goals, policies and strategies to guide orderly development of a planned community recommended in the October 2005 *Westphalia Comprehensive Concept Plan* study (WCCP Study). The resolution states: “The goals of the sector plan are to recommend land use, zoning, and design guidelines that will establish a foundation for new real estate and economic development...The [WCCP Study] shall constitute the goals, concepts and guidelines for preparation of the preliminary sector plan and SMA...[and] the land use and public facility recommendations of the [WCCP Study] shall be the basis for publication of the preliminary sector plan and SMA....”

PGCPB No. 06-112
File No. A-9973
Page 3

3. **2005 Westphalia Comprehensive Concept Plan (WCCP Study):** The Urban Design Section indicates (March 20, 2006 memorandum) that the 2005 *Westphalia Comprehensive Concept Plan (WCCP Study)* produced a comprehensive land use vision for the Westphalia study area that is consistent with the 2002 General Plan. On January 10, 2006, the District Council endorsed the WCCP Study, which provides specific land use and density guidance to the subject application.

The purpose of the WCCP Study is stated in its executive summary.

“The purpose of the Plan is to supplement M-NCPPC planning for the 6,000 acre Westphalia area, Councilmanic District 6. This plan refines policies established by the 2002 General Plan and the 1994 Melwood-Westphalia plan. Its major goal is to provide an updated vision, coordination and detailed guidance for several major developments that have begun to create the long planned Westphalia Community Center.”

“This document is consistent with the 2002 General Plan and the intent of the 1994 Melwood-Westphalia plan. It serves as a supplement to the adopted area plan. It will be used by the M-NCPPC to review and approve zoning and development applications and permits as well as to guide funding and implementation of public infrastructure improvements within the study area.”

The WCCP Study was authorized by the County Council who directed the hiring of independent consultants to assist county staff in conducting community workshops and developing an agreed upon comprehensive concept for reviewing several comprehensive design zone applications in the context of implementing the master plan’s planned community. The WCCP Study was developed through an extensive design and consensus-building process over a four-month period in 2005. The process included five well-attended community meetings/charrettes, a comprehensive visual preference survey, and a community survey. The study included the subject property and the applicant actively participated in its development. The applicant uses the study as the primary rationale for justifying this application.

Technically, the 2005 WCCP is a “study” because, at the time of its publication, it had not been subjected to the requirements for the adoption and approval of a master plan. Section 27-140 of the Zoning Ordinance states that studies, “... which have not been subjected to the requirements for the adoption and approval of a master plan, shall not be used as a basis for approval or disapproval of zoning cases.” However, as stated above, the District Council initiated a sector plan amendment and concurrent SMA that uses the WCCP’s development vision, issues, and public involvement process as prerequisites for preparing the preliminary sector plan. These prerequisites consist of goals, concepts, guidelines and a public participation process. Therefore, the WCCP’s development vision, issues, goals, concepts and guidelines can be viewed as constituting the preliminary plan in progress.

PGCPB No. 06-112
File No. A-9973
Page 4

Section 27-140 also allows the Planning Board to consider preliminary master plan recommendations, prior to Council approval of the plan, provided the plan and SMA are prepared in accordance with the concurrent plan/SMA provisions of Section 27-225.01.05; which is the process being followed for the Westphalia sector plan amendment and SMA. While the preliminary sector plan and SMA are in progress, it is permissible to consider factual and empirical evidence contained in the WCCP Study.

In the context of the WCCP Study, the Urban Design Section indicates that: “the subject site has been retained in the outer fringe residential area...that consists of approximately 3,488 acres of land and about 1,597 acres are for public uses including streets and other uses. Approximately 7,677 out of the total 15,301 dwelling units for the Westphalia area have been allocated in the outer fringe residential area. The density for the outer fringe area is 4.06 dwelling units per acre, which is very close to the minimum density (4 dwelling units per acre) as recommended for the edge area in the General Plan. The subject application requests a density range of 3.8 to 4.0 residential dwelling units per gross acre and dwelling units of a minimum 1,377 and a maximum 1,450. With a total of 370.3 acre of the proposed development, the allowable dwelling units for the subject site pursuant to the [WCCP Study] is a maximum 1,503. The requested land use as residential development and the requested density of 3.8 to 4.0 dwelling units per gross acre in the subject application are within the allowable limits established by the 2005 WCCP Study.”

Staff notes that the published October 2005, WCCP does not account for the complete development of the subject property. The applicant explains (February 24, 2006 letter) that Appendix V (Land Use Development Estimates) of the WCCP Study unintentionally excluded a portion of the subject property (Parcel 42 or Land Bay 10), referred to as the Suit property (148.7 acres and 592 dwellings), from the density calculations. Therefore, by inserting the Suit development factors back into the Land Use Density Estimates table, the overall density for the Outer Fringe Area is 4.06 dwellings per acre. This density excludes the 1,597 acres that are proposed for “public uses” in the outer fringe area as described on Page 11 of the WCCP Study. The outer fringe area is shown containing 7,677 dwelling units on 3,488 gross acres (pp. 10/11), with 1,597 of these acres devoted to open space.

- D. **Request:** The application seeks rezoning from the R-A (Rural Agricultural) Zone to the R-M (Residential Medium Development) Comprehensive Design Zone (3.6 to 5.8 dwellings per acre). The basic plan and accompanying basic plan submission text propose a density of between 3.8 to 4.0 dwellings per net acre in conformance with the recommendations of the WCCP Study.

The applicant states: “The vision for Woodside Village is to compliment and harmonize with the other villages of the New Town of Westphalia, but at the same time create a sense of its own unique character and charm.... The Village will represent an upscale luxury community which will serve as an appropriate transition and linkage between the Smith Home Farms and Marlboro Ridge Villages.” The applicant also states the following purposes for the application:

- a. “To facilitate the future development of the planned Westphalia New Town as envisioned by the Westphalia CCP Study to include the following:

PGCPB No. 06-112

File No. A-9973

Page 5

- “The completion of master plan road connections that are crucial to the development of the entire New Town
 - “To provide a diversity of housing types to address local and regional demand
 - “To master plan and dedicate two school sites as recommended by the Westphalia CCP, to serve the new development and the surrounding areas.”
- b. “To provide an expanding economic base for Prince George’s County that will foster economic development within the County and State of Maryland.”

DEVELOPMENT DATA

The proposed basic plan and/or text reflects the following land use types and quantities:

Total area	370.3 acres
Land in the 100 year floodplain	15.69 acres
Adjusted gross area: (370.3 less half the floodplain)	362.5 acres
Density permitted under the R-M (Residential Medium Zone)	3.6–5.8 dwellings/acre
Base residential density (3.6 du/ac)	1,305 dwellings
Maximum residential density (5.8 du/ac)	2,103 dwellings
Proposed Land Use Types and Quantities:	
Residential: 362.5 adjusted gross acres @ 3.8-4.0 du/ac	1,377-1,450 dwellings
Number of the units above the base density:	73-145 dwellings
Permanent open space: (31 percent of total site area)	116 acres
Public active open space: (parkland and school sites)	26.0 acres parkland 10.0 acres elementary school 20.0 acres middle school
Private Open Space (homeowner association and other)	60 acres

The R-M density range (3.6 to 5.8), will allow between 1,305 to 2,103 dwelling units. The proposed density (3.8 to 4.0) yields between 1,377 to 1,450 dwellings, or 653 dwellings less than the maximum permitted in the R-M Zone.

Staff notes that the amended basic plan (February 27, 2006) indicates a discrepancy in the amount of total open space measured (135.2 acres) and the total listed in the legend (124.83 acres). Prior to approval of the basic plan by the Zoning Hearing Examiner, the applicant must correct the acreage discrepancy. Also the basic plan legend indicates a different range of dwelling types between 1,121 and 1,821 units that equate to a density of 3.03 to 4.92 dwellings per acre, including single-family detached dwellings (232 to 732 units); townhouse dwellings (599 to 799 units), and condominium dwellings (190 to 290 units). The applicant indicated in a telephone conversation on February 28, 2006, regarding this discrepancy, that the proposed density will not exceed 4.0 dwellings per acre. It was explained that the range of units shown in the basic plan legend are for illustrative purposes only and do not necessarily tie down the exact number of each unit type because this will be done during review of the comprehensive design plan.

PGCPB No. 06-112
File No. A-9973
Page 6

BASIC PLAN CONCEPTUAL DESIGN FEATURES

Site conditions: Forested land comprises approximately 98 acres of the subject property primarily along the stream channels and in areas to the south. The site is generally hilly with many areas containing slopes of 15 to greater than 25 percent. These slope areas are not limited to forested areas and are located throughout the site with concentrations along the stream channels. Approximately 1.2 acres of wetlands exist. The remainder of the property contains agricultural fields.

General layout: Woodside Village is proposed as one of several residential villages that will comprise the "New Town of Westphalia", as recommended in the 2005 WCCP Study. The revised basic plan (submitted on February 27, 2006) shows higher density condominiums concentrated adjacent to a central park with attached units located nearby and along the proposed main access roads (C-631) and portions of the Westphalia Road frontage (Exhibit 1). Various single-family detached units are located along proposed road C-632, adjacent to adjoining properties or open space. In the case of the adjoining Marlboro Ridge project, the proposal maintains continuity in street, block, and lot layout. Three roadways extend south and are intended to (but do not) link with the roadways on the Smith Home Farms site. Direct street and sidewalk connections are also planned to link with the W. Bean parcel, adjacent to the east.

The stream valley open space and a planned central open space divide the development into roughly four sections. These sections are linked together by a 56-acre open space, inclusive of a 26-acre central park and adjacent 30-acre academic campus proposed for an elementary and middle school. The applicant indicates 45 acres of preserved stream valley parks radiate out to connect the three neighborhoods. The Urban Design Section notes that the parkland on the subject property, along with approximately 75 acres of parkland on the adjacent Smith Home Farms site, will constitute the grand central park of the Westphalia area, as envisioned in the WCCP Study.

Each neighborhood is designed to be within a 20-minute walk from the central park and academic campus. Most lots are within a 500-foot radius of a green open space except for lots on portions of the Case parcel. The Urban Design Section indicates that a neighborhood open space should be preserved in the middle of the grid streets in the Case section.

The pedestrian and road connections, including the stream valley parks, are proposed to knit Woodside Village together with the applicant's adjacent equestrian-themed community of Marlboro Ridge. Three roadways are shown extending south, attempting to link with the roadways on the Smith Home Farms site. The applicant also proposes to support the concept of a community-wide Westphalia central sports complex and actively work with surrounding developers to create a comprehensive recreational program for the consolidation of the facility, develop architectural designs for the center, and arrive at a financial formula to fairly allocate costs to all land developers and builders in the 6,000 acre WCCP Study area.

The basic plan shows a general layout and access points that are consistent with the final preferred land use option of the WCCP Study. Initial access to Woodside Village will be from Westphalia

PGCPB No. 06-112
File No. A-9973
Page 7

Road (C-626) and from internal road connections to the planned recreation community of Marlboro Ridge to the east. Seven access roads intersect with Westphalia Road. Other future access is proposed via an extension of Suitland Parkway as collector road (C-631), providing primary access to the proposed school sites and the central park. The applicant proposes development of C-631 as a tree-lined urban boulevard with substantial setbacks and no direct driveway access. The applicant also proposes a new north-south connector across the Cabin Branch to the Smith Home Farms property for extension to the Westphalia Urban Core. It is noted that this north-south connector is shown as collector road (C-632) in the 2005 WCCP Study. Eight-foot-wide hiker/biker trails are proposed parallel to the alignments of Westphalia Road, C-631, and the north-south connector road.

E. **Neighborhood and Surrounding Uses:** The applicant appears to have adopted the general neighborhood identified in the 1994 *Melwood-Westphalia Approved Master Plan and Sectional Map Amendment*, extending from north of MD 4 to Westphalia Road. The master plan identifies this area, including most of the subject property, as “the last opportunity at a location adjacent to the Capital Beltway to build a cohesive planned community.” Staff has extended the neighborhood boundary to be coterminous with those accepted in the Smith Home Farms rezoning application (A-9965 and A-9966), and used in the 2005 WCCP. The neighborhood contains approximately 6,000 acres and is bounded by:

- North and East—Ritchie Marlboro Road
- South—Pennsylvania Avenue (MD 4)
- West—Capital Beltway (I-495)

The neighborhood is rural in the vicinity of the subject property. However adjacent properties have been approved for or are proposing substantial development as indicated in the WCCP Study. The adjacent Smith Home Farms planned community forms another residential village that will comprise the New Town of Westphalia. It has recently been rezoned to the R-M and L-A-C (Local Activity Center) Comprehensive Design Zones to allow 3,243 dwellings. The approved Marlboro Ridge equestrian-themed planned community will contain 1,058 single-family dwellings in the R-R (Rural Residential) Zone. There is one parcel adjacent to the east of Woodside Village that is not currently proposed for development (W. Bean property) in the R-A Zone.

F. **Zoning Requirements:** Section 27-195(b) provides that prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

- (A) **The proposed Basic Plan shall either conform to:**
 - (i) **The specific recommendation of a General Plan map, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**

PGCPB No. 06-112
 File No. A-9973
 Page 8

- (ii) **The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

Applicant's Position: The applicant has evaluated the proposal against the applicable master plan, General Plan and the WCCP Study. They acknowledge that the 1994 Melwood-Westphalia master plan recommends the use of comprehensive design zones (R-L and R-S Zones), including retention of R-A zoning outside of the area designated for the planned community (A. Bean parcel). However, they suggest the master plan recommendations are outdated because of subsequent policy changes and because the 2002 General Plan significantly changes the guiding principles and values reflected in the 1994 master plan. They acknowledge that the request increases densities over those recommended in the master plan in order to "...compensate for the high percentage of preserved stream valleys and nature areas and yet still provide villages compact enough to encourage pedestrian use, future public transportation and a diversity of housing types." The applicant cites several policy changes since the 1994 master plan and 1982 General Plan in support of higher density. These changes include:

- Operational changes to the road and transit systems (completion of Metro to Largo; completion of Beltway interchanges at Ritchie Marlboro Road and Arena Drive; and the preclusion of the extension of arterial A-37 beyond Ritchie-Marlboro Road). Staff notes that all but the Arena Drive interchange was envisioned by the 1994 master plan and the 1982 General Plan. The extension of A-37 is still planned to Ritchie-Marlboro Road.
- New environmental regulations related to preserving sensitive environmental features, conserving forestland, and providing open space linkages in accordance with the Green Infrastructure Plan. The applicant believes these changes "prevent the development of the future planned community in the concentric circle pattern recommended in the 1994 Master Plan."
- New General Plan policies supporting smart growth; increased densities in Centers and Corridors, in which the applicant suggests the subject property is located; and emphasis on quality housing. The applicant suggests the 2002 General Plan contradicts and amends sections of the 1994 master plan related to centers, corridors, quality housing and smart growth.

The applicant indicates the basic plan was designed in accordance with master plan guidelines to decrease density as distance from the planned community center increases. They believe the basic plan conforms to General Plan guidelines that support a density of 4.0 dwellings per acre on the "edge" of the planned community center, including the WCCP Study recommendations for 4.0 units per acre on the subject property.

Staff Comment: The Community Planning staff (December 22, 2005, memorandum) finds that the application is not inconsistent with the above mentioned 2002 General Plan Development Pattern policies for the Developing Tier. The General Plan shows the location for the Westphalia Community Center near Pennsylvania Avenue (MD 4) on the site of the Presidential Corporate Center, and designates MD 4 as a corridor. The General Plan defines center cores as generally having a radius of one-quarter to one-third mile walking distance from a transit stop or station,

PGCPB No. 06-112

File No. A-9973

Page 9

while center edges are an additional one-quarter to one-third mile beyond the center core. Residential densities for community center "edge" areas are between 4 to 20 dwellings per gross acre. By specific measurement of the General Plan graphic, the subject site is beyond the "edge" by about a mile and half, according to the Urban Design staff (March 20, 2006 memorandum). However, the location of the subject site at the edge of the Westphalia planned community is compatible with the minimum edge densities suggested by the General Plan.

The 1994 master plan indicates three levels of density for the subject property that are described in Table 8. The R-L (0.5 to 1.5) Zone is appropriate to implement the larger area in the "Transitional-Suburban Planned Community" portion of the community located south of Westphalia Road (approximately 158 acres). The R-S (1.6 to 2.6) Zone is appropriate to implement the smaller "Low-Suburban Planned Community" portion located in the southern portion of the Suit property nearest Cabin Branch. The third area, located outside the designated "Planned Community" (the 63-acre A. Bean parcel), falls within the Large Lot/Alternative Low Density area where the R-L Zone at a density of 0.5 to 0.9 units per acre is appropriate. The overall densities suggested by the master plan yield approximately 600 dwelling units while the proposed basic plan yields a maximum 1,450 dwellings. However, the applicant's requested density of 1,450 dwellings is approximately 650 units less than the maximum permitted in the R-M Zone.

The Community Planning staff finds (November 22, 2005, memorandum) that the basic plan is not in strict conformance with the master plan because the proposed densities are higher than those recommended and the transportation network alignments have been changed somewhat from those in the master plan. Notwithstanding this finding, staff agrees that the request, with the conditions recommended in the Conclusion section of this technical staff report, is in conformance with the principles and guidelines of the 1994 Melwood-Westphalia master plan text that address the design and physical development of the property. These principles provide for a general gradient of densities and relationship between land uses that fits the master plan's vision for a planned community. Staff finds that the overall element, spirit, and intent of the basic plan, with a maximum density of 4.0 dwellings per acre, can be considered to be in conformance with master plan principles and design guidelines for development of a planned community in this area.

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan.

Staff Comment: There are no retail commercial uses proposed for this site.

(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which 100 percent of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plan, or urban renewal plans.

PGCPB No. 06-112
File No. A-9973
Page 10

APPLICANT'S POSITION: The applicant proposes to implement the master plan's transportation goals and guidelines to provide an efficient transportation system that minimizes impacts on environmental features by slightly modifying alignments where necessary, while ensuring that required facilities are provided and built. The applicant commits to providing full rights-of-way and building their portion of Suitland Parkway extended (C-631) that will form the backbone of the road/street/sidewalk network, a new north/south connector road across Cabin Branch to the Smith Home Farms property and will provide full right-of-way and upgrading of its section of Westphalia Road. The extension of Suitland Parkway (C-631) will be designed as a tree-lined boulevard with double rows of street trees, sidewalks and parallel parking. Other road connections recommended in the WCCP will be provided and built by the applicant. These connections include realignment of one road in the previously approved Marlboro Ridge to connect to the relocated Westphalia Town Center and a southern connector from the central park to the town center. Wherever possible, a continuous street grid and alleyways are incorporated. The applicant will also provide public bus stops to allow integration of WMATA and county bus service to the community. In addition, the applicant will participate with other landowners to establish a new town commuters hotline on its community bulletin board to facilitate carpool opportunities.

Staff Comment: The basic plan does not conform to the road alignments recently approved or proposed in other communities being developed as part of the master plan's planned community or WCCP Study. The alignments for several roads in the adjacent Smith Home Farms Preliminary Plan of Subdivision (4-05080) do not match alignments shown on this basic plan. Also, a cul-de-sac, extending from Parcel 19 (Case property) on the subject site into Parcel 219 in Smith Home Farms is shown for a stormwater management pond in the Smith Home Farms preliminary plan. These issues must be resolved at the time of CDP review.

The Transportation Planning Section staff (March 27, 2006 memorandum) finds that "...the existing transportation facilities and those to be provided by the applicant will be adequate to carry anticipated traffic generated by the development based on the maximum proposed density [4.0 dwellings per acre]. Furthermore, [if the application is approved with conditions] the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195...." The recommended conditions are in the Conclusion section of this technical staff report. The following findings are extracted from the March 27, 2006, memorandum:

"The applicant has not submitted a formal traffic study with this application. It is anticipated that future comprehensive design plan and preliminary plan of subdivision applications will be accompanied by a traffic study that will examine the site impact at the following existing intersections:

- "• MD 4 and Westphalia Road/Old Marlboro Pike (signalized)
- "• MD 4 and Suitland Parkway/Presidential Parkway (signalized)
- "• Westphalia Road and Sansbury Road/Mellwood Road (unsignalized)
- "• Westphalia Road and Ritchie Marlboro Road (unsignalized)
- "• Ritchie Marlboro Road and White House Road (signalized)
- "• Ritchie Marlboro Road and Sansbury Road (signalized)"

PGCPB No. 06-112

File No. A-9973

Page 11

"The proposal is estimated to generate (assuming a mix of 60 percent single-family, 30 percent townhouse, and 10 percent condominium) 1,031 AM (206 in, 825 out) and 1,216 PM (795 in, 421 out) peak-hour vehicle trips."

"The following observations have been made regarding other applications in the area:

- "1. The Ritchie Marlboro Road intersections with Sansbury Road and White House Road are operating at LOS C or better in both peak hours in consideration of existing traffic and traffic generated by other approved developments. Nonetheless, both intersections should be studied in the future to ensure that both operate adequately with the buildout of the subject property.
- "2. The two unsignalized intersections along Westphalia Road (Sansbury/Mellwood and Ritchie Marlboro Roads) will not operate acceptably as unsignalized intersections in consideration of existing traffic and traffic generated by other approved developments. Future traffic analyses should consider signalization at both locations, but must also first give consideration to physical improvements to each leg as a means of improving operations both before and after signalization.
- "3. Several master plan roadways cross the site and lead traffic from the site to the regional highway network. As the review process continues, it must be determined that these roadways are constructed to adequately serve traffic and that the necessary traffic controls are installed. Therefore, at the time of comprehensive design plan, the plan must be reviewed by transportation staff in order to determine major intersections within and near the site for study at the time of preliminary plan.
- "4. Other traffic studies done in the vicinity have determined that it is essential that MD 4 be upgraded to a controlled access facility in the area of the subject site. It is essential to note that the MD 4/Suitland Parkway intersection is currently programmed for construction in the State Consolidated Transportation Program (CTP) for reconstruction as an interchange. Other sites have recommended that a public/private partnership be formed wherein developers would construct the MD 4/Westphalia Road interchange as a condition of approval of their plans. The materials provided with this application have given no such proffer, nor do they provide any consideration of the potential impact of this site on MD 4. An assurance of funding for the major intersections along MD 4 would be a major part of the overall determination of adequacy in accordance with Section 27-195. Therefore, a condition will be written to ensure funding of major transportation facilities along MD 4."

"This abbreviated traffic analysis is provided for purposes of establishing a record and allowing comment upon the scope of future studies as a part of this process. If the zoning is granted, detailed transportation conditions will be imposed at the time of the comprehensive design plan (CDP) and the preliminary plan applications. It is anticipated, with a condition to require construction of the MD 4/Westphalia Road interchange and other conditions that may be imposed at the time of CDP, sufficient evidence exists to show that the transportation system as exists, with improvements to be funded and constructed by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density."

PGCPB No. 06-112
File No. A-9973
Page 12

“Master Plan Impacts and Plan Comments”

As part of the WCCP Study, land use “...recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. The plan proposes a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.”

“Within the Developing Tier, all links are planned to operate at a volume-to-capacity ratio (V/C) of 0.80 or better. The V/C is a measure of the degree of congestion along a roadway link, and a value of 0.80 is equivalent to a Level-of-Service (LOS) D. The traffic analysis done for the [WCCP Study] dated August 31, 2005, included the following:

- “1. The master plan network (existing roadways plus proposals on the 1994 Melwood-Westphalia master plan) was used to establish a future base case within the study area. This base case assumed no development within the study area.
- “2. The land uses on the approved 1994 master plan were added to the network. These land uses would have added approximately 135,000 daily vehicle trips to the network. It was determined that all links within the study area would operate at a V/C of 0.80 or better.
- “3. A revised roadway concept within the study area was developed in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service. The base traffic volumes shown in (2) above were then assigned or reassigned to this revised network to provide a base for the proposed plan.
- “4. Land uses were developed in consideration of current General Plan policies as well as planned development patterns. These land uses were then added to the revised roadway concept described in (3) above. These proposed land uses are estimated to add approximately 239,500 daily vehicle trips to the network. In discussions, it was determined that trips within the core area of the study area would be decreased by 25 percent to account for the improved availability of transit and the ability for residents to live, work, and shop within a walkable community.
- “5. Lane recommendations were assigned to each link to create a plan recommendation. It was determined that most links within the study area would operate at a V/C of 0.80 or better. The exceptions included several links within or adjacent to the core area that could eventually become a designated center and be subject to a higher V/C. Another link was identified to potentially become eight lanes under the 1994 master plan.
- “6. For the subject site, the August 31, 2005, study has been reviewed in detail to ensure that the request conforms to the analysis. The original study did not include full buildout for the proposal on the subject property, and has been modified by the applicant. Appendix B of the study contains the detailed sheets that were used in preparing the analysis. Particular attention is given to pages B-4, B-4A, B-5, and B-7—these sheets show the trip distributions and assignments associated with the subject property and the adjacent Village

PGCPB No. 06-112
File No. A-9973
Page 13

of Clagett Farm (VCF) development (approved as Preliminary Plan 4-04080), along with the land use assumptions. The following is noted:

- “a. The original Page B-4 included 529 residences, all of which were within VCF. The revised Page B-4 includes 529 residences within VCF and 592 residences within the subject site.
- “b. The original page B-4A includes 529 residences, which are totally within VCF. This page was not revised.
- “c. The original page B-5 includes 574 residences, which are split between the subject property and the W. Bean Property. The initial proposal for the W. Bean Property is 126 residences, leaving 448 residences within the subject property. This page was not revised.
- “d. The original page B-7 includes 717 residences, which are split between the subject property and two small properties surrounded by the subject site that are not part of the application. The two small properties at their current zoning could contain a net of 4 residences, leaving 713 residences within the subject property. This page was not revised.
- “e. The VCF development includes 1,058 residences and is wholly encompassed within Pages B-4 and B-4A. Those pages together total 1,650 residences, leaving 592 residences within the subject property.
- “f. Only pages B-4, B-5, and B-7 include portions of the subject property, and the development within the subject property potentially shown for this site totals 1,753 residences under the revised analysis.”

“The August 31, 2005, study together with the revision is being used to recommend an adequate roadway system in the area of all proposed rezoning cases in the Westphalia Planning Area. This information is currently being used to prepare recommendations for a Westphalia Sector Plan, which will eventually govern development in the area upon its approval.”

“The area of this basic plan is adjacent to Westphalia Road, and dedication to collector standards along the frontage of this property in accordance with the master plan must be reflected on future plans. Two other collector roadways identified as C-631 and C-632 also traverse the site. Regarding these facilities, the following comments are offered:

- “1. The plan shows C-631 as the major roadway through the site. In the draft Westphalia sector plan, this roadway has been redesignated as MC-631. Future plans must demonstrate right-of-way dedication of a minimum of 100 feet along this roadway.
- “2. The plan conceptually shows townhouses fronting on C-631. Although these townhouses are designated as alley-loaded, it is recommended that discussions occur with the county Department of Public Works and Transportation (DPW&T) if this application and concept moves forward. DPW&T is averse to fronting townhouses on public streets in general, and

PGCPB No. 06-112
File No. A-9973
Page 14

that agency would likely have grave concerns with maintenance of a collector facility in front of townhouses. Issues such as deliveries and guest parking must be adequately addressed before this configuration can be approved.

- “3. The plan also shows C-632 along the western end of the site, traversing a north-south path between Westphalia Road and the adjacent Smith Home Farms development. In the draft Westphalia sector plan, this roadway has been redesignated as P-616. The initial plan showed this facility as a primary residential street. Initially, it was thought that a larger street would be needed, but it appears that a dedication of 60 feet will be sufficient.
- “4. It is noted that the current basic plan proposal for MC-631 and P-616 does not match the most recent preliminary plan for Smith Home Farms (4-05080). Further discussions will be occurring in order to ensure that there is consistency between Smith Home Farms and the subject site regarding master plan roadway location.”

“The circulation pattern for the site includes several street connections between the site and the adjacent VCF [Marlboro Ridge] development. However, that site has subdivision approval without most of the street connections shown. Will that adjacent plan be revised as it proceeds through detailed site plan review and recordation? Also, a primary street connection is shown to the south into the Smith Home Farms site. While that applicant [Smith Home Farms] has been requested by transportation staff to show that connection on their plan, such a connection has not been shown by that applicant to date. Finally, the [WCCP Study] shows several connections between the subject site and the W. Bean property to the east. None are shown on the circulation plan for the subject property even though these connections are useful for creating and enhancing vehicular and pedestrian movement, particularly to public school, recreational, and shopping facilities within the Westphalia Planning Area. It is recommended that the circulation plan be revised to show at least one such primary street connection.”

- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed.**

APPLICANT'S POSITION: The applicant believes other public facilities are or will be adequate to serve the proposal. They support proposals in the WCCP Study to locate various facilities in the Westphalia urban core. They also indicate (p. 58) in reference to schools “...we support the concept of a fair financial formula equitable to all land owners based on residential units and/or commercial development approved. This formula should include all public uses on developable land.”

Staff Comment: Other public facilities are generally considered to be adequate for the uses proposed as indicated in the referral replies below, except for the provision of parkland. The 1994 Melwood-Westphalia master plan identifies no existing or proposed public facilities at this location other than the Cabin Branch Stream Valley Park.

PGCPB No. 06-112
File No. A-9973
Page 15

Trails

The applicant proposes hiker/biker and equestrian trails and sidewalks that interconnect with the Marlboro Ridge and other trails on adjoining properties. Trails will be both hard surface and pervious surface where required for environmental reasons.

Staff Comment: The Transportation Planning Section staff (December 12, 2005, memorandum) indicates that the 1994 master plan recommends several trails that impact the subject site. Staff analysis indicates the following and includes several recommendations included in the Conclusions section of this technical staff report to ensure integration of the trail system on the subject site with trail systems on surrounding development projects as recommended in the master plan and WCCP Study:

Staff points out that it is important to coordinate the trails and sidewalk facilities on the subject property with facilities on the adjacent Smith Home Farms and Marlboro Ridge (Clagett Farm) properties. Marlboro Ridge already has a network of trails planned on the previously approved CSP-03005 and 4-04080. This network includes the Cabin Branch Trail, as well as several trail and pedestrian connections between the Marlboro Ridge and Woodside Village. The applicant's hiker and biker trail plan shows the proposed trails for the two sites.

Staff finds that the proposed trail plan is comprehensive and utilizes available open space as trail corridors. Also, several sidepaths or trails adjacent to proposed roadways supplement the network. In general, staff supports this network as shown. However, the following is noted:

- The Sidepath (Class II Trail) along Westphalia Road should be extended for the entire length of the subject site's road frontage.
- The trail/bikeway along Suitland Parkway extended should connect to Westphalia Road, not end part way through the subject site as currently shown.
- Future development submittals should delineate M-NCPPC trails from homeowner association (HOA) trails.
- The adjacent Smith Home Farms application (CDP-0501 and 4-05080) provides a hiker-biker-equestrian trail along its Cabin Branch frontage. The WCCP Study indicates that such a trail may be desirable along both sides of Cabin Branch in some areas. However, such a trail, its location and any stream crossings should be coordinated with and approved by the Department of Parks and Recreation. A detailed analysis of the trail and pedestrian facilities will be completed at the time of CDP and SDP review.

Parks and Recreation

The major issue with this application relates to the amount of parkland proposed by the applicant and that recommended by the Department of Parks and Recreation (DPR) in their March 27, 2006, memorandum (see staff comments below). The applicant has found that in trying to provide the 63 acres of dedicated parkland requested by DPR staff, it is no longer feasible to also dedicate a minimum of 30 acres for the two school sites that are shown on the basic plan and are

PGCPB No. 06-112
File No. A-9973
Page 16

recommended in the WCCP Study. The applicant, as discussed in Section 3c above, has relied on the WCCP Study recommendations as the primary rationale for developing and justifying this application.

The applicant and the DPR staff have been meeting to reach a compromise whereby the applicant would dedicate 53 acres of parkland to implement the DPR concepts for the grand central park and still provide an elementary and/or a middle school. This solution, however, jeopardizes the ability to obtain dedication of both school sites at the time of subdivision. Moreover, after considering the park acreage compromise and reexamining the WCCP Study, the applicant contends that the basic plan conforms to and implements the public facility and open space recommendations shown on Modified Preferred Option WCCP Study map (page 10 of 29) and described in a table on page 21 of 29.

In an April 10, 2006, letter, the applicant notes that during the extensive WCCP Study public input process, they consistently proposed to dedicate approximately 56 acres for civic use. The applicant states: "These uses could include a variety of amenities and functions, including, but not limited to, schools and parks." The applicant contends that the requested DPR acreage, shown on Exhibit A, does not follow the recommendation and guidelines of the WCCP Study with regard to the central park and the park school sites. The applicant concludes that: "...the Parks Department, not the applicant, has failed to conform to the guidelines and recommendations with regards to the 'central park' and the location and number of school sites within the WCCP Study." The applicant believes the basic plan implements and conforms to the WCCP Study recommendations pertaining to the following:

1. The "central park" shown on the WCCP's Open Space Plan (pages 20 and 21 of 29) is reflected as open space on the basic plan. The two school sites proposed for dedication by the applicant fall all or partially within the area designated as the "central park" (page 10 of 29).
2. The location for the middle school site falls within the area designated as the WCCP's "central park."
3. The location for the elementary school site falls partially within the subject property (also on the Clagett Farm property) and is also within the area designated as the WCCP's "central park." The applicant, who is also developing the Clagett Farm property, has elected to provide the elementary school site entirely within the subject property and adjacent to the middle school site (see basic plan).
4. The table in the WCCP Study (page 21 of 29) identifies both the Woodside Village elementary school and middle school sites as: "School site[s] with additional land and recreational facilities in Central Park." The table also lists the sites as school/park sites.
5. The applicant in essence is proposing to dedicate the two school sites as part and parcel of a park/school concept that provides 10 acres for the elementary school, 20 acres for the middle school and 26 acres for their share of the WCCP Study's recommended 400-acre central park/Cabin Branch Greenway.

PGCPB No. 06-112
File No. A-9973
Page 17

6. The applicant contends that the DPR acreage request and the exhibit showing which land is to be dedicated extends the "central park" boundary and acreage beyond the limits shown on the WCCP Study map (pages 20 and 21 of 29) and therefore is not in conformance with the WCCP.

Staff Comment: The Department of Parks and Recreation staff evaluated the request in the context of the General Plan, master plan, WCCP Study, and surrounding developments (March 27, 2006, memorandum) and offer the following comments and recommendations. Their comments are:

"The approved Smith Home Farms applications A-9965C and CDP-0501 were approved with provisions for the dedication of 148 acres of open space for a public central park and Cabin Branch stream valley park. The applicant for Woodside Village A-9973 proposes the dedication of 26 acres of additional parkland to be added to the planned central park.

"The approved master plan for the Melwood-Westphalia Planning Area designates the Cabin Branch stream valley as public parkland. The approved Smith Home Farms and Villages of Clagett Farm projects include the dedication of the Cabin Branch stream valley and construction of the hiker/biker and equestrian trails along the stream valley."

"The applicant's proposal includes 1,377 to 1,450 residential dwellings units. Using current occupancy statistics for single-family dwelling units, one would anticipate that the proposed development would result in a population of 3,718 to 3,915 residents in the new community."

"The General Plan establishes objectives for the provision of public parkland. They [are a] minimum of 15 acres of M-NCPPC local parkland...per 1,000 population (or equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 residents."

"By applying the General Plan standards for projected population in the new community (3,718 to 3,915 residents), staff has determined that 56 acres of local and 74 acres of regional public parkland suitable for active recreation are needed to serve the proposed community. The applicant's proposal shows only 26 acres of recreational open space to be allocated for the public park. The subject development proposal falls 104 acres short. Needless to say, the proposed rezoning application does not meet the General Plan objectives for providing public parkland."

The technical staff notes that the WCCP Study only considers local parkland needs because no regional parks are proposed (page 19 of 29). Also we cannot find within the WCCP Study any reference to a public open space acreage requirement for the entire subject property. However, we note that the WCCP Study recommends (page 8 of 29) that developers be permitted and encouraged to meet a portion of the requirements for local and regional public recreation needs by using several options to include:

PGCPB No. 06-112
File No. A-9973
Page 18

- Dedication of land for public parks and park school sites
- Contributions to the park club infrastructure
- Construction of new public park facilities and improvements at new or existing public park sites or school park sites within the area
- Providing public access to privately owned facilities, green spaces and trail networks through covenants or other means
- Providing some of the recreational obligation with private recreational land and facilities reserved for the exclusive use of development residents through HOA covenants or other means

Overall, the technical staff believes it is a worthy goal to acquire more land for the central park. However, in the context of the planning effort and proffers made as part of the WCCP Study, including a review of the basic plan in context of the WCCP Study, we must agree with the applicant that the basic plan conforms to the WCCP Study.

“DPR staff finds that the demand for public parkland will only grow with the extensive residential development, which is anticipated (38,550 new residents) in this region.... Further, Planning Area 78 is currently ranked as in high need for public parkland and for public recreational facilities such as football, soccer and baseball fields, basketball courts, playgrounds and picnic areas.” The technical staff notes that the WCCP Study recommends 578 acres of local parkland for the entire WCCP Study area.

The DPR staff refers to Section 27-507 and the purposes of the R-M Zone. One purpose is to encourage the provision of amenities and public facilities in conjunction with residential development and to improve the overall quality and variety of residential environments. The DPR staff then states the following: “The applicant proposes to dedicate 26 acres and improve the dedicated parkland with ball fields, tennis courts, tot lots, picnic areas and sitting areas. While the applicant strives to meet the intent of the General Plan, Master Plan, and provides public benefits and amenities, we believe that proposed rezoning application does not measure up to the criteria set forth in this section of the Zoning Ordinance.”

“The development vision of the [WCCP Study] addresses the needs of the larger and more urban community. The [WCCP Study] proposes 400 acres for the central park and Cabin Branch stream valley park. The central park shown on the plan is approximately 210 acres in size and is located within the Smith Home Farms and Woodside Village projects. This park is planned as a major recreational component and focal point for the entire Westphalia region.”

“The [WCCP Study] envisions a centrally located urban park in the heart of Westphalia study area similar to Grant Park in Chicago and Central Park in New York City. Central Park in New York City contains 843 acres and Grant Park in Chicago 319 acres of parkland. DPR staff believes that the land provided for this [Westphalia] urban park from these two projects [Smith Home Farms and Woodside Village] would be the ultimate acreage available for the central park. Currently, only 148 acres will be dedicated from the Smith Home Farm development. To achieve the goal of

PGCPB No. 06-112
File No. A-9973
Page 19

the [WCCP Study], DPR staff believes that a larger public parkland contribution is needed than proposed by the applicant.” The technical staff cannot find any reference within the WCCP Study to a stated public open space acreage requirement for the subject property.

“DPR staff accomplished the following analysis of Woodside Village and Smith Home Farms... to evaluate the public recreational package and benefit features of the two projects. We believe that these projects are very similar in scope and location. In addition, they are codependent and support each other with regard to public facilities such as schools, roads, parks and recreation.”

- The Smith Home Farms is 723 acres in size. The applicant dedicated a total 148 acres of open space for the central park and Cabin Branch stream valley park, of which 75 acres are developable for active recreation. The applicant proposes an extensive package of private recreational facilities on HOA land. In addition, the Smith Home Farms developer has agreed to make a monetary contribution or provide in-kind services totaling \$2,500-3,500 per dwelling unit into a “park club.”
- “The Woodside Village project area is 370 acres in size and the applicant proposes to dedicate 26 acres of open space for the central park and Cabin Branch stream valley park, of which only 20 acres are developable for active recreation. The Woodside Village developer proposes to develop the dedicated parkland. The applicant shows three soccer fields, four softball fields, and six tennis courts on dedicated parkland. The proposed layout shown on the plan is conceptual, with no consideration made for slopes, setbacks, layout, need for SWM facilities, parking lots and other development infrastructures. Further, DPR staff believes that these recreational facilities cannot be accommodated on the proposed park parcel.”

Based on the above analysis of the two projects, DPR staff “...finds that the proposed parkland dedication and recreational facilities package within Woodside Village does not measure up to the recreational facilities package proposed within the Smith Home Farms development. DPR staff further believes that the conditions of approval applied to Smith Home Farms should also be used for the Woodside Village rezoning application.”

The DPR staff concludes that the proposal has not demonstrated compliance with the goals, concepts, and guidelines of the WCCP Study in terms of public parks and recreational facilities. The DPR staff cites Council Resolution CR-5-2006, wherein the District Council stated that the development vision and issues of the WCCP Study shall constitute the goals, concepts and guidelines for preparation of the preliminary plan and SMA. DPR staff finds that to satisfy the WCCP Study recommendations and General Plan objectives regarding the recreational needs for Woodside Village, the applicant should dedicate 63 acres of parkland, including 56 acres of developable land suitable for active recreation, and convey the Cabin Branch Stream Valley to M-NCPPC as shown on DPR Exhibit “A.” DPR staff is also requesting the applicant provide in an amount similar to that required of the Smith Home Farms development, \$2,500 to \$3,500 per dwelling unit. The fund should be used for the development, operation and maintenance of the central park.” Aside from requesting the above acreage, DPR provides several conditions of approval in the Conclusion section of this technical staff report.

PGCPB No. 06-112
File No. A-9973
Page 20

Other Community Facilities

The Public Facilities Planning Section provides comments regarding fire and rescue, police, library, and school facilities (November 23, 2005, memorandum):

Fire and Rescue

The applicant supports the location of a fire and rescue facility in the Westphalia urban core area as recommended in the WCCP Study.

Staff Comment: "The existing, (first due) fire engine service to the subject property is currently provided by Company 23, Forestville, located at 8321 Old Marlboro Pike. The response time to the entrance to the property is 5.25 minutes. The design of the internal road system will determine the exact coverage that would be possible."

"The Melwood-Westphalia Plan approved in March 1994 recommends the relocation of the Forestville Fire Station to a location that has access to Pennsylvania Avenue in both directions. The Public Facilities Planning Section met with representatives of the fire department to review the proposal to construct a new station on an adjacent property. The fire department and Countywide Planning Division staff endorse the concept of a new station. This application should include a condition that provisions for a new station deemed acceptable to the fire department and the Countywide Planning Division staff, will be provided as part of this development. The location and timing of the station can be determined at the time of CDP approval."

Police Facilities

The applicant supports the location of a police substation in the Westphalia urban core area as recommended in the WCCP Study.

Staff Comment: "The [WCCP Study] identifies a police facility as an appropriate use in the central urban core, in the vicinity of the intersection of Melwood Road and Pennsylvania Avenue. This application should include a condition that a police facility will be provided that is deemed acceptable to the Prince George's County Police Department and the Countywide Planning Division staff. The location and timing of the police facility can be determined at the time of CDP approval."

Library Facility

The applicant agrees with the WCCP Study recommendation to locate a library in the Westphalia urban core area.

Staff Comment: "The [WCCP Study] identifies a library as an appropriate use in the central urban core area. This application should include a condition that a library will be provided that is deemed acceptable to the Prince George's County Memorial Library Department and the Countywide Planning Division staff. The location and timing of the library can be determined at the time of CDP approval."

PGCPB No. 06-112
File No. A-9973
Page 21

Schools

The WCCP Study identifies one new middle school park site of 20± acres and an elementary school of 12 to 18± acres located in the central park area fronting the parkway (page 18 of 29). The applicant is dedicating land for a 10-acre elementary school and a 20-acre middle school in accordance with the acreage standards in the 1994 Melwood-Westphalia master plan.

Staff Comment: Staff indicates that the WCCP Study proposes four elementary schools, one middle school and one high school. The residential units proposed in this basic plan application will generate 355 elementary school children, 89 middle school pupils, and 177 high school students. Although the applicant is proposing to dedicate a 10-acre elementary school site and a 20-acre middle school site, the Board of Education has advised the Planning Department that 10 usable acres and 20 useable acres are necessary for these types of schools. This acreage does not take into account stormwater management, tree preservation and other environmental considerations. The final determination of location and size of the land to be dedicated will be made at the time of CDP approval.

Water and Sewerage Facilities

The applicant indicates that there is adequate sewerage capacity and that connections will be needed to both water and sewer lines in adjacent properties.

The Washington Suburban Sanitary Commission (WSSC) indicates in a November 9, 2005, E-mail from Beth Forbes, that a request was made during the August 2005 Water and Sewer Amendment Cycle to move the property from Sewer/Water Category S5/W5 to S4/W4. Regarding the basic plan text pertaining to Adequacy of Utility Services (pages 70-71), WSSC staff indicates the following:

1. The property is within the Western Branch Basin where interceptor and treatment capacity is adequate. The development will produce a flow of 230,000 gallons per day (GPD) and program sized sewer mains are not required to serve the property.
2. "A 24-inch sewer line in the Cabin Branch stream valley traverses the southern edge of the property (contract no. 68-2970A). Twelve- and eight-inch diameter sewers traverse the property along its western boundary (Contract Nos. 68-970C and 68-2970B, respectively). Nevertheless, a non-CIP-sized sewer extension about 2,400 feet long is required to serve the eastern portion of the property. This extension would connect to the 24-inch diameter sewer mentioned above and would abut approximately one property in addition to the applicant's. Rights-of-way would be required. Construction of this extension may involve the removal of trees and temporarily disturb a stream."
3. "Adequate water service cannot be provided to the development from the existing 12-inch and 16-inch diameter mains in Westphalia Road. These mains cannot support the fire flow demand necessary for townhouses, schools or recreation facilities. Some of the detached homes MAY be able to receive service from these mains. The proposed development will likely be dependent on either (a) the mains within the Smith Farm and Marlboro Ridge subdivisions or (b) a three-mile-long CIP-sized main in Ritchie-Marlboro Road between

PGCPB No. 06-112
File No. A-9973
Page 22

the Beltway and Westphalia Road. More information on the phasing of the development is required before the service dependencies can be finalized.”

- 4. “Water storage in this area is at deficient levels. The development may become dependent on water storage projects proposed for this area. The Clinton Zone Water Storage Facility (CIP Project #W-62.04) and the Prince George’s County High Zone Storage Study (#W-65.09) have been proposed for the WSSC’s FY07 CIP.”
- (E) **Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District.**

APPLICANT’S POSITION

The applicant explains that the basic plan was prepared using the sites natural features to design a curvilinear relationship between the road network, lotting patterns, and open space. Environmental impacts have been minimized except for limited disturbance at road crossings and utility outfalls. This applicant’s emphasis on preserving ecological features explains the apparent fragmentation of the development areas. The basic plan overcomes this fragmentation by an intricate system of roads interconnecting developed areas without impacting sensitive areas. The application appears to adequately accommodate pertinent environmental goals and guidelines in the master plan.

Natural Environment

The Environmental Planning Section (November 16, 2005, memorandum) indicates an approved Type II Tree Conservation Plan, TCP II/223/92 exists on a portion of the property as part of a grading permit. Other comments are provided below and appropriate conditions are in the Conclusion section of this technical staff report:

- “1. Streams, wetlands, and floodplain associated with Western Branch watershed of the Patuxent River basin occur on the property. The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, adjacent areas of slopes between 15 and 25 percent with highly erodible soils, and specific areas of rare or sensitive wildlife habitat. The review package contains a brief discussion of the environmental features of the site and includes a detailed forest stand delineation on page 97 of the basic plan application. The application also states that a natural resources inventory (NRI) has been prepared. Because of the numerous environmental features of the site, an approved NRI will be necessary at the time of comprehensive design plan. The main purpose of an NRI is to identify the environmental features that are regulated by federal, state and county code. Although a signed NRI is a required submission for any preliminary plan of subdivision, the information provided by an NRI is of significant value for the consideration of a comprehensive design plan.”

- “2. When a property is located within the Patuxent River watershed, certain designated features comprise the Patuxent River Primary Management Area (PMA). Because the

PGCPB No. 06-112
File No. A-9973
Page 23

Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA shall be preserved to the fullest extent possible, all disturbances to these features shall be avoided. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. In the event disturbances are unavoidable, a letter of justification for all proposed PMA impacts will be required as part of the submission for a preliminary plan.”

- “3. The 370.3 acre property is subject to the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because a portion of the property has a previously approved TCPII. The Type I TCP for the entire site will invalidate all previously approved Type II Tree Conservation Plans. A TCPI is required with the comprehensive design plan.”

“The current R-A Zone has a Woodland Conservation Threshold (WCT) of 50 percent while the proposed R-M Zone has a WCT of 20 percent. The site is currently approximately 25 percent wooded. The reduced WCT would result in a 23-acre reduction of the current base requirement for this property. The site contains woodland for priority preservation along the stream, wetlands, and within the floodplain. Provisions to ensure the preservation of these features are needed. Additionally, the Green Infrastructure Plan shows a major corridor along the Cabin Branch stream valley that runs along the southern property line. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.”

- “4. According to the “Prince George’s County Soils Survey” the soils found to occur are in the Adelpia, Bibb, Collington, Howell, Marr, Mixed Alluvial, Sassafrass, Sandy Land, Shrewsbury, and Westphalia soil series. Some of these soils series have a variety of limitations that could affect the development potential of the property including seasonally high water tables, impeded drainage, poor drainage and slopes. Marlboro clay does occur on this property in and around the elevation of the floodplain for Cabin Branch, a tributary of Western Branch.”

Cultural Environment

The applicant is advised that the Prince George’s County Historic Sites and Districts Plan (1992) is the appropriate reference document for historic resources in this county, not the Maryland Historical Trust (MHT). The MHT is the definitive authority for historical and cultural projects involving state or federal involvement.

The Historic Preservation and Public Facilities Planning Section provides the following information regarding archeological resources and architectural assessments (November 15, 2005 memorandum):

PGCPB No. 06-112

File No. A-9973

Page 24

- “The Historic Sites and Districts Plan 1981 and 1982 identifies the Dunblane Site and Cemetery (Historic Resource 78-010) as the location of an eighteenth century plantation. The main house was destroyed by fire in 1969. The small Magruder family cemetery (approximately 50 feet by 60 feet) exists adjacent to a small cluster of buildings. Because archeological artifacts may remain at the Dunblane House site, the applicant should conduct a Phase I archeological investigation as required by Planning Board directives. Completion of the Phase I investigation is required prior to approval of the CDP.”
- “The applicant identifies two cemeteries on the property; however, the Historic Preservation Section has records only for the Dunblane (Magruder family) cemetery. Documentation of these two cemeteries is needed from the applicant.”
- “The applicant offers to erect markers at the cemeteries as per recommendations of the ‘Prince George’s County Historical Society’ (page 72). Consultation for these markers should be with the Historic Preservation Commission (HPC) or staff of the Historic Preservation Section. The Dunblane Site and its interpretation is not addressed by the basic plan.”
- “Westphalia Road is an historic road between D’Arcy and Ritchie Marlboro Roads. The basic plan proposes to widen Westphalia Road to a four-lane collector. A guideline in the 1994 Melwood-Westphalia master plan states that the design of public facilities in the vicinity of historic resources should be sensitive to their historic character. The widening of roads and choice of street trees are examples of design elements that can either reinforce or change the character of an area.” It is noted that the applicant indicates agreement to meet with Historic Preservation and Transportation staff during preparation of roadway improvement plans to ensure that all scenic and historic features are properly located and resolved (pages 41 and 42).
- “Subtitle 29-118 (a)(2) requires that the Historic Preservation Commission (HPC) conduct a public hearing to determine whether any unclassified historic resource should be classified as a historic site or property within a Historic District when any zoning map amendment is referred to the Commission. The HPC will review the significance of the Dunblane Site and Cemetery features and artifacts after the Phase I Archeological Investigation report is submitted. If the HPC determines that Dunblane and Cemetery meet the criteria of Subtitle 29-104 and designates the property as a historic site, an environmental setting will also be delineated at that time.”

Based on the above findings, the Historic Preservation Section staff recommends several conditions contained in the Conclusion section of this technical staff report. Staff advises that further comments may be warranted after the Phase I Archeological Investigation Report.

F. Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities

PGCPB No. 06-112
File No. A-9973
Page 25

construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

Staff Comment: The applicant does not anticipate a construction schedule beyond six years and believes that public facilities will be adequate to serve the proposal. However, the Urban Design Section recommends that the applicant submit with the CDP application package a phasing plan to ensure that necessary infrastructure and amenities are in place to support each phase of development, including recreation facilities.

G. Conformance with the Purposes of the R-M Zone:

The application must further the purposes of the R-M Zone as found in Section 27-507(a) as follows:

Section 27-507(a)(1) Establish (in the public interest) a plan implementation zone, in which (among other things):

- (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
- (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**

APPLICANT'S POSITION

The staff agrees with the applicant's contention that the proposal satisfies all criteria for approval in that it meets master plan principles and guidelines that address the design and physical development of the property, while providing public benefit features above and beyond those anticipated on the master plan in return for increased density. The applicant believes a modest density increase of between 3.8 to 4.0 dwellings per acre, above the 3.6 dwelling base density, furthers the above criteria. Although density could potentially increase by 70 percent (an additional 911 units) by providing public benefit components, only an 11 percent increase is proposed (approximately 145 units) above the base density.

Section 27-507(a)(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual physical development proposals;

Staff Comment: Until a new sector plan implementing the WCCP Study is approved by the District Council, the 1994 master plan and the 2002 General Plan are the only public documents upon which approval or disapproval can be based. However, as discussed earlier, Section 27-140 of the Zoning Ordinance allows the Planning Board to consider the recommendations of a preliminary master plan and any factual or empirical evidence contained in staff studies when making recommendations on CDZ applications. The District Council, in initiation of the

PGCPB No. 06-112
 File No. A-9973
 Page 26

Preliminary Westphalia Sector Plan and concurrent SMA, indicates that the WCCP Study "...shall constitute the goals, concepts and guidelines for preparation of the preliminary sector plan and SMA...[and] the land use and public facility recommendations of the [WCCP Study] shall be the basis for publication of the preliminary sector plan and SMA." Therefore, in addition to the current master plan and General Plan, staff also used the factual and empirical findings in the WCCP Study and its land use and public facility recommendations to evaluate the proposed basic plan.

Section 27-507(a)(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

Staff Comment: The proposal is part of an integrated planned community envisioned by the 1994 master plan and reaffirmed by the latest planning efforts reflected in the 2005 WCCP Study. However, regarding a compatible road network, the Urban Design Section (March 20, 2006, memorandum) indicates that since the adjacent Smith Home Farms site has gone through both basic plan and comprehensive design plan approvals, the applicant should coordinate with the design team of Smith Home Farms to make sure that the proposed three major road connections are aligned with the approved locations on the Smith Home Farms site. The applicant is aware that these roadway connections are required. Also, the basic plan shows one of the cul-de-sac streets on the Case parcel stretching out of the subject site boundary into the Smith Home Farms property. This street should be terminated within the site boundary.

Another compatibility issue is the location of two-over-two townhouses shown along Westphalia Road and along both sides of the C-631 extension. Since the subject site is located in the outer fringe area and is close to Ritchie Marlboro Road where the WCCP Study calls for rural character to be preserved, a general layout principle should be established to arrange large single-family lots along the perimeter areas of the site and along the major roadways, and to locate townhouses around the internal open spaces in order to be compatible with the surrounding land use pattern. If the townhouses or two-over-two townhouses are to be located along any roadways, which are classified as collector and above, they should be accessed through an alley. Staff finds that with the recommended conditions in the Conclusion section of this technical staff report, the proposal will be compatible with existing and proposed surrounding land uses.

Section 27-507(a)(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

Staff Comment: The basic plan provides several public amenities and facilities that are not required by the 1994 Melwood-Westphalia master plan. These additional amenities and facilities are proposed to support the level of development recommended in the WCCP Study (e.g., two proposed park/school sites, a large central park, and an indoor recreational facility). The applicant recognizes that the basic plan is part of the larger planned community that will eventually contain a police substation, library, public schools, and other public facilities. The basic plan text (pp. 80-81) states: "To the extent necessary, the applicant, along with adjacent Land Owners who make up the New Town, will privately contribute to the construction of public facilities not currently provided in the Basic Plan or County Capital Improvement Program...."

PGCPB No. 06-112
File No. A-9973
Page 27

To help ensure availability of adequate facilities and amenities for each phase of development, the Urban Design Section recommends the following as part of the CDP submittal package:

- Submission of a phasing plans to ensure that necessary infrastructure and amenities are in place to support each phase of development, including recreation facilities.
- Submission of a design package that includes an image board and general design guidelines that establish review parameters, including design, material and color, for architectural, signage, entrance features and landscaping for the entire site.
- Description of the type, amount, and general location of the recreation facilities on the dedicated parkland and elsewhere on the site.
- Relocate larger single-family detached lots along the perimeter areas of the site and major roadways and align the attached and multifamily dwelling units along internal public open space.

Section 27-507(a)(5) Encourage and stimulate balanced land development;

Staff Comment: The basic plan proposes land use relationships in line with the physical development recommendations of the master plan, while providing several residential housing products including detached, attached and condominium units. By integrating the development and transportation system with the goal of preserving sensitive environmental features, the proposal will further the last purpose of the R-M Zone —to improve the overall quality of residential environments in the Regional District (Section 27-507(a)(6)).

Section 27-487 requires that CDZ proposals shall contain provisions for housing to serve all income groups. The applicant must address how housing will be provided for all income groups. One can infer from the size of the drawn lots, and the Conceptual Residential Components map shown in the application that most houses of the same variety are grouped together. As part of the plan for providing housing for all income groups, the Community Planning staff recommends that the applicant explore the potential of mixing housing units and styles on individual block lengths instead of segregating them.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

PGCPB No. 06-112
File No. A-9973
Page 28

1. The following development data and conditions of approval shall be printed on the face of a revised basic plan prior to approval by the Zoning Hearing Examiner:

DEVELOPMENT DATA:

Total area	370.3 acres
Land in the 100 year floodplain	15.69 acres
Adjusted gross area: (370.3 less half the floodplain)	362.5 acres
Density permitted under the R-M (Residential Medium Zone)	3.6-5.8 dwellings/acre
Base residential density (3.6 du/ac)	1,305 dwellings
Maximum residential density (5.8 du/ac)	2,103 dwellings
Approved Land Use Types and Quantities:	
Residential: 362.5 adjusted gross acres @ 3.8-4.0 du/ac	1,377-1,450 dwellings
Number of the units above the base density:	72-145 dwellings
Permanent open space: (31 percent of total site area)	116 acres
Public active open space: (parkland and school sites)	26.0 acres minimum parkland 10 acres minimum elementary school 20 acres minimum middle school
Private open space (homeowner association and other)	60 acres

2. Prior to approval of the basic plan the applicant shall revise the plan to provide the following:
 - a. Eliminate the cul-de-sac streets on the Case property that stretch out of the subject site boundary into the Smith Home Farms property, and terminate the cul-de-sac within the subject property.
 - b. Show the location and correct acreage for all active dedicated parkland and passive open space, including stream valley parks and proposed homeowner association open space.
 - c. Show dedicated parkland that shall be reviewed and approved by the Department of Parks and Recreation (DPR) staff.

3. The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:
 - a. The Transportation Planning staff shall make master plan transportation facility recommendations consistent with the Westphalia Sector Plan. The CDP road alignments shall conform to road alignments in all other adjacent approved subdivisions.
 - b. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control as well as the need for exclusive turn lanes at each location.

PGCPB No. 06-112
File No. A-9973
Page 29

- c. The Transportation Planning staff shall review minor street connections between the subject site and adjacent properties. All minor street connections shown on the comprehensive design plan shall conform to all other adjacent approved subdivisions. The basic plan shall be revised to show one primary street connection between the subject site and the adjacent W. Bean Property to the east.
- d. The applicant shall build the MD 4/Westphalia Road interchange with the development of the subject property and this shall be accomplished by means of a public/private partnership with the State Highway Administration and with other developers in the area. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
- e. The CDP shall demonstrate that a majority of lots located along Westphalia Road are single-family detached lots in order to be compatible with the surrounding land use pattern and to preserve a rural character as recommended in the WCCP Study.
- f. The applicant shall meet with and obtain written approval from the DPW&T to front and/or provide driveway access to any townhouse units that may be located along C-631. If the townhouses or two-over-two townhouses are to be located along any roadways, which are classified as collector and above, they should be accessed through an alley.
- g. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following in conformance with the 1994 master plan and the WCCP Study:
 - (1) Provide the master plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.
 - (2) Provide an eight-foot wide sidepath or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended.
 - (3) Provide a sidepath (Class II Trail) along the subject site's entire road frontage of Westphalia Road.
 - (4) Provide the internal HOA trails and sidepaths as conceptually shown on the submitted hiker and biker trail plan.
- h. Submit a design package that includes an image board and general design guidelines that establish review parameters, including design, material and color, for architectural, signage, entrance features and landscaping for the entire site.
- i. Provide a description of the type, amount, and general location of the recreation facilities on the dedicated parkland and elsewhere on the site, including provision of private open space and recreation facilities to serve development on all portions of the subject property.

PGCPB No. 06-112
File No. A-9973
Page 30

- j. The applicant, his heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by DPR prior to comprehensive design plan (CDP) approval. The total value of the monetary contribution (or in-kind services) for the development, operation and maintenance of the central park shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. 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. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by DPR.
- k. The applicant shall submit a scope of services from a qualified urban park design consultant for development of a Comprehensive Concept Plan for the portion of central park in the project area. The Comprehensive Concept Plan 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 a Comprehensive Concept Plan. Said Comprehensive Concept Plan shall be approved by DPR prior to approval of the Comprehensive Design Plan (CDP).
- l. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.
- m. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.
- n. Provide the site location and timing or propose a contribution for the pro-rata share of funding for the following public facilities to be reviewed and approved by the appropriate agencies and the Countywide Planning Division:
 - (1) Fire station
 - (2) Library
 - (3) Police facility
 - (4) Middle school
 - (5) Elementary school
- o. Submit a signed natural resources inventory (NRI) with the comprehensive design plan. All subsequent plan submittals shall clearly show the Patuxent River Primary

PGCPB No. 06-112
File No. A-9973
Page 31

Management Area (PMA) as defined in Section 24-101(b)(10), and as shown on the signed NRI.

- p. Demonstrate that the PMA has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.
 - q. Submit a required Type I Tree Conservation Plan (TCPI). The TCPI shall:
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland
 - (2) Concentrate priority areas for tree preservation in areas within the framework of the approved Green Infrastructure Master Plan, such as stream valleys. Reflect a 25 percent Woodland Conservation Threshold (WCT) and meet the WCT requirements on-site.
 - (3) Mitigate woodland cleared within the PMA's Preservation Area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads which shall be mitigated 1:25. This note shall also be placed on all Tree Conservation Plans.
 - (4) Focus afforestation in currently open areas within the PMA and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.
 - (5) Prohibit woodland conservation on all residential lots.
 - r. Submit an exhibit showing areas where Marlboro Clay occurs on-site.
 - s. Submit a plan that addresses how housing will be provided for all income groups in accordance with Section 27-487 and the master plan recommendations for the planned community.
 - t. Present all roadway improvement plans for Westphalia Road to the Historic Preservation and Transportation Planning staff for review and comment to ensure that all scenic and historic features associated with this historic road are properly evaluated and preserved as necessary.
 - u. Complete a Phase I archeological investigation report and submit to the Historic Preservation staff for approval.
4. At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:
- a. Show proposed dedication area for a non-CIP-sized sewer extension approximately 2,400 feet long to serve the eastern portion of the property and connect to the 24-inch diameter sewer in the Cabin Branch stream valley, or other alternative as required by WSSC.

PGCPB No. 06-112
File No. A-9973
Page 32

- b. Submit Hydraulic Planning Analysis to WSSC to address access to adequate water storage facilities and water service to be approved by the WSSC to support the fire flow demands required to serve all site development.
- c. Submit a letter of justification for all proposed PMA impacts, in the event disturbances are unavoidable.
- d. Submit a plan, prior to Planning Board approval of a preliminary plan of subdivision, that shall provide for:
 - (1) Either the evaluation of any significant archaeological resources existing in the project area at the Phase II level, or
 - (2) Avoiding and preserving the resource in place.
- e. The applicant shall dedicate 56 acres of public open space to the M-NCPPC for a park/school. The portion of the parkland needed for school construction shall be conveyed to the Board of Education when funding for construction is in place and conveyance of the property is requested by the Board of Education. The final determination of location of the land to be dedicated for park/school sites **shall be determined at the time of CDP Plan approval**. The land to be conveyed to the M-NCPPC shall be subject to the following conditions:
 - (1) An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.
 - (2) M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - (3) The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - (4) The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - (5) Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage

PGCPB No. 06-112
File No. A-9973
Page 33

improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- (6) All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - (7) All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - (8) The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - (9) No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
- f. Enter into an agreement with the DPR, prior to the first final plat of subdivision, that shall establish a mechanism for payment of fees into an account administered by the M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR.
- g. Submit three original, executed agreements for participation in the park club to DPR for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.
5. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder family) Cemetery shall be preserved and protected in accordance with Section 24-135-02 of the Subdivision regulations, including:
- a. An inventory of existing cemetery elements.
 - b. Measures to protect the cemetery during development.
 - c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder family) cemetery.

PGCPB No. 06-112
File No. A-9973
Page 34

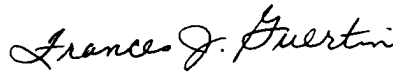
- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.

* * * * *

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, May 11, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of June 2006.

Trudye Morgan Johnson
Executive Director



By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RB:bjs

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCP&C Legal Department

Date 5/22/06



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

December 13, 2021

TO: All Persons of Record

**RE: A-9973-02 Woodside Village
Woodside Development, LLC, Applicant**

ADMINISTRATIVE CORRECTION

This is to advise all persons of record that on November 19, 2021 the previous Notice of Final Decision mailing for A-9973-02 Woodside Village included a "*District Council Preliminary Notice of Conditional Zoning Approval*" notice which was sent in error and is not necessary for this application. This notice serves as an administrative correction to that mailing. Enclosed you will find a copy of Notice of Final Decision of the District Council and Zoning Ordinance No. 8 - 2021.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

November 19, 2021

**RE: A-9973-02 Woodside Village
Woodside Development, LLC, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 8 - 2021 setting forth the action taken by the District Council in this case on November 15, 2021.

CERTIFICATE OF SERVICE

This is to certify that on November 19, 2021 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**

Case No.: A-9973-02
Woodside Village
(Amendment of Basic Plan &
Conditions)

Applicant: Woodside Development, LLC

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

ZONING ORDINANCE NO. 8 –2021

AN ORDINANCE to amend the Woodside Village Basic Plan that currently includes approximately 381.95 acres of land (with multiple owners) in the R-M (Residential Medium Development) and M-I-O (Military Installation Overlay) Zones in order to separate out Applicant's approximately 158.11-acre property (consisting of Parcels 5 and 19) and create a separate Basic Plan, pursuant to Section 27-197(c) of the Zoning Ordinance. The property is located on the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road, and identified as 10009 Westphalia Road, Upper Marlboro, Maryland, in Council District 6.

WHEREAS, the entire 381.95-acre property originally consisted of Parcel 5 (the Yergat property), Parcel 14 (A. Bean property), Parcel 19 (Case property), and Parcel 42 (Suit property) Tax Map 82. This assemblage of land was rezoned from the R-A (Residential-Agricultural) Zone to the R-M (Residential Medium Development) Zone upon the District Council's approval of the 2007 Westphalia Sector Plan and Sectional Map Amendment via CR-2-2007. The District Council's approval of the SMA included approval of A-9973, with conditions, and added the 11.65-acre Parcel 13 (Wholley property, spelled "Wholey" in some exhibits) as an addition to A-9973. The approved Woodside Village Basic Plan envisioned "a residential development organized around a park/school site of approximately 56 acres within the Suit property, which

would then be combined with the larger Westphalia Central Park located in the adjacent Parkside subdivision.” Applicant’s Statement of Justification contains a Table that succinctly explains the status of all Parcels in Woodside Village; and

WHEREAS, the Applicant seeks an amendment of the District Council’s original approval of A-9973-C to remove its property from the approved Basic Plan, thereby creating two Basic Plans – one containing the Yergat and Case properties and the other containing the remaining properties within the original Basic Plan. The District Council’s approval of A-9973-C allowed the Applicant to construct between 1,422 - 1,497 dwellings on the adjusted gross acreage (374.14 acres, after providing approximately 116 acres of open space) which equated to approximately 3.8-4.0 du/ac; and

WHEREAS, the Applicant also requests to amend the prior plan to allow the development of 626-661 dwelling units on the adjusted gross acreage of 158.11 acres, which equates to approximately 3.95-4.18 du/ac; and to revise/delete other data to accommodate the request. Applicant’s Statement of Justification sets forth its reasoning for these changes. In short, Applicant is requesting to amend Condition 1 as necessary to recognize the smaller acreage in the new Basic Plan and the concomitant changes that must be made to the development data as a result. Applicant does not seek revision to prior Conditions 3 (a), (b), (c), (f), (h), (j), (o), (p), (q), (s) and (t); 4 (b), (c), (d), (g); and 5 (a), (b), (c), and (d). Applicant requests that Conditions 3 (g) and (i); and 4 (a) be revised; and that Conditions 2 (a) and (b); 3 (d), (e), (k), (l), (m), (n), (r) and (u); and 4 (e) and (f) be deleted; and

WHEREAS, the Technical Staff recommended approval with conditions, and the Planning Board adopted Staff’s recommendation as its own; and

WHEREAS, the application request was advertised and the property was posted for the application request prior to any public hearing; and

WHEREAS, on September 29, 2021, the Zoning Hearing Examiner held an evidentiary hearing on the application request; and

WHEREAS, there was no opposition at the evidentiary hearing before the Examiner; and

WHEREAS, on October 29, 2021, the Examiner filed a written recommendation to the District Council that the application request should be approved subject to certain conditions; and

WHEREAS, on November 8, 2021, the District Council requested preparation of this Ordinance to approve the application request in accordance with the Examiner's written recommendation; and

WHEREAS, as a basis for this final decision, the District Council adopts and incorporates by reference the Examiner's written recommendation to approve the application request subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application request by the applicant to amend the Woodside Village Basic Plan that currently includes approximately 381.95 acres of land (with multiple owners) in the R-M (Residential Medium Development) and M-I-O (Military Installation Overlay) Zones in order to separate out Applicant's approximately 158.11-acre property (consisting of Parcels 5 and 19) and create a separate Basic Plan, pursuant to Section 27-197(c) of the Zoning Ordinance, for the property located on the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road, and identified as 10009 Westphalia Road, Upper Marlboro, Maryland, in Council District 6, is APPROVED.

SECTION 2. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions herein. Failure to comply with any stated condition shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the Basic Plan as conditionally approved; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

Approval of A-9973-02 is subject to the following conditions:

1. The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved Basic Plan:

Total Area	158.28 acres
Land in the 100-year floodplain*	2.07 acres
Adjusted gross area: (158.28 acres less half the floodplain)	157.25 acres
Density permitted under the R-M (Residential Medium) Zone	3.6 - 5.7 dwelling units/acre
Base residential density (3.6 du/ac)	566 dwelling units
Maximum residential density (5.7 du/ac)	896 dwelling units

Proposed Land Use Types and Quantities	
Residential: 157.25 gross acres @ 3.98-4.205 du/ac	626 - 661 dwelling units
Number of the units above the base density:	60-95 dwelling units
Density proposed in the R-M (Residential Medium) Zone	3.98 – 4.205 dwelling units/acre
Permanent open space: (23 percent of original site area) (Includes environmental, recreational, and HOA areas)	37 acres

2. Prior to certification of the basic plan, the plan shall be modified as follows:
 - a. Add bearings and distances for the boundaries of the subject property (on Sheet 2).
 - b. In the Development Data column on Sheet 2, specify that Parcel 5 and Parcel 19 each consist of two parcels. List the individual acreage of each of the four parcels.
 - c. In the Approved Land Use Types and Quantities table on Sheet 2, include a line item showing the land area to be dedicated to master-planned roadways (other than Westphalia Road).
 - d. In the Approved Land Use Types and Quantities table on Sheet 2, correct the gross acreage to match that given in the Development Data table.
 - e. Remove “to be dedicated to MNCPPC” from the southeast section of Parcel 5.
 - f. In the Subject Property table, show the Liber/Folio number of each property’s deed reference in addition to the tax account number.
3. Prior to approval of any preliminary plan of subdivision, the applicant shall provide a final report detailing the Phase II investigations on sites 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to Maryland Historic Trust standards.
4. Prior to approval of a specific design plan, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:
 - a. Avoiding and preserving the resource in place; or
 - b. Phase III Data Recovery investigations and interpretation.
5. If required, prior to approval of a specific design plan or the area including the cemetery and the archeological sites, the applicant’s Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the *Guidelines for Archeological Review* before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.

6. Prior to approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur, prior to issuance of the first building permit for development.
7. Prior to approval of a specific design plan for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as a historic site, in compliance with the 2010 Prince George's County Landscape Manual.
8. Prior to approval of the first building permit for development, the applicant shall provide for a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the Historic Preservation Commission.
9. Provide the below master plan facilities, designed to be consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities*, as part of subsequent applications and shown prior to their acceptances, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence:
 - a. Minimum 10-foot-wide path along Westphalia Road (C-626)
 - b. Shared roadway pavement markings and signage along P-616
 - c. Minimum 10-foot-wide path along P-617
 - d. Minimum 10-foot-wide path along MC-631
10. Internal streets and shared-use paths are to follow the 2009 Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles and include traffic calming measures, as well as a bicycle boulevards network. These will be reviewed as part of subsequent applications.
11. All sidewalks within the subject site shall be a minimum of 6 feet in width, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
12. The applicant shall make a monetary contribution into a park club. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall adjust the amount of the

contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.

Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a park club account administered by M-NCPPC. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County Land Records by the applicant, prior to final plat approval.

13. The following shall be required as part of the comprehensive design plan submittal package:
 - a. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive a detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control, as well as the need for exclusive turn lanes at each location.
 - b. Provide a description of the general type, amount, and location of any recreational facilities on the site, including provision of private open space and recreational facilities to serve development on all portions of the subject property.
14. At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:
 - a. Submit hydraulic planning analysis to the Washington Suburban Sanitary Commission (WSSC) to address access to adequate water storage facilities and water service to be approved by WSSC to support the fire flow demands required to serve all site development.
 - b. Submit a letter of justification for all proposed primary management area impacts, in the event disturbances are unavoidable.
15. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder/McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations, including:
 - a. An inventory of existing cemetery elements.
 - b. Measures to protect the cemetery during development.

- c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder/McGregor family) cemetery.
- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.

SECTION 3. The Ordinance shall become effective upon enactment.

ENACTED this 15th day of November, 2021, by the following vote:

In Favor: Council Members Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, and Turner.

Opposed:

Abstained:

Absent: Council Member Franklin, Streeter, and Taveras.

Vote: 7-0.

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

By: Calvin S. Hawkins, II
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

**AMENDMENT OF BASIC PLAN
A-9973-02**

DECISION

Application:	Amendment of Basic Plan & Conditions
Applicant:	Woodside Development, LLC
Opposition:	None
Hearing Date:	September 29, 2021
Hearing Examiner:	Maurene Epps McNeil
Recommendation:	Approval with Conditions

NATURE OF REQUEST

(1) A-9973-02 is a request to amend the Woodside Village Basic Plan that currently includes approximately 381.95 acres of land (with multiple owners) in the R-M (Residential Medium Development) and M-I-O (Military Installation Overlay) Zones in order to separate out Applicant's approximately 158.11-acre property (consisting of Parcels 5 and 19) and create a separate Basic Plan, pursuant to Section 27-197(c) of the Zoning Ordinance. The property is located on the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road, and identified as 10009 Westphalia Road, Upper Marlboro, Maryland.

(2) The Applicant/Owner of Parcel 19, referred to as the Case property, is the Atkinson Trust, LLC. (T. 12) The Applicant/Owner of Parcel 5, referred to as the Yergat property, is Woodside Development, LLC, a wholly owned subsidiary of the Atkinson Trust, LLC. (T. 12) The State Department of Assessments and Taxation has found both entities in good standing to operate within the State of Maryland. (Exhibits 34 and 46)

(3) The Technical Staff recommended approval with conditions, and the Planning Board adopted Staff's recommendation as its own. (Exhibit 48)¹

(4) No one appeared in opposition to the instant Amendment request.

(5) The record was kept open for several documents. The last of these was received on October 5, 2021, and the record was closed at that time.

¹ The Technical Staff Report was originally marked as Exhibit 35. However, that exhibit did not include the Backup forwarded by the Technical Staff. The complete Report with Backup has been added as Exhibit 48.

FINDINGS OF FACT

Subject Property, Neighborhood and Surrounding Uses

(1) The subject property is approximately 158.11 acres of a larger 381.95-acre development known as the Woodside Village. The subject property consists of Parcel 5 (the Yergat property) and Parcel 19 (the Case Property). The Yergat property is primarily undeveloped, wooded, and contains few environmental features. The Case property is partially developed with a certified nonconforming trash hauling operation (operating as "PG Trash") on the westernmost portion of the site. Applicant noted that this use would cease if the instant request is approved. (T. 29) The subject property has frontage on, and access from, Westphalia Road. (Exhibit 45 (a)-(c)).

(2) A Comprehensive Design Plan was approved for the original assemblage of land subject to A-9973-C in 2008 (CDP-0601) A Phase I archeological survey was conducted on the property at that time. (Exhibit 48, Backup p. 92-94)

(3) The remaining privately owned property within the original Woodside Village has also filed a request to amend A-9973-C to create a separate Basic Plan for its property. (A-9973-01)

(4) The neighborhood is as accepted by the Zoning Hearing Examiner in her review of the original Application (A-9973-C):

The neighborhood contains approximately 6,000 acres of land is bounded on the north and east by Ritchie Marlboro Road, on the south by Pennsylvania Avenue (MD 4) and on the west by I-95 (Capital Beltway).

(Exhibit 23, p.2)

(5) The property is surrounded by the following uses: single-family residential dwellings in R-E Zone, and unimproved vacant land in the R-A Zone, to the north; vacant land in the R-M and M-X-T Zones and single-family residential dwellings in the R-M Zone, to the south; single-family residential dwellings and vacant land in the R-E Zone, to the east; and single-family residential dwellings in the R-R Zone and vacant land in the R-T Zone, to the west. (Exhibit 48, p. 5)

Master Plan and Sectional Map Amendment/General Plan

(6) The subject property is located in an area governed by the 2007 Westphalia Sector Plan and Sectional Map Amendment ("SMA"). That Plan includes a policy to protect, preserve, and enhance the identified green infrastructure network within the Planning

Area. Applicant will have to update its Natural Resource Inventory Plan to confirm the regulated features onsite and to establish the primary management area prior to development. (Exhibit 48, p. 7)

(7) The 2014 General Plan (“Plan 2035”) placed the property within the Established Communities. The Plan defines the Established Communities as areas “most appropriate for context-sensitive infill and low-to medium-density development.” (2014 General Plan, p.20) Per staff, the Generalized Future Land Use Map recommends a low land use for the property, defined as primarily single-family detached residential areas with a maximum density of 3.5 dwelling units per acre. (Exhibit 48, p. 12) Applicant believes the Plan places its property within the residential medium designation, as noted *infra*. It is important to note, however, the following text that accompanies this Map:

This map generalizes future land use designations as shown in approved sector and master plans. It does not follow parcel boundaries, and its land use categories do not identify permitted uses or imply dimensional standards. By definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property’s relevant approved sector or master plan.

(2014 General Plan, p. 101)

(8) The Sector Plan included a goal of low- to moderate-density residential land use for the property but did not include any particular design or density criteria.(Exhibit 26, Attachment A; Exhibit 48, Backup p.54) However, the SMA placed the property within the R-M Zone which allows a range of densities of 3.5 – 5.8 dwelling units per acre, and A-9973-C provides the same range. (Exhibit 26).

The Sector Plan also included a goal of preserving and enhancing environmentally sensitive areas, such as streams, woodlands and wetlands. (Exhibit 48, p. 54)

Applicant’s Request

(9) The entire 381.95-acre property originally consisted of Parcel 5 (the Yergat property), Parcel 14 (A. Bean property), Parcel 19 (Case property), and Parcel 42 (Suit property) Tax Map 82. This assemblage of land was rezoned from the R-A (Residential-Agricultural) Zone to the R-M (Residential Medium Development) Zone upon the District Council’s approval of the 2007 Westphalia Sector Plan and Sectional Map Amendment via CR-2-2007. (Exhibit 26, pp. 19-26)² The District Council’s approval of the SMA included approval of A-9973, with conditions, and added the 11.65-acre Parcel 13 (Wholley property, spelled “Wholley” in some exhibits) as an addition to A-9973. The approved Woodside Village Basic Plan envisioned “a residential development organized

² Due to difficulties experienced in including portions of this Resolution within the body of this decision, it is included as an attachment to the decision for ease of reference.

around a park/school site of approximately 56 acres within the Suit property, which would then be combined with the larger Westphalia Central Park located in the adjacent Parkside subdivision.” (Exhibit 48, p. 8) Applicant’s Statement of Justification contains a Table that succinctly explains the status of all Parcels in Woodside Village. (Exhibit 1, p. 2)

(10) Applicant seeks an amendment of the District Council’s original approval of A-9973-C to remove its property from the approved Basic Plan, thereby creating two Basic Plans – one containing the Yergat and Case properties and the other containing the remaining properties within the original Basic Plan. The District Council’s approval of A-9973-C allowed the Applicant to construct between 1,422 -1,497 dwellings on the adjusted gross acreage (374.14 acres, after providing approximately 116 acres of open space) which equated to approximately 3.8-4.0 du/ac.

Applicant also requests to amend the prior plan to allow the development of 626-661 dwelling units on the adjusted gross acreage of 158.11 acres, which equates to approximately 3.95-4.18 du/ac; and to revise/delete other data to accommodate the request. Applicant’s Statement of Justification sets forth its reasoning for these changes. (Exhibit 1) In short, Applicant is requesting to amend Condition 1 as necessary to recognize the smaller acreage in the new Basic Plan and the concomitant changes that must be made to the development data as a result. Applicant does not seek revision to prior Conditions 3 (a), (b), (c), (f), (h), (j), (o), (p), (q)(s) and (t); 4(b),(c),(d), (g); and 5 (a), (b), (c), and (d). Applicant requests that Conditions 3 (g) and (i); and 4(a) be revised; and that Conditions 2(a) and (b); 3 (d), (e),(k), (l), (m), (n), (r) and (u); and 4(e) and (f) be deleted.

(11) Applicant’s Statement of Justification explains why the request conforms to the 2014 General Plan and the 2007 Westphalia Sector Plan and SMA:

According to the approved 2035 General Plan (Map 10. Generalized Future Land Use Map), the site is labeled as designated as a “Residential Medium.” The General Plan further states that the “Residential Medium” designation represents “[r]esidential areas up to 3.5 and 8 dwelling units per acre. Primarily single-family dwellings (detached and attached).” The uses proposed in this Amendment are consistent with the vision, policies and strategies of the 2035 General Plan. Specifically, the subject application proposes 626 to 661 dwelling units in this portion of the Woodside Village project that would roughly equal 3.96- 4.18 dwelling units per gross acre....

The 2007 Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan) recommends a low-density residential land use in the area of this Basic Plan Amendment. Moreover, the Sector Plan recommends that the residential areas outside of the core areas of the Westphalia Town Center consist of “townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower family single-family neighborhoods”. (See Sector Plan, Policy 5 – Residential Areas).

The instant Basic Plan Amendment does exactly what the recommendations in the Sector Plan call for. Specifically, the proposal contains single-family attached and

detached units to serve as a transitional buffer between the denser Parkside and Westphalia Town Center projects to the south, and the less dense portions of the Sector Plan area to the north and west. The design proposed in this Basic Plan Amendment reflects an efficient and interconnected street system that seamlessly ties in with the adjacent Parkside project, and includes a development pattern that is organized around the public Westphalia Central Park acreage located on the Suit property and Parcel 13, (which has already been acquired by M-NCPPC)

(Exhibit 1, p. 9)

(12) Ken Dunn, accepted as an expert in landscape architecture testified on Applicant's behalf. Mr. Dunn prepared the revised Basic Plan for the Application. (Exhibit 40) The first page of the Basic Plan is meant to be an historical record of what had been approved originally and what is being proposed by Applicant at this juncture. It outlines Parcels 5 and 19 with black semi-horizontal and semi-vertical striping (the subject property) and the remaining parties not subject to the Application are depicted with red cross hatching. (T. 17-18) The second sheet of the exhibit is the actual revised Basic Plan showing the "types of [proposed] residential uses, the circulation patterns, the recreational opportunities, the environmental constraints and how this will ultimately related to some of the adjacent properties." (T. 19) Mr. Dunn provided the following testimony on the development proposed on the new Basic Plan:

[T]his plan is currently proposing a mix of single-family residential dwelling units...[with] detached residential dwelling units ...[in] the blue are on the plan [and][t]he orange area is single family attached residential dwelling units. These will all be fee simple and so the mix is really those tow product types and that's important because ... what you're seeing here is a unique opportunity where we're bringing to the table a large number of single family detached dwelling units which you don't see being developed in this area, or generally anywhere in the locality at the moment. So I think this will add residential options to the community for sale availability.

The remainder of the plan demonstrates the open space, the environmental constraints and the circulation pattern. We have 158 acres worth of developable area, of which 2.07 acres are in the 100-year floodplain. The way that density is calculated in these CDZ's is that you would take half of the floodplain and subtract that from your gross tract and that comes up with your net tract. That's the base denominator from which you would calculate your densities. The R-M Zone allows a [range of] dwelling units of 3.6 to 5.7 units, so your base number under this acreage would be 566 dwelling units with a maximum amount of dwelling units of 896....

[W]e're suggesting a range of 626 to 661 dwelling units of the two types I mentioned earlier.... That gives us a range of units above the base density of 60 to 95 dwelling units.... [W]e have ... a range that we're proposing 626 to 661 units, that leaves us with a density base of 3.98 to 4.205 dwelling units per acre. That's 99 acres worth of residential property or 63 percent of the land ..., that leaves 37 acres or 23 percent of the land ... to be open space, with less than 1 percent dedicated to the frontage road improvements of Westphalia Road which is also known as C-626....

[T]here are tow Master Plan Roadways within the boundary of this plan. There are two additional Master Plan roadways that are adjacent. One of which is ... Westphalia Road

...C-626. Adjacent also to the east is MC-631, it does technically run through the site but it's a piece of property that we would dedicate ... to Park and Planning to complete the sort of what we think of as park corridor from Westphalia all the way into the adjacent properties....

[P-] 616 and P-617 run through the site themselves. The circulation is such that those roadways are all an integral part of our circulation pattern for vehicular, pedestrian and bikes list. We have three opportunities for access to Westphalia Road, that would be public roadways that would accommodate bicyclists and pedestrians as well. That's generally in the area of the blue colors which denote the single family detached dwelling units....

We had originally done a natural resource inventory for this property so we're well aware of the location of the environmental constraints on the property which are generally [shown in green on the plan.] The natural resource inventory identifies what's referred to in Prince George's County as the primary management areas, which is a combination of 100-year floodplain, jurisdictional wetlands, their buffers and streams and their buffers as well as steep slopes. So the environmental constraints on this subdivision are respected with the exception of the occasional road crossing perpendicular road crossing and sewer outfall, which are necessary infrastructure for the development of the project....

(T. 22-26) Mr. Dunn noted that if the request is approved, any impacts to these environmental features will be reviewed as part of future entitlement applications.

(13) Mr. Dunn was also accepted as an expert in land use planning. In that role, he testified about the relationship of the subject property to the surrounding properties using Exhibit 45 (a)-(c) to acclimate all in attendance:

To the south is a portion of the original Basic Plan.... To the east is the Bean Property.... To the north across Westphalia Road is a subdivision that has been developed under the R-E Zone, it's got Matapeake Road internal to it, [and] is a residential subdivision.... Also to the north is an R-A zoned property that remains undeveloped. To the west is an R-R zoned single family residential subdivision that has been developed... [and] consists of Castile Drive and a few other roads. And then immediately sort of southwest ... [is] what's called the Smith Home Farm property which is currently under development now....

(T. 42-43)

(14) Mr. Dunn next addressed the applicable provisions of the Zoning Ordinance pertaining to approval of this Basic Plan amendment and concluded that the request meets all:

The 2007 Westphalia Sector Plan and the Sectional Map Amendment recommended a low-density residential land use in this area of the Basic Plan Amendment. It also recommended that residential areas outside of the core areas of the Westphalia Town Center consist of townhomes and small single-family homes for the added diversity to the neighborhoods, as a transition between higher density and it's lower ... single family neighborhoods. That came from Policy 5 of the residential area from the 2007 Westphalia Sector Plan. This application ... does that, it does exactly what the recommendation in

the Sector Plan is calling for, specifically the proposal contained single family attached and detached units to serve the transitional buffer between the denser Parkside and Westphalia Town Center projects to the south and the less dense portions of the Sector Plan area to the north and west. The design proposed in this Basic Plan Amendment reflects [an] efficient and interconnected street system that ties with the adjacent Parkside project and includes a development pattern that is organized around the Westphalia Central Park acreage located on the Suit Property in Parcel 13, which has already been acquired by Park and Planning....

[Section 27-197 (b)] allows for the amendment of the Basic Plan to be divided into ... two or more separate Basic Plans. So the application before us here today is relying on that section of the Zoning Ordinance, and it's clear that the circumstances have significantly changed since the original approval.... [S]pecifically[,] the Maryland National Capital Park and Planning Commission has purchased a key portion of the property located within the original approved Basic Plan.

Outside of that portion of the land now owned by Park and Planning, there's also multiple or an additional owner operator of the remaining portion of the land ... such that there's no common ownership between the entire original Basic Plan, making the development of this property practically impossible, or a practical impossibility. It's also impractical to comply with many of the land use requirements as written from the original application. So this application seeks to address those changes in circumstances that create practical difficulties that were not self-imposed by separating the Case and [Yergat] properties, Parcels 5 and 19 from the remainder of the original proposal....

[This Application] ... would not involve an increase in the overall density approved for Woodside Village Development set forth in the original plan.... [T]he simple purpose of this Basic Plan Amendment is to divide the Basic Plan by deleting the [Yergat] and Case properties from the local assemblage of the properties in A-9973. The [Yergat] and Case Properties are controlled by the applicant and will stand on their own as a separate Basic Plan, the residential development of Woodside Village would not exceed the 1,497 dwelling units approved originally in A-9973.

The applicant proposes a maximum aggregate density of 661 dwelling units, that leaves a density of 836 remaining units that were originally approved and that can be reallocated to the Bean property which is the remaining developable property, Parcel 14, that's the only remaining privately held property. So this Basic Plan Amendment is eligible to be processed under the condensed review procedures set forth in 27-197(b)....

[The approval of this Amended Basic Plan] ... would not impair the character of the original approved Basic Plan. The land use density ranges, circulation patterns, and amenities proposed for Case and [Yergat] are substantially consistent with those approved under the initial plan....

No owner of the land included in the original Basic Plan will be denied any reasonable use of their property. The Suit Property and Parcel 13 are owned by Park and Planning and is contiguous with other land holding by Park and Planning to be utilized for the Westphalia Central Park. The [Yergat] and [Case] properties, Parcels 19 and 5, are controlled by the applicant, will stand on their own as a separate Basic Plan. The residential development of [the] Case and [Yergat] portions of Woodside Village would not exceed the total of 1,497 dwelling units. So the applicant proposes a maximum aggregate density of 661 dwelling

units and this leaves 836 that could be allocated to the Bean property which can stand on its own as well, with that remaining density....

(T. 47-53)

(15) Mr. Dunn concluded his testimony by affirming that the Applicant agreed with all but one of the Technical Staff's recommended conditions of approval. Applicant did correct the chart on the Basic Plan as suggested by Staff. However, it disagrees with the wording of recommended condition 15c when it refers to a "market" at the historic Dunblane Cemetery (located at the northwest corner of the property close to Westphalia Road) and asks that the word be replaced with "marker". (T. 54-56)

(16) Dr. Charles Edwards, the managing member of both the Atkinson Trust, LLC and the Woodside Development, LLC, and was authorized to testify in support of the request. He explained that the two entities own Parcel 5 (the Yergat property) and Parcel 19 (the Case property), purchasing them in March and May of 2021, respectively. (T. 28) The Atkinson Trust is the largest owner of Woodside Development, LLC. (T.31) Dr. Edwards averred that the Application was filed because "the previously envisioned assemblage cannot be developed because Park and Planning purchased over 150 acres to become a park [and] now there is not common ownership..." and noted that the request is more desirable since "it can in fact be developed for high quality residential use, whereas the existing plan is at an impasse [due] to the diversity of ownership." (T. 29-30)

(17) Michael Lenhart, accepted as an expert in transportation planning, prepared a traffic impact analysis for the Application that reviewed all of the study intersections used in the traffic impact analysis that was prepared for the original Basic Plan for Woodside Village. (Exhibit 12; T. 34-35) Mr. Lenhart summarized the results of the current traffic impact analysis as follows:

The results show that all of the study intersections will pass the adequate public facilities requirements with the exception of [MD] 4 at Westphalia Road, which ... had been longstanding failing intersection for many, many years. And [the] District Council approved a Public Facilities Financing and Implementation Program, otherwise referred to as a PFFIP and all properties located in Westphalia for the past 10 years or so that have received Preliminary Plan approval have been required to pay their pro rata fee into the PFFIP as calculated at the time of Preliminary Plan of Subdivision and payable at the time of building permit for all properties. And this project if approved and once it gets to the preliminary plan stage it will be subject to a new adequate public facilities test and the PFFIP payment would be calculated at that time....

[T]his site does have three access points on Westphalia Road, and there will be internal connections through adjacent properties to MC-631 and the Master Plan Road Network as defined.... [A]ll of the study intersections including the access points will pass the adequate public facilities test, based on the study we've done at [this] time....

[In my opinion the subject application satisfies all transportation requirements in Section 27-195(b).] That criteria basically says that transportation facilities which are existing or under construction or 100 percent funded through the CIP or State's CTP or others will be

adequate to carry the anticipated traffic generated by the proposed development, based upon the maximum proposed density, and that the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plan. And I would point out that ... there are many reasons for this amendment and there are conditions that need to be changed really to make this a viable project and to allow it to move forward. But the density that is allowed and proposed from the approved to this proposed plan ... really does not increase significantly and o if we're looking at what's allowable under the proposed, it's not a substantial change. It has a very negligible impact on the traffic that could be generated by this site....

(T. 35-38)

Agency Comment

(18) The Environmental Planning Section approved a Natural Resources Inventory for the original assemblage of properties in A-9973-C. (Exhibit 11) It notes that no further information is needed at this time, although a new NRI will be required in the future to confirm the regulated features on the site and to establish the primary management area. (Exhibit 48, Backup pp. 159-162) Staff noted that Marlboro clay is found to occur along the southern property line of Parcel 48, which now belongs to MNCPPC. It also stated that "no sensitive species project review areas are indicated or mapped on the site" and "no rare, threatened, or endangered species are indicated as present on-site." (Exhibit 48, p. 4) There is an approved Type I Tree Conservation Plan ("TCP") for the overall development approved in A-9973-C, and a Type II TCP for Parcel 19. All future applications will require a revision to these TCPs. (Exhibit 48, p. 7)

(19) There is an Historic Resource on site – the Dunblane Site and Cemetery (Historic Resource # 78-010). The Historic Preservation Section recommended a condition to ensure that this resource be protected and stay in place, and Applicant has agreed to the condition. The Historic Preservation Section also reminded Applicant that two archeology sites were identified on the property in the past and they previously recommended that the property "be subject to Phase II evaluation" although it need not be done at this time. (Exhibit 13) The Historic Preservation and Public Facilities Planning Section noted that fire services were adequate for the site. (Exhibit 48, Backup p. 106) The Department of Parks and Recreation acknowledged that MNCPPC would be providing much of the public active open space on its land and agreed that any of the original recreational conditions could be revised. (Exhibit 48, Backup pp. 128-134)

(20) The Transportation Planning Section analyzed Applicant's traffic impact study of the intersections most likely to be impacted by the Application utilizing the "2010 Transportation Review Guidelines, Part 1", and made the following observations:

To meet the legal threshold [in Section 27-195 (b)(1)(C)], the applicant has provided staff... with an April 2021 traffic impact study....

The traffic study identified 16 background developments whose impact would affect some or all of the study intersections. In addition, a growth of 0.5 percent over six years was also applied to the traffic volumes. A second analysis was done, depicting background conditions. Those results [indicate all intersections will operate at acceptable levels of service]

The ... proposed development will be adding 492 and 587 trips during the AM and PM peak hours, respectively. A third analysis depicting total traffic conditions was done.... The results under total traffic conditions show that the intersections will all operate adequately. It is worth noting that while the intersection of MD 4 and Westphalia Road – Old Marlboro Pike is projected to operate adequately, the analysis was predicated on an interchange being built at the current location. Pursuant to CR-66-2010, the cost of the construction of that interchange will be borne by developers whose development traffic will pass through that intersection. This matter will be dealt with in greater detail at the PPS phase of this development....

(Exhibit 48, pp. 13-16)

(21) The Technical Staff, recommended approval with conditions. It provided the following explanation in support of its recommendation:

- The request will not impair the recommendation of the 2007 Westphalia Sector Plan or the 2014 General Plan since there are no design or density recommendations for low-density development in the former, and although the density proffered in the amended Basic Plan is slightly higher than that recommended in the Generalized Future Land Use Map in the General Plan it is within that allowed in the R-M Zone and Sector Plan. However, the request does meet the General Plan Policy that urges the strengthening and enhancement of existing residential areas in the Established Communities.
- No sensitive species project review areas are indicated as mapped on the site nor are there rare threatened or endangered species indicated on-site; and no rare, threatened, or endangered species are indicated as present on-site. Accordingly, the request would not have a significant negative impact on the environment and aligns with the Master Plan goals of protecting the environmental features within the Sector Plan areas.
- Applicant's traffic impact study indicates that, under total traffic conditions, all affected intersections will operate adequately. Moreover, Applicant will have to pay its share of the cost for the planning, engineering and construction of the Westphalia Road/MD 4 intersection/interchange, and all proposed residential development will be subject to the appropriate school and public safety surcharges. Thus, other existing or planned public facilities will be adequate to serve the development proposed.

(Exhibit 48, pp.6-16)

(22) Staff concluded as follows:

Basic Plan A-9973, as approved by CR-2-2007, contained five conditions. Subdivision Section staff recommends that Conditions 3b, 3j, 4b, 4c, 4d, 4g, and 5(a-d) be carried forward and renumbered (13, 14, and 15) below, as part of the Applicant's Basic Plan Conditions of Approval. Staff also recommends removing Condition 3g(1) because the Cabin Branch stream valley is not located on the subject property, modifying Condition 3m to remove the requirement to provide a multiuse stream valley trail because it is not located on the subject property, and replacing Condition 4g with the language shown in Condition 13 ... because it provides further details on the Park Club agreement....

This application meets the requirements of Section 27-197 (b) of the Prince George's County Zoning Ordinance. The division of the single basic plan is needed for development to proceed to the comprehensive design plan phase, given that a significant portion of the original development was purchased by the Maryland-National Capital Park and Planning Commission and cannot be dedicated as parkland by the applicant. The amended basic plan will maintain the density of the original basic plan. The residential character of the Residential Medium Development Zone and the requested basic plan provides an appropriate transition in the density and land uses envisioned in the 2014 *Plan Prince George's 2035 Approved General Plan*, the 2007 *Westphalia Sector Plan and Sectional Map Amendment*, and the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. Consequently, staff recommends APPROVAL of Zoning Map Amendment A-9973-02, Woodside Village, with conditions, to accommodate development of 626 and 661 single-family attached and detached dwelling units, respectively, between the two parcels....

(Exhibit 35, pp. 19-20)

LAW APPLICABLE

(1) Section 27-197(b) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan which does not involve a change in land area or an increase in land use density or intensity may be approved:

(b) An amendment of an approved Basic Plan which results in dividing a single approved Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council where significant changes in circumstances with regard to the approved Basic Plan have created practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to separate a specified amount of land area, the applicant will be unable to proceed to the Comprehensive Design Plan phase. An amendment will not be granted where the practical difficulty is self-created or self-imposed, or where the applicant had knowledge of, and control over,

the changing circumstances and the problems bringing about the practical difficulty at the time the Basic Plan was approved. The following procedures shall apply to consideration of any such amendment in lieu of the requirements of Subsection (c), below:

- (1) The applicant shall file the request in triplicate with the Clerk of the Council. The petition shall be accompanied by a new reproducible copy of the proposed new Basic Plan graphic showing how the Basic Plan is to be divided and any other proposed revisions, three (3) copies of the proposed new Basic Plan Text if any, and the names and addresses of the current owners of the property separated by the proposed amendment. The Clerk's office shall advise the applicant in writing that the Technical Staff has found that the request is complete.
- (2) The Clerk of the Council shall refer copies of the request and accompanying documents to the Planning Board and to the People's Zoning Counsel. The Planning Board and the People's Zoning Counsel shall submit any comments which they have on the request to the District Council, the Zoning Hearing Examiner, the petitioner, and all persons of record in the original Zoning Map Amendment application. The comments shall be submitted not later than sixty (60) days after the date the petition is referred, unless such deadline is waived in writing by the applicant.
- (3) Within one hundred twenty (120) days after referral of the petition to the Planning Board and People's Zoning Counsel, the Zoning Hearing Examiner shall conduct a public hearing on the petition. The hearing shall be held in accordance with Section 27-129. The hearing shall not be held until after the sixty (60) day review period has expired, unless both the Planning Board and People's Zoning Counsel have submitted their comments.
- (4) In approving the petition, the applicant shall establish, and the District Council shall find, that:
 - (A) The approval of the amended Basic Plan will not result in a change in land area, or an increase in land use density or intensity, for the overall area included in the original, approved Basic Plan;
 - (B) The approval of the amended Basic Plan will not significantly impair the character of the original, approved Basic Plan with respect to land uses, density ranges, unit types, circulation, accessibility, public facilities, public benefit features, and open space;
 - (C) The proposed amended Basic Plan conforms to the requirements of Section 27-195(b);
 - (D) The separate Basic Plans that result will be capable of standing by themselves as individual, cohesive developments;
 - (E) Any staging of development that was required in the approval of the original Basic Plan, and that is still appropriate, is included as part of the amended Basic Plan; and
 - (F) No owner of any land which is included in the original, approved Basic Plan will, by the approval of the proposed amended Basic Plan, be denied reasonable use of his property.
- (5) Within thirty (30) days from the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council, unless such deadline is waived in writing by the applicant.

- (6) Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council.
- (7) Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.
- (8) If the Council does not act within forty-five (45) days of the filing of the written recommendation, the petition shall be considered to have been denied.

(2) Section 27-195(b) of the Zoning Ordinance sets forth the criteria which must be met prior to the approval of a request to amend an approved Basic Plan as follows:

(b) Criteria for approval.

(1) Prior to the approval of the Application and the Basic Plan, the Applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

(i) The specific recommendation of a General Plan Map, Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or

(ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses; or

(iii) The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;

(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the Applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;

(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools,

recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;

(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.

(2) Notwithstanding subparagraphs (C) and (D), above, where the Application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

* * * * *

(3) The Application must also be found to satisfy the general purposes of the Zoning Ordinance, Section 27-102(a), and the specific purposes of the R-M Zone, Section 27-507 (a).

CONCLUSIONS OF LAW

(1) The District Council found the original Basic Plan satisfied the general Purposes of the Zoning Ordinance and the specific purposes of the R-M Zone upon its approval of A-9973-C. Nothing within the instant request would negate that finding as Applicant is not changing the zoning nor exceeding the densities allowed in the R-M Zone and the original Basic Plan.

(2) The Application satisfies all of the criteria for approval set forth in Section 27-197 (c) (4) the Zoning Ordinance. The instant request will not change the overall area included in A-9973-C, nor increase the land use density or intensity approved therein. (Section 27-197(c)(4)(A)) Approval of the request will not significantly impair the character of the original Basic Plan as it only proposes single-family attached and detached dwellings, stays below the density approved in the original plan, has sufficient internal circulation and access to the public right-of-way, and the properties acquired by MNCPPC will be used to provide the public facilities and public benefit features and some of the open space envisioned in the original Basic Plan. Applicant is including 23 percent of the site as permanent open space. (Section 27-197(c)(4)(B)) The request satisfies the requirements of Section 27-195(b) of the Zoning Ordinance, for reasons discussed below.

(Section 27-197(c)(4)(C)) This Basic Plan, and the one filed by the owner of the remaining privately owned parcel, will be able to stand alone as individual cohesive developments if the request is approved since they have sufficient acreage, density and access to do so. Moreover, failure to approve the request makes it more likely that they properties will not be able to develop in a cohesive manner since there is no longer a common ownership once MNCPPC acquired much of the original land area. (Section 27-197(c)(4)(D)) There is no staging of development in A-9973-C. (Section 27-197 (c)(4)(E)) Approval of the request will not deny the remaining owner reasonable use of its property since sufficient density and public right-of-way access remain for it to develop its land as an individual cohesive development, and that owner has filed its own request for a Basic Plan Amendment (A-9973-01). (Section 27-197 (c)(4)(F))

(3) The subject property is in conformance with the General Plan's vision for Established Communities since Applicant is providing context sensitive infill development consisting of a mix of single-family homes, attached and detached, that compliments the denser Parkside and Westphalia Town Center to the south and less dense area of the Sector Plan to the north and west.. Moreover, the requested amendment conforms to the 2007 Westphalia Sector Plan and SMA's recommended density for the property since the SMA placed the property in the R-M Zone, approved the Basic Plan and set the density at 3.5-5.8 dwelling units per acre. The instant Basic Plan proposes a range from 3.96 4.18 dwelling units per acre, well within that permitted in the Zone. (Section 27-195(b)(1)(A))

(4) The instant Application does not propose retail or commercial uses. (Section 27-195(b)(1)(B)).

(5) The Transportation Planning Section and Applicant's expert transportation planner agree that all transportation facilities will be adequate to carry the traffic anticipated to be generated by this request. The Applicant will also be required to pay its per rata share of the cost for the planning, engineering, and construction of the Westphalia Road/MD 4 interchange. (Section 27-195(b)(1)(C))

(6) The record does not indicate that any public facility will be inadequate to serve the development. Fire services are found to be adequate, and much of the public recreation will be provided by MNCPPC on the properties if has acquired that were part of the original assemblage in A-9973-C. All residences will be subject to applicable school and public safety surcharges imposed by the County. (Section 27-195(b)(1)(D))

(7) The Environmental Planning Section and Applicant's expert landscape architect noted the existence of the prior Natural Resource Inventory approval which maps the areas of environmental constraints on the property. The property can be developed in a manner to protect environmentally sensitive areas, and a new NRI and a stormwater management plan will be required as part of future entitlement applications. Marlboro Clay is only found on the Parcel owned by MNCPPC, and no rare, threatened or endangered species are found on the site. (Section 27-195(b)(1)(E))

(8) The anticipated construction schedule for the instant Application will not exceed six years. (Section 27-195(b)(2))

(9) The instant Application does not include the V-M (Village-Medium), V-L (Village-Low) or L-A-C Zone. (Sections 27-195(b)(3) and (4))

RECOMMENDATION

I believe the Applicant has shown the requisite practical difficulty if force to develop its land under the original Basic Plan, for reasons noted above, and recommend APPROVAL of A-9973-02 subject to the following Conditions:

1. The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved Basic Plan:

Total Area	158.28 acres
Land in the 100-year floodplain*	2.07 acres
Adjusted gross area: (158.28 acres less half the floodplain)	157.25 acres
Density permitted under the R-M (Residential Medium) Zone	3.6 - 5.7 dwelling units/acre
Base residential density (3.6 du/ac)	566 dwelling units
Maximum residential density (5.7 du/ac)	896 dwelling units

Proposed Land Use Types and Quantities	
Residential: 157.25 gross acres @ 3.98-4.205 du/ac	626 - 661 dwelling units
Number of the units above the base density:	60-95 dwelling units
Density proposed in the R-M (Residential Medium) Zone	3.98 – 4.205 dwelling units/acre
Permanent open space: (23 percent of original site area) (Includes environmental, recreational, and HOA areas)	37 acres

2. Prior to certification of the basic plan, the plan shall be modified as follows:
- a. Add bearings and distances for the boundaries of the subject property (on Sheet 2).

- b. In the Development Data column on Sheet 2, specify that Parcel 5 and Parcel 19 each consist of two parcels. List the individual acreage of each of the four parcels.
 - c. In the Approved Land Use Types and Quantities table on Sheet 2, include a line item showing the land area to be dedicated to master-planned roadways (other than Westphalia Road).
 - d. In the Approved Land Use Types and Quantities table on Sheet 2, correct the gross acreage to match that given in the Development Data table.
 - e. Remove “to be dedicated to MNCPPC” from the southeast section of Parcel 5.
 - f. In the Subject Property table, show the Liber/Folio number of each property’s deed reference in addition to the tax account number.
3. Prior to approval of any preliminary plan of subdivision, the applicant shall provide a final report detailing the Phase II investigations on sites 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to Maryland Historic Trust standards.
4. Prior to approval of a specific design plan, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:
 - a. Avoiding and preserving the resource in place; or
 - b. Phase III Data Recovery investigations and interpretation.
5. If required, prior to approval of a specific design plan or the area including the cemetery and the archeological sites, the applicant’s Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the *Guidelines for Archeological Review* before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.
6. Prior to approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.

- Installation of the signage shall occur, prior to issuance of the first building permit for development.
7. Prior to approval of a specific design plan for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.
 8. Prior to approval of the first building permit for development, the applicant shall provide for a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the Historic Preservation Commission.
 9. Provide the below master plan facilities, designed to be consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities*, as part of subsequent applications and shown prior to their acceptances, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence:
 - a. Minimum 10-foot-wide path along Westphalia Road (C-626)
 - b. Shared roadway pavement markings and signage along P-616
 - c. Minimum 10-foot-wide path along P-617
 - d. Minimum 10-foot-wide path along MC-631
 10. Internal streets and shared-use paths are to follow the 2009 Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles and include traffic calming measures, as well as a bicycle boulevards network. These will be reviewed as part of subsequent applications.
 11. All sidewalks within the subject site shall be a minimum of 6 feet in width, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 12. The applicant shall make a monetary contribution into a park club. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park

and/or the other parks that will serve the Westphalia Sector Plan area.

Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a park club account administered by M-NCPPC. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County Land Records by the applicant, prior to final plat approval.

13. The following shall be required as part of the comprehensive design plan submittal package:
 - a. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive a detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control, as well as the need for exclusive turn lanes at each location.
 - b. Provide a description of the general type, amount, and location of any recreational facilities on the site, including provision of private open space and recreational facilities to serve development on all portions of the subject property.
14. At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:
 - a. Submit hydraulic planning analysis to the Washington Suburban Sanitary Commission (WSSC) to address access to adequate water storage facilities and water service to be approved by WSSC to support the fire flow demands required to serve all site development.
 - b. Submit a letter of justification for all proposed primary management area impacts, in the event disturbances are unavoidable.
15. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder/McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations, including:
 - a. An inventory of existing cemetery elements.
 - b. Measures to protect the cemetery during development.

- c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder/McGregor family) cemetery.
- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.

WOODSIDE VILLAGE

Legend		RANGE OF UNITS
	ESTATE	5-105
	EXECUTIVE	94-164
	EXECUTIVE	141-240
	MELBOURNE/ITTENDUR	95-193
	MELBOURNE/ITTENDUR	185-285
	TOWNHOUSE-ALLEY LOAD	114-614
	TOWNHOUSE-2 OVER 2	185-285
	CONDOMINIUM	185-285
	TOTAL	1492-1497
	PUBLIC SCHOOL/PARK OPEN SPACE TO BE DEDICATED TO MNCPPC	58 ACRES
	WOODSIDE VILLAGE OPEN SPACE TO BE DEDICATED TO H.O.G.A.	60 ACRES
	TOTAL	118 ACRES
		*additional 11.6 acres in community facility not included in this open space acreage.

Adjacent Residential Property Owners			
A.	Michael A. & Luanna H. Lewis Lot 1A R-E	H.	John & Jeanette Harbour Lot 8B R-E
B.	Udo M. Champ Lot 2A R-E	I.	Urosky & Annie Boomer Lot 5B R-E
C.	John D. & Leticia B. Sells Lot 2A R-E	J.	Salwan A. & Fay M. Young Lot 4B R-E
D.	HPA USE, LLC Lot 4A R-E	K.	Wendler G. Wigham Lot 3B R-E
E.	Jose A. & Carla Rivera Lot 2B R-E	L.	Denk D. Hamilton Lot 2B R-E
F.	Rebecca J. & Wendy M. Lee Lot 5B R-E	M.	Michael G. Schneider Lot 1B R-E
G.	Scott & Sharon Moore Lot 7B R-E	N.	Ralph W. Sovey Parcel 95 R-W/L-A/C

Land Use Measurements	
Total Open Space	127.6 ac. 33% of total
Public Open Space	58 ac.
Private Open Space	69.6 ac.
Community Facility + HOA	11.6 ac.
Residential + H.O.G.A.	276.26 ac. 67% of total
Dedicated to H.O.G.A.	60 ac. 15% of total
Total Acreage for this Parcel	387.86 ac.
Permitted Density: 3.6-5.8 CU/acre for R-M Zone	
Approved Density: 3.8-4.0 Duplicates	

DEVELOPMENT DATA	
Total Area	387.86 acres
Land in the 20-year Budget	19.22 acres
Adjusted gross area (2012) less the 20-year Budget	376.12 acres
Density permitted under the R-M (Residential Medium Density) Zone	3.0 - 5.0 dwelling units/acre
Minimum residential density (per zoning)	2.00 dwelling units/acre
Maximum residential density (per zoning)	5.00 dwelling units/acre
Approved Land Use Types and Quantities	
Residential: 374.10 adjusted gross acres @ 3.8-4.0 density	1,420-1,487 dwelling units
Public: 58 acres (open space) @ 1.0 density	58 dwelling units
Permitted open space (21% of total land area)	118 acres
Public: 58 acres (open space) @ 1.0 density	58 dwelling units
Private: 60 acres (open space) @ 1.0 density	60 dwelling units
Community Facility + HOA: 11.6 acres	11.6 dwelling units
Total: 127.6 acres (open space)	127.6 dwelling units
Public: 58 acres (open space) @ 1.0 density	58 dwelling units
Private: 69.6 acres (open space) @ 1.0 density	69.6 dwelling units
Community Facility + HOA: 11.6 acres	11.6 dwelling units
Total: 139.8 acres (open space)	139.8 dwelling units

Subject Property			
Parcel	Acreage	Tax Account #	
P-5	11.26 ac.	1711557	REMOVE FROM WOODSIDE BASIC PLAN
P-14	62.4 ac.	1711523	REMOVE FROM WOODSIDE BASIC PLAN
P-19	11.27 ac.	1738145	REMOVE FROM WOODSIDE BASIC PLAN
P-42	145.7 ac.	1783551	OWNED BY MNCPPC
P-15	11.26 ac.	1711557	

PROPERTY TO REMAIN IN BEAN SUIT (MNCPPC), AND PARCEL 13 (WASHINGTON GAS)

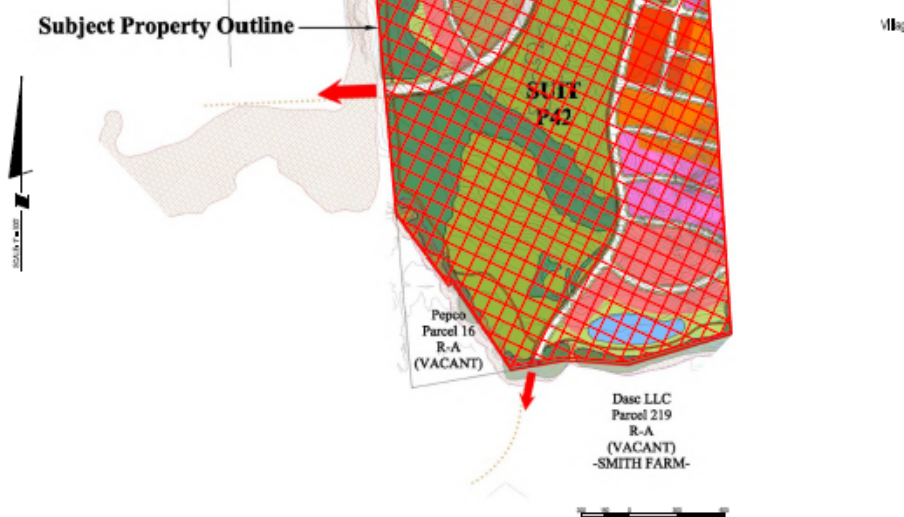
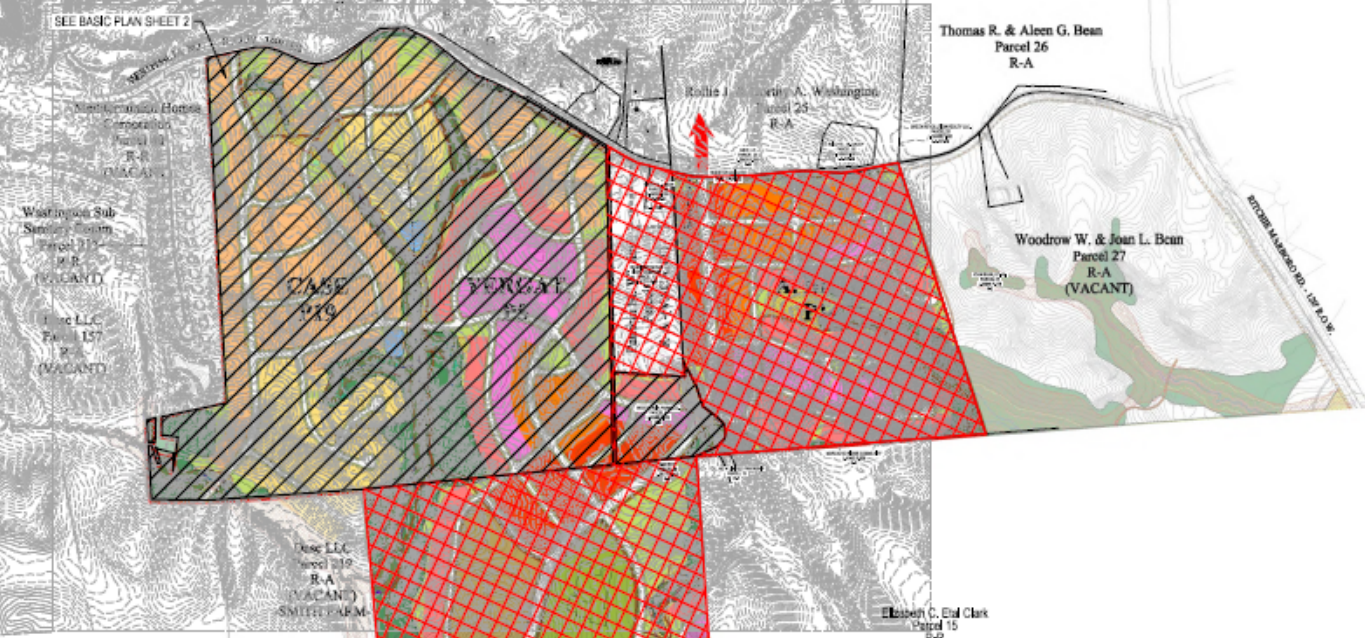
SUBJECT PROPERTY TO BE REMOVED FROM WOODSIDE BASIC PLAN; CASE AND YERGAT PROPERTY, SEE BASIC PLAN SHEET 2

PLAN VIEW

BASIC PLAN

WOODSIDE VILLAGE 79 of 249

A-9873-C-02



SOLTESZ, LLC

LANHAM OFFICE:
4000 Forbes Midway, Suite 200
Lanham, MD 20706
P. 301.784.2585 F. 301.784.7886

MUNICIPALITY NOTE	
DATE	TIME
BY	FOR
BY	FOR
BY	FOR
BY	FOR

OWNER/DEVELOPER/APPLICANT	
NAME	ADDRESS
PHONE	CITY
STATE	ZIP
DATE	TIME
BY	FOR
BY	FOR
BY	FOR

MUNICIPALITY NOTE	
DATE	TIME
BY	FOR
BY	FOR
BY	FOR
BY	FOR



PRINCE GEORGES COUNTY PLANNING BOARD

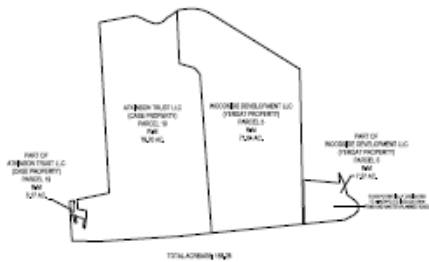
DATE: 3/15/22

TIME: 10:00 AM

BY: [Signature]

FOR: [Signature]

PROJECT NO. 4700040



- PROGRAM**
- 180 x 130
 - 180 x 170
 - 80 x 100
 - TOTAL LOTS
- OPEN / EARLY RECREATIONAL SPACE**
- EGRESS
 - EGRESS (FUTURE)
 - RECREATIONAL FACILITY*
 - PEDESTRIAN CIRCULATION
 - 10' WIDE PATH
 - MASTER PLAN PAVED AND 40' FACE BY (SHARED ROADWAY)
 - MASTER PLAN PAVED AND 40' FACE BY (HARD SURFACE TRAIL)
 - MASTER PLAN PAVED AND 40' FACE BY (SIDE PATH)

*THE LOCATION OF PRIVATE RECREATIONAL FACILITIES ARE SUBJECT TO CHANGE AS PART OF SUBSEQUENT ENTIREMENT APPLICATIONS.

Subject Property

Parcel	Age	Acres	Tax Account #	Ev. Zoning	LibertID#
P 5	Yegul	71,639 ac	1710388	RAW	L45419 F.263
P 6	Yegul	7,268 ac	1710388	RAW	L45419 F.263
P 10	Case	79,220 ac	1730137	RAW	L45839 F.532
P 10	Case	6,165 ac	1730137	RAW	L45839 F.532

DEVELOPMENT DATA

Total Area	156,187 acres
Land in the 100-year Floodplain	227,207 acres
Adjusted area (150,200 acres net of the floodplain)	137,253 acres
Density permitted under the Raw (Residential Medium Density)	1.0 - 6.7 dwelling units/acre
Base residential density (2.2 units)	288 dwelling units
Maximum residential density (3.2 units)	388 dwelling units

PROPOSED LAND USE TYPES AND QUANTITIES

Residential	150,200 gross acres at 2.00 - 4.25 units	620 - 891 dwelling units
Number of lots above the base density	10 - 150	10 - 150 dwelling units
Density proposed by the 1048 (Residential Medium Density)	2.00 - 4.25 units/acre	37 units
Permanent open space (25 percent of total site area) (Include environmental, recreational, and HMA areas)		37 acres
Dedication to Recreation		370 acres (47%)
Dedication to Major Arterial Roadway		627 acres

Zoning Hearing Examiner
3/15/22

- ADDITIONAL NOTES**
- 1. ALL EXTERNAL ROWS TO BE 10' WIDE
 - 2. MASTER PLAN ROAD PAVES TO INCLUDE 10' SHARED ROADWAY
 - 3. MASTER PLAN ROAD PAVES TO INCLUDE 10' SIDE PATH

SOLTESZ, LLC

LANDMARK OFFICE
400 Forbes Boulevard, Suite 200
Lutherville, MD 21088
P: 301.774.7585 F: 301.774.7586

NO.	DESCRIPTION	DATE	BY
1	PREPARED	03/15/22	MM
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		
6	REVISION		
7	REVISION		
8	REVISION		
9	REVISION		
10	REVISION		

MSS UTILITY NOTE

WOODSIDE VILLAGE (SINGLE-FAMILY) PARCELS 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

OWNER DEVELOPMENT PLAN

NO.	DESCRIPTION	DATE	BY
1	PREPARED	03/15/22	MM
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		
6	REVISION		
7	REVISION		
8	REVISION		
9	REVISION		
10	REVISION		

PLAN VIEW

BASIC PLAN

WOODSIDE VILLAGE
SDP-2205 Backup

A-9973-C-02

80 of 249

PLAN VIEW

BASIC PLAN

WOODSIDE VILLAGE
SDP-2205 Backup

A-9973-C-02

80 of 249



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 08-121

File No. CDP-0601

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on July 31, 2008, regarding Comprehensive Design Plan CDP-0601 for Woodside Village the Planning Board finds:

1. **Request:** The CDP application requests 1,422 to 1,496 residential units including approximately 1,276 single-family dwelling units (attached and detached) and 220 multifamily units, in the R-M Zone.
2. **Location:** The subject property is located on the southern side of Westphalia Road approximately 2000 feet west of its intersection with Ritchie-Marlboro Road.
3. **Surroundings:** The site is bounded in all directions by existing or proposed residential development. To the southeast is the Marlboro Ridge development, to the southwest is the Smith Home Farm development, and to the north is the proposed Villages at Westphalia development.
4. **Design Features:** The site is generally "T" shaped, with areas indicated for single-family, townhome two over two and condominium development, green space recreational facilities, a park/school site, and a street network. The green space includes environmentally sensitive land (100-year floodplain) in the northwestern and extreme eastern and southern ends of the site, a central piece of land to be dedicated to the homeowners' association for the project and, just south of it, a future school/park site anticipated to include an elementary school, a middle school and recreational facilities, a part of the proposed "Central Park" called for in the *Approved Westphalia Sector Plan and Sectional Map Amendment*. The "Central Park" is proposed to include a lake in its design, a portion of which may be located on the subject property. The street network, including both traditional blocks and streets terminating in culs-de-sac, is determined at least in part by the presence of the floodplain and Westphalia Road to the north.

Townhome development is clustered in the central, the northeastern and southeastern portions of the site. Two over two units are located in the central and the southeastern portions, along a boundary shared with the Marlboro Ridge development. At this juncture, the lotting pattern indicated includes a number of lots straddling the property line, though they are not approved as part of the comprehensive design plan process. The applicant has indicated its intention to have a new preliminary plan approved for the Marlboro Ridge development to make this a seamless connection. These issues, however, concerning the exact lotting pattern of the subject site, are more appropriately dealt with as part of the preliminary plan of subdivision approval process, subsequent to the approval of the subject comprehensive plan. Four different varieties of single-family detached units are utilized for the remainder of the development, except for a central piece

PGCPB No. 08-121
File No. CDP-0601
Page 2

of land bounded by proposed roads "O", "P" and "X" which is specified as condominium development.

Recreational facilities for the proposed project will include the following:

- 2 picnic areas
- 3 sitting areas
- 4 tot lots
- 2 open play areas
- An extensive train/pedestrian network including nature trails with interpretive signage and connections to adjacent communities.
- 2 pre-teen areas
- 4 tennis courts
- 1 swimming pool with six lanes (25 meters long) with at least a 30-foot by 30-foot training area and additional area for wading for toddlers.
- 1 basketball court
- 1 volleyball court
- 1 community building including a meeting room and measuring a minimum of 5,000 square feet in addition to space occupied by pool facilities or a may be increased at time of specific design approval.

Recreational facilities for the development will be complemented both by the adjacent school site (which might be planned with a softball and soccer field, with final design determined by the Board of Education) and "Central Park" envisioned by the Westphalia Sector Plan. Of the 61 acres requested by the Department of Parks and Recreation, 30 would be allotted for the school and the remaining 31 would be utilized exclusively for park facilities and become part of "Central Park."

Stormwater Management is indicated to be provided by nine stormwater management ponds; one located at its southern end, two near its center, two on its eastern side and four on its western side.

5. **Previous Approvals:** The project is subject to the requirements of Basic Plan A-9973. Finding 8 contains the details of conformance with the requirements of that approval.

6. **Development Data: Woodside Village**
Zone: R-M
Gross tract area: 381.96
Area within the 100-year floodplain: 15.44
Net tract area: 374.24
Residential land area: 374.24
Density (dwelling units per acre): 4
Commercial Land Area: None
FAR: Not Applicable

PGCPB No. 08-121
File No. CDP-0601
Page 3

7. **Public Benefit Features and Density Increment Factors:** The comprehensive design zone encourages amenities and public facilities in conjunction with density increases. Section 27-496(b) of the Prince George’s County Zoning Ordinance provides the guidelines and criteria for calculating the density increases for the R-M Zone (base residential density 3.6 to 5.8 dwelling units/acre; maximum residential density 5.7 to 7.9 dwelling units/acre). The Woodside Village application suggests a maximum of 1,496 dwelling units per acre or 4.0 units per acre, as approved by the basic plan for the project, well within the allowed range. The following chart includes the public benefit features and density increment factors as stipulated in Section 27-509 (B) of the Zoning Ordinance and demonstrates how the subject project should be allowed to increase their density based on provision of public benefit features in the development. The application meets the other general standard of Section 27-509 regarding minimum size. While the minimum size required for residential development of land in the R-M Zone is ten adjoining acres, the project includes almost 382 acres.

	Allowed	Proposed Residential Increments	Comment
1 For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of one acre) an increment factor may be granted, not to exceed (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the project).	25% in dwelling units	25%	At a proposed maximum of 1,496 dwelling units, 3.5 acres of open space per 100 units results in a requirement of 52 acres of open space. This requirement would be met by the 60 acres of homeowners’ association land. The 25 percent density increment is justifiable for this item.
2 For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosive action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed	2.5% in dwelling units	2.5%	Enhancement of physical features is accomplished by cleaning up the site’s unkempt environmental areas, afforestation adjacent to existing woodlands and the Primary Management Area (PMA) and designing and minimizing crossings of the PMA so as to have the least possible negative impact. The 2.5 density increment is justifiable for this item.
3 For a pedestrian system separated from vehicular right-of-way, an increment factor may be granted, not to exceed	5% in dwelling units	5%	An extensive trail system (approximately 4.5 miles) separating pedestrian from vehicular traffic will serve to link the various neighborhoods to each other, to recreational and community activities on-

PGCPB No. 08-121
File No. CDP-0601
Page 4

site and with the stream valley hiker/biker/equestrian trail providing a link to adjacent properties. The 5 percent density increment is justifiable for this item.

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

Recreational facilities for the development including tennis courts, pre-teen play areas, picnic areas, open play areas, passive recreational areas, tot lots, open play areas, a volley ball court, swimming pool and community center, will be complemented both by the adjacent recreational facilities on the school site and the contiguous 148-acre Central Park. The 10 percent density increment is justifiable for this item.

5 For public facilities (except streets and open space areas) an increment factor may be granted, not to exceed 30% in dwelling units This potential density increment was not pursued by the applicant.

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

An activity center, with space provided for quasi-public services has not been provided as part of the application. Therefore, the 10 percent density increment is justifiable for this item.

7 For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5% in dwelling units This potential density increment was not pursued by the applicant.

PGCPB No. 08-121
File No. CDP-0601
Page 5

SUMMARY OF PROPOSED INCREMENTS 42.5%

The applicant is only requesting a 12% increase over the base density to achieve the 4 dwelling units per acre.

Staff agreed with the applicant’s calculation of public benefit features and density increment factors. By this calculation, the proposed density is well within the upper limit of density permitted after application of the permitted density increments.

Findings Required by Section 27-521 of the Zoning Ordinance (Findings 8–16 below)

8. The comprehensive design plan is in conformance with the approved basic plan.

The proposed comprehensive design plan is in conformance with the approved basic plan. Relevant conditions of that approval are included below in **bold face**.

1. The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved basic plan:

DEVELOPMENT DATA:

Total area	381.95 acres
Land in the 100-year floodplain	15.69 acres
Adjusted gross area: (381.95 less half the floodplain)	374.15 acres
Density permitted under the R-M (Residential Medium Zone)	3.6–5.8 dwellings/acre
Base residential density (3.6 du/ac)	1,347 dwellings
Maximum residential density (5.8 du/ac)	2,170 dwellings
Approved Land Use Types and Quantities:	
Residential: 374.15 adjusted gross acres at 3.8-4.0 du/ac	1,422-1,497 dwellings
Number of the units above the base density:	75-150 dwellings
Permanent open space: (31 % of original site area)	116 acres
Public active open space: (parkland and school sites)	26.0 acres minimum parkland 10 acres minimum elementary school 20 acres minimum middle school
Private open space (homeowner association and other)	60 acres

Applicant’s proposed density range of 1,422-1,496 residential units meets this requirement both in terms of density and nature of land use and the size of the park/school site is accurate.

PGCPB No. 08-121
File No. CDP-0601
Page 6

3. **The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:**
- a. **The Transportation Planning staff shall make Master Plan transportation facility recommendations consistent with the Westphalia Sector Plan. The CDP road alignments shall conform to road alignments in all other adjacent approved subdivisions.**
 - b. **The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control as well as the need for exclusive turn lanes at each location.**
 - c. **The Transportation Planning staff shall review minor street connections between the subject site and adjacent properties. All minor street connections shown on the Comprehensive Design Plan shall conform to all other adjacent approved subdivisions.**
 - d. **The Applicant shall build the MD 4/Westphalia Road interchange with the development of the subject property and this may be accomplished by means of a public/private partnership with the State Highway Administration and with other developers in the area. This partnership may be further specified at the time of Preliminary Plan of Subdivision, and the timing of the provision of this improvement shall also be determined at the time of Preliminary Plan of Subdivision.**
 - e. **The CDP shall demonstrate that a majority of lots located along Westphalia Road are single-family detached lots in order to be compatible with the surrounding land use pattern and to preserve a rural character as recommended in the WCCP Study.**
 - f. **The Applicant shall meet with and obtain written approval from the DPW&T to front and/or provide driveway access to any townhouse units that may be located along C-631. If the townhouses or two-over-two townhouses are to be located along any roadways, which are classified as collector and above, they should be accessed through an alley.**

Finding 19C below is the Transportation Planning Section's evaluation of Basic Plan conditions 3a-d and 3f. Although the exact lotting pattern for the proposed development will not be determined until time of preliminary plan of subdivision, the illustrative plan for the project indicates that the majority of lots located along Westphalia Road are single-family detached are in compliance with condition 3e above.

PGCPB No. 08-121
File No. CDP-0601
Page 7

- g. The Applicant and the Applicant's heirs, successors, and/or assignees shall provide the following in conformance with the 1994 Master Plan and the WCCP Study:**
- (1) Provide the Master Plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.**
 - (2) Provide an eight-foot-wide side path or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended.**
 - (3) Provide a sidepath (Class II Trail) along the subject site's entire road frontage of Westphalia Road.**
 - (4) Provide the internal HOA trails and sidepaths as conceptually shown on the submitted hiker and biker trail plan.**

Finding 19g and 19e below contains the Department of Parks and Recreation's comments and 19d for those of the trails coordinator regarding condition 3g.

- h. Submit a design package that includes an image board and general design guidelines that establish review parameters, including design, material and color, for architectural, signage, entrance features and landscaping for the entire site.**

Images and the general design guidelines mentioned above were included in the comprehensive design plan package.

- i. Provide a description of the type, amount, and general location of the recreation facilities on the dedicated parkland and elsewhere on the site, including provision of private open space and recreation facilities to serve development on all portions of the subject property.**
- j. The Applicant, and the Applicant's heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by DPR prior to Comprehensive Design Plan (CDP) approval. The total value of the monetary contribution (or in-kind services) for the development, operation and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. The Applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the**

PGCPB No. 08-121
File No. CDP-0601
Page 8

recreational facilities shall be reviewed and approved by DPR staff. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by DPR.

- k. **The Applicant shall submit a scope of services from a qualified urban park design consultant for development of a Comprehensive Concept Plan for the portion of central park in the project area. The Comprehensive Concept Plan 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 a Comprehensive Concept Plan. The Comprehensive Concept Plan shall be approved by DPR prior to approval of the Comprehensive Design Plan (CDP).**
- l. **The public recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.**
- m. **Provide a multiuse stream valley trail along the subject site’s portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation Guidelines and Standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.**

Finding 19D (Trails referral comments) and Finding 19E (Department of Parks and Recreation) below contains the Board’s findings with respect to compliance with conditions 3i, 3j, 3k, 3l and 3m. With respect to private recreational facilities, condition 13 requires the majority of the facilities to be centrally located on homeowners’ association land and the remainder located so that some recreational facilities are easily accessible to all residents. More specifically, the recreational facilities should be located as indicated on Applicant’s Exhibit #1.

- n. **Provide the site location and timing or propose a contribution for the pro-rata share of funding for the following public facilities to be reviewed and approved by the appropriate agencies and the Countywide Planning Division:**
 - (1) **Fire station**
 - (2) **Library**
 - (3) **Police facility**
 - (4) **Middle school**
 - (5) **Elementary school**

PGCPB No. 08-121
File No. CDP-0601
Page 9

Finding 19f (Referrals/Public Facilities) below contains the Board's findings with regard to Condition 3n.

- o. Submit a signed Natural Resources Inventory (NRI) with the Comprehensive Design Plan. All subsequent plan submittals shall clearly show the Patuxent River Primary Management Area (PMA) as defined in Section 24-101(b)(10), and as shown on the signed NRI.**
- p. Demonstrate that the Primary Management Area (PMA) has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.**
- q. Submit a required Type I Tree Conservation Plan (TCPI). The TCPI shall:**

 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.**
 - (2) Concentrate priority areas for tree preservation in areas within the framework of the *Approved Countywide Green Infrastructure Plan* such as stream valleys. Reflect a 25 percent Woodland Conservation Threshold (WCT) and meet the WCT requirements on-site.**
 - (3) Mitigate woodland cleared within the PMA's Preservation Area on-site at a ratio of 1:1, with the exception of impacts caused by Master Plan roads which shall be mitigated 1:25. This note shall also be placed on all Tree Conservation Plans.**
 - (4) Focus afforestation in currently open areas within the PMA and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.**
 - (5) Prohibit woodland conservation on all residential lots.**
- r. Submit an exhibit showing areas where Marlboro Clay occurs on-site.**

Finding 19g (Referrals/Environmental) below contains the Planning Board's findings regarding conditions 3o, 3p, 3q and 3r.

- s. Submit a plan that addresses how housing will be provided for all income groups in accordance with Section 27-487 and the master plan recommendations for the planned community.**

PGCPB No. 08-121
File No. CDP-0601
Page 10

The applicant included such a plan as "Appendix L" to the subject comprehensive design plan. More specifically, the applicant stated that the range of housing types would be located within the development which would include housing of various price levels including single-family detached, townhomes, condominiums and two over two dwelling units that would each appeal to different price levels. Further, they said that the median household income for residents in the Washington metropolitan area is close to the highest in the nation. Lastly, they noted that they were willing to work with a HUD/local housing authority program involving private developers build housing that is affordable under the government's definition. Based on the median income in this Washington metropolitan area HUD and Prince George's County Housing Authority have determined that a family of four, with a maximum income of \$85,000 are the individuals who qualify to purchase designated affordable homes in Prince George's County, or receive affordable home purchase credits. Based on the variety of housing types made available by Toll at Woodside Village, and assuming that there are not any other substantial credit irregularities by the homeowner, Toll will have housing opportunities for some individuals who qualify for affordable housing credits, as they seek governmental assistance to buy homes and that some of those individuals may qualify to purchase a home in the Woodside Village development under the terms of this program.

Staff had recommended a condition below that would require that .5 percent of the units be sold as affordable housing units under the terms of the above-mentioned program. However, the Planning Board adopted Condition 1(o) below that instead requires information be made available to prospective home buyers regarding a HUD sponsored affordable housing program.

- t. **Present all roadway improvement plans for Westphalia Road to the Historic Preservation and Transportation Planning staff for review and comment to ensure that all scenic and historic features associated with this historic road are properly evaluated and preserved as necessary.**

Complete a Phase I archeological investigation report and submit to the Historic reservation staff for approval.

Finding 19a (Referrals/Historic and Archeological) below contains the Planning Board's finding regarding condition 3u. As to Condition 3t, the Historic Preservation and Transportation Planning staff have deferred comment regarding to issues of scenic and historic features of Westphalia Road to the Environmental Planning Section, which regularly reviews such issues for compliance. The Environmental Planning Section, in turn, has suggested that the following condition be attached to the subject approval:

"At least 35 days prior to approval of the preliminary plan by the Planning Board, an evaluation of the right-of-way and viewshed of Westphalia Road, a designated historic road shall be submitted. Inventory information may be included on the forest stand delineation or tree conservation plan for the site if appropriate, or in a separate document, and may include text, photographs, or other items which provide information necessary to evaluate visual quality. At a minimum the preliminary plan shall show a 40-foot-wide

PGCPB No. 08-121
File No. CDP-0601
Page 11

scenic preservation buffer outside the public utility easement along Westphalia Road. After reviewing the visual inventory other design considerations may be imposed.”

4. At the time of Preliminary Plan of Subdivision and/or prior to the first plat of Subdivision, the Applicant shall:

- c. Submit a letter of justification for all proposed PMA impacts, in the event disturbances are unavoidable.**

Finding 19g (Referrals/Environmental) below contains the Planning Board’s findings regarding Condition 4c.

- d. Submit a plan, prior to Planning Board approval of a Preliminary Plan of Subdivision, that shall provide for:**

- (1) Either the evaluation of any significant archaeological resources existing in the project area at the Phase II level, or**
- (2) Avoiding and preserving the resource in place.**

Finding 19a (Referrals/Historic and Archeological) below contains the Planning Board’s findings regarding Condition 4d.

- e. The Applicant shall dedicate 56 developable acres of public open space to M-NCPPC for a park/school. The portion of the parkland needed for school construction shall be conveyed to the Board of Education when funding for construction is in place and conveyance of the property is requested by the Board of Education. The final determination of location of the land to be dedicated for park/school sites shall be determined at the time of CDP Plan approval. The land to be conveyed to M-NCPPC shall be subject to the following conditions:**

- (1) An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor), shall be submitted to the Subdivision Section of the Development Review Division, Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.**
- (2) M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**
- (3) The boundaries and acreage of land to be conveyed to M-NCPPC**

PGCPB No. 08-121
File No. CDP-0601
Page 12

shall be indicated on all development plans and permits, which include such property.

- (4) The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - (5) Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - (6) All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - (7) All existing structures shall be removed from the property to be conveyed, unless the Applicant obtains the written consent of the DPR.
 - (8) The Applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - (9) No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
- f. Enter into an agreement with the DPR, prior to the first Final Plat of Subdivision, that shall establish a mechanism for payment of fees into an account administered by the M-NCPPC. The agreement shall note that the

PGCPB No. 08-121
File No. CDP-0601
Page 13

value of the in-kind services shall be determined at the sole discretion of DPR.

- g. Submit three original, executed agreements for participation in the park club to DPR for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.**

Finding 19e (Referrals/Parks) below contains the Board's findings regarding Conditions 4e, 4f and 4g.

- 5. Prior to submittal of any grading or building permits, the Applicant shall demonstrate that the Dunblane (Magruder family) Cemetery shall be preserved and protected in accordance with Section 24-135-02 of the Subdivision regulations, including:**

- a. An inventory of existing cemetery elements.**
- b. Measures to protect the cemetery during development.**
- c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The Applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder family) cemetery.**
- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.**

Finding 19a (Referrals/Historic and Archeological) below contains the Board's findings regarding Condition 5a-d.

- 9. The proposed plan would result in a development with a better environment than could be achieved under other regulations:**

The proposed plan retains a considerable amount of open space, protects sensitive environmental features and dedicates land for two schools and a park that will have utility both for future residents of the proposed subdivision and other area residents.

PGCPB No. 08-121
File No. CDP-0601
Page 14

- 10. **Approval is warranted by the way in which the comprehensive design plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The project includes both on-site and adjacent recreational facilities, including a trails network that connects to a larger one in the surrounding area. More particularly, the project includes picnic, passive recreational and open play areas, tot and pre-teen playgrounds, tennis courts, a community center, swimming pool, an extensive trail network and volleyball court. In addition, the applicant is dedicating 30 acres for a part/school site and an additional 26 for the adjacent planned "Central Park," a public park called for in the Westphalia Sector Plan. The Department of Parks and Recreation is requesting that they increase the land to be dedicated for Central Park to 33.5 acres. Therefore, it may be said that the plan warrants approval by inclusion of design elements, facilities, and amenities that satisfy the needs of residents, employees or guests of the project.

- 11. **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The proposed development is compatible with the surrounding land uses as they are exclusively residential. Moreover, by providing a school/park site, the development is providing additional compatibility by providing needed facilities for the residents of the surrounding residential subdivisions.

- 12. **Land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to:**

- a. **Amounts of building coverage and open space;**
- b. **Building setbacks from streets and abutting land uses; and**
- c. **Circulation access points;**

A buffer of homeowner's association/open area surrounds of the development, except for the specified deviations contained in Condition 1 below.

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

Comment: The development of Woodside Village is divided into six phases. They are specified on a plan graphic entitled "Staging Plan" as follows:

Phase	Pods Involved
Phase 1	D, E, F, G, J3, K1 and K2

PGCPB No. 08-121
File No. CDP-0601
Page 15

Phase 2	C1, C2, J1, J2, J4, M1, M2
Phase 3	M3, O, P1, P2
Phase 4	R, S, T
Phase 5	N (HOA Park Site Only)
Phase 6	A, B, H1, I1, H2, I1, H2, I2, L
Phase 7	Q (Dedication to M-NCPPC for Park/School Site)

Notes on the plan state that each stage indicates a group of units to be constructed together. Further, notes stipulate that the stage number in no way indicates the sequence of construction and that any group of units may proceed to construction in any sequence.

The CDP text states that each stage identifies groups of units and associated roadways, that will proceed concurrently to specific design plan and construction within a six-year development schedule for the project. The intent of the staging in the CDP document is to establish priority for groups of units within parcels in terms of specific design plan submissions, though the applicant retained the right to adjust the schedule and staging to accomplish a logical and economically feasible development, subject to the understanding that each stage will be capable of sustaining an environment of continuing quality and stability. Staff generally supported this assertion but was concerned that the central recreational facilities are not being introduced early enough in the staging plan. Condition below #13 requires that Phase 5 be completed prior to issuance of a building permit for the 748th building permit for the development.

14. Staging of development will not be an unreasonable burden on available public facilities;

Since each stage will be completed with its associated roadways, recreational facilities and utilities, it is not expected that the staging of development will be an unreasonable burden on available public facilities. Furthermore, in a memorandum dated March 6, 2008, the Historic Preservation and Public Facilities Planning Section stated specifically that they had reviewed the subject comprehensive design plan in accordance with Section 27-520(a)(8) of the Zoning Ordinance and that they had concluded that the staging of development of this project would not be an unreasonable burden on available public facilities.

15. When a comprehensive design plan proposal includes an adaptive use of a historic site, the Planning Board shall find that:

- a. The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**

PGCPB No. 08-121
File No. CDP-0601
Page 16

- b. **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;**
- c. **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site:**

The subject project does not include the adaptive use of a historic site.

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

The plan incorporates the applicable design guidelines of Section 27-274 of Part 3, Division 9 and Section 27-433(d) of the Zoning Ordinance.

17. **The plan is in conformance with an approved tree conservation plan.**

A Type I Tree Conservation Plan (TCPI/006/08) was submitted and was approved, subject to conditions.

18. **Woodland Conservation Ordinance**—In a memorandum dated June 28, 2008, the Environmental Planning Section stated that the development is subject to the requirements of the Prince George’s County Woodland Conservation Ordinance, because the parcels affected by the development activity measure in excess of 40,000 square feet and contain more than 10,000 square feet of existing woodland. Also, in that memorandum after extensive environmental review, the Environmental Planning Section recommended approval of the project, subject to conditions. Those conditions have been included. Therefore, the project is in compliance with the requirements of the Prince George’s County Woodland Conservation Ordinance.

19. **Approved Westphalia Sector Plan and Map Amendment.**

The subject application is an integral part of the Approved Westphalia Sector Plan and Sectional Map Amendment as is mentioned throughout the original planning document as “a pending rezoning application” and “key development proposal.” It was contemplated during the planning process and became part of the vision for Westphalia. The subject comprehensive design plan attempts to implement that vision and is one of the first such plans to be considered under the guidance of the Westphalia Sector Plan.

More specifically, the plan included an overall development concept promoting, among other things:

- Attractive and safe residential neighborhoods with a range of housing types and densities, convenient access to schools, recreation, green spaces, and shopping...

PGCPB No. 08-121
File No. CDP-0601
Page 17

- Residential development of approximately 17,000-18,000 units in a wide range of mixed housing types and densities...

and has a stated policy (Policy #5) to promote new residential development. It is logical that, due to the geographic location of Woodside Village, that the building lots and single-family be of modest size so as to provide a transition between the town center to the south and the more rural large lot single-family detached units to the north.

The Woodside Village development supports the overall development concept. In the process of implementing the plan, however, consistent guidance regarding the maximum percentages of townhouse and multifamily dwelling units and minimum lot area and width requirements should be established. Staff would suggest, and has included in a recommended condition the following guidance:

- That no more than 50 percent of the units included in the development be townhouse; two over two; or multi-family dwelling.
- That no townhouse yard measure smaller than 800 square feet if the unit does not have a deck and no more than 500-square feet if a deck is provided.
- That a maximum of 15 percent of the townhouse units measure a minimum of 16 feet wide, with the remainder of the townhouse units measuring a minimum of 18 feet wide.

20. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are as follows:

- a. **Historic Preservation and Archeological Review**—In a memorandum dated July 7, 2008, the Historic Preservation and Public Facilities Planning Section, noted that the subject site is subject to conditions of the approval of the Westphalia Sector Plan and Sectional Map amendment (CR-2-2007), offered the following findings:

Historic Preservation

1. The subject property includes the Dunblane Site & Cemetery (Historic Resource #78-010) which is located on the Dunblane property in the Magruder/McGregor Family Cemetery with interments and tombstones dating from 1810 to 1915. The original 18th century Dunblane House was destroyed in 1969, but because of its architectural and historical significance, its site may have archeological potential.

Dunblane was a one-and-one-half story, multi part stucco-covered dwelling that was one of Prince George's County's most venerable landmarks because of its association with the earliest generations of the Magruder family. Dunblane was built in 1723 by John

PGCPB No. 08-121
 File No. CDP-0601
 Page 18

Magruder, grandson of Alexander Magruder, a Scottish immigrant. Three walls were brick, the fourth of logs. The house stood until a gas explosion on Good Friday, 1969. At its destruction, Dunblane was the oldest Magruder dwelling in Maryland. The property had been documented with photographs and plan sketches by the Historic American Buildings Survey in the 1930s.

2. Historic Resource #78-010 has not been evaluated by the Historic Preservation Commission for potential designation as a Historic Site according to the criteria found in the Historic Preservation Ordinance (Subtitle 29 of the County Code). It is possible that with the completion of archeological investigations, the Magruder/McGregor Family Cemetery and/or the Dunblane House site could be found to meet Historic Site designation criteria.

Archeology

3. Phase I archeological survey was conducted on the five parcels comprising the Woodside Village property (Wholey, Suit, Yergat, A. Bean, and Case) from February to April 2005 and January to May 2007. Twelve archeological sites were identified on the property. Site 18PR860 is located on the Wholey Property and is a late 19th to 20th century tenant house and artifact scatter. Site 18PR891 is located on the A. Bean property and is a multicomponent prehistoric lithic scatter and historic artifact scatter. Site 18PR892 is located on the Suit Property and is a light scatter of late 19th to mid-20th century artifacts surrounding a tenant house. Site 18PR893 is located on the Suit Property and is a light scatter of late 19th to 20th century artifacts surrounding the main house on the property. Site 18PR894 is located on the Suit Property and consists of a dense scatter of brick and domestic artifacts dating from the 18th to 20th centuries. This site may represent the remains of an 18th century occupation on the property. Site 18PR895 is located on the Suit Property and consists of a tenant house and associated late 19th to early 20th century artifact scatter. Site 18PR898 is located on the Yergat Property and is a mid 19th to 20th century artifact scatter that may represent the remains of two tenant houses. Site 18PR899 is located on the Yergat Property and is a refuse disposal area dating from the late 19th to 20th centuries. Site 18PR900 is located on the Case Property and is an 18th to 20th century artifact scatter associated with the former Dunblane House (Historic Resource #78-010). Site 18PR901 is located on the Case Property and consists of a late 19th to early 20th century artifact scatter. Site 18PR902 is located on the Case Property and is a late 19th to early 20th century refuse dump associated with house site 18PR900. Site 18PR903 is located on the Case Property and is another late 19th to early 20th century refuse dump associated with house site 18PR900.
4. Staff concurs with the report's findings that no further work is necessary on sites 18PR891, 18PR892, 18PR893, 18PR895, 18PR899, 18PR902, and 18PR903. Staff also concurs that no further work is necessary on archeological site 18PR860; however, the 20th century dwelling/tenant house associated with the site should be recorded on a Maryland Inventory of Historic Properties form. In addition, staff concurs that Phase II

PGCPB No. 08-121
File No. CDP-0601
Page 19

investigations are necessary on sites 18PR894, 18PR898, 18PR900, and 18PR901. The applicant has submitted four copies of the final reports for the Bean, Case, Suit, Wholey and Yergat properties. The reports were accepted by Historic Preservation staff on March 28 and April 8, 2008.

CONCLUSIONS

Historic Preservation

1. Based on the historic significance of the Dunblane property, and its association with the Magruder family, the Magruder/McGregor family cemetery should be protected and maintained throughout the development process. A plan for the long term maintenance and preservation of the site should be developed by the applicant, whether or not the cemetery is designated as a Historic Site. Should the archeological investigations of the property yield significant findings and features to be preserved in place, those features should also be considered for potential Historic Site designation.
2. Should the Magruder/McGregor Family Cemetery and/or an archeological feature within the developing property be designated as a Historic Site, the buffering provisions of the *Prince George's County Landscape Manual* would apply, and careful consideration should be given to the character of fencing, and landscape features to be introduced.

Archeology

3. Phase II investigations are necessary on sites 18PR894, 18PR898, 18PR900, and 18PR901. A Phase II work plan for these sites was submitted to Historic Preservation and Maryland Historical Trust staff and has been approved.

Per the recommendation of the Historic Preservation and Public Facilities Planning Section, conditions 3u, 4d, and 5 of the Westphalia Sector Plan and Sectional Amendment Zoning Ordinance No. 5-2007 have been included in this approval.

- b. **Community Planning**— In a memorandum dated May 1, 2008, the Community Planning South Division stated that the application is not inconsistent with the 2002 General Plan Development Pattern Policies for the Developing Tier. Additionally, they stated that the proposed development plan is in conformance with the principles of the 2007 Westphalia Sector Plan for a planned community in the subject area. Lastly, they suggested that a fee of \$3,500 per new dwelling unit is appropriate for the provision of public parks facilities. A condition below requires the payment of the suggested fee prior to issuance of each building permit.
- c. **Transportation**—In a memorandum dated June 18, 2008, the Transportation Planning Section offered the following review and comment:

PGCPB No. 08-121
File No. CDP-0601
Page 20

Upon review of the applicant's traffic study, staff concurs with its findings and conclusions as they pertained to the analyses of the various intersections. In addition to the planning staff, the study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In a May 20, 2008 memorandum to staff (*Issayans to Burton*), the DPW&T appears to be in general agreement with the study conclusions. It did however, make some recommendations, most of which affect traffic operations. Some of those recommendations are as follows:

- The developer should be required to widen Ritchie Marlboro Road for three westbound through lanes to accept the proposed third left turn lane from northbound Ritchie Marlboro Road.
- Due to the failing level of service, the applicant should also be required to provide the improvements to the intersection of Westphalia Road and Melwood Road/D'Arcy Road if Smith Farm Development does not come to fruition.
- Due to the skewed angle of Sansbury Road with D'Arcy Road and the future failing level of service, improvements should be made to improve capacity and realign Sansbury Road to 90 degrees with D'Arcy Road.
- Add an additional through lane on southbound Ritchie Marlboro and Westphalia Road to improve capacity and align the Westphalia Road to opposite Orion Lane. The proposed one-lane approach will block the right lane in addition to the through lane being blocked by left turns into Orion Lane.

In a June 3, 2008 memorandum to staff (*Foster to Burton*), the SHA also expressed its concurrence with all of the traffic study findings regarding adequacy. SHA noted however, the following additional comments:

- Twenty-five percent of the site generated traffic will utilize the I-95 at Ritchie Marlboro interchange. SHA is therefore recommending that M-NCPPC conditions the applicant to pay a pro-rata contribution towards the future reconstruction of said facility.
- The third eastbound and westbound through lanes on Ritchie-Marlboro Road at Sansbury Road intersection should extend to the west to the I-95 Northbound Ramps at Ritchie Marlboro Road roundabout

TRANSPORTATION FINDINGS

1. The application is a CDP for a single-family residential a development of:
 - 451 single family units
 - 689 townhouse units
 - 220 multi-family units

PGCPB No. 08-121
File No. CDP-0601
Page 21

The proposed development would generate 840 (168 in, and 672 out) AM peak-hour trips and 832 (541 in, 291 out) PM peak-hour trips at the time of full build-out, as determined using "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

2. The traffic generated by the proposed developments would impact the following intersections and links:
 - Ritchie Marlboro Road at Sansbury Road
 - Ritchie Marlboro Road at White House Road
 - MD 4 at Westphalia Road
 - Westphalia Road at P-616 (future)
 - Westphalia Road at MC-631 (future)
 - MD 4 at Suitland Parkway
 - Ritchie Marlboro Road at Westphalia Road
 - D'Arcy Road at Westphalia Road
 - D'Arcy Road at Sansbury Road

3. None of the aforementioned intersections is programmed for improvement with 100 percent construction funding within the next six years in the current (FY 2007 - 2012) Maryland Department of Transportation 2008-2013 Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP) with the exception of the following:
 - MD 4 at Suitland Parkway

4. The subject property is located within the Developing Tier as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

5. All of the intersections identified in Finding 2 above, when analyzed with the total future traffic as developed using the *Guidelines*, were found to be operating inadequately except the following:
 - MD 4 at Suitland Parkway

PGCPB No. 08-121
File No. CDP-0601
Page 22

6. In consideration of the findings in number 5 above, this applicant will be required to provide the following improvements:
 - a. **Sansbury Road/Ritchie Marlboro Road Intersection (signalized)**
 - Install a third westbound and eastbound through lane on Ritchie-Marlboro Road.
 - b. **White House Road/Ritchie-Marlboro Road Intersection**
 - Restripe the three approach lanes of northbound Ritchie-Marlboro Road to provide double left and a shared left thru right-turn lane.
 - Provide a third through lane along westbound Ritchie Marlboro Road to receive traffic from three left-turn lanes.
 - c. **Westphalia Road/ MD 4 Intersection**
 - Provide a pro-rata contribution pursuant to a Surplus Capacity Reimbursement Procedure (SCRIP) approved by the Planning Board.
 - d. **Westphalia Road and P-616**
 - Construct a standard collector section along the south side of Westphalia Road along the property frontage
 - e. **Westphalia Road and Ritchie Marlboro Road**
 - Conduct a signal warrant study and install signal if deemed necessary by DPW&T.
 - f. **Westphalia Road and MC-631**
 - Construct a standard collector section along the south side of Westphalia Road along the property frontage.
 - g. **D'Arcy Road and Westphalia Road**
 - Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

PGCPB No. 08-121
File No. CDP-0601
Page 23

h. **D’Arcy Road and Sansbury Road**

- Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

i. **SCRIP Methodology**

Based on the findings adopted by the Planning Board (PGCPB 06-64(A)) for The Smith Home Farm, the following represents the methodology for computing the pro-rata amount for this application:

**Pro Rata Share for Subject Development:
Base Condition**

Total cost of Construction **\$25,841,100.00**

Westphalia Road/service road:	AM CLV – 788; PM CLV – 679	Average 733.5
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 623; PM CLV – 620	Average 621.5
Service road/MD 4 WB ramps:	AM CLV – 569; PM CLV – 366.	Average 467.5
Interchange base statistic	$(733.5 + 621.5 + 467.5) / 3 = 607.50$	
Base Capacity: 1450 – 607.5 = 842.50 (capacity units)		

Allocable cost per capacity unit: $\$25,841,100.00 / 842.5 = \mathbf{\$30,671.81}$

Base Condition (with SHF + D’Arcy + Rajae + Westphalia Towns)

Westphalia Road/service road:	AM CLV – 1318; PM CLV – 1168	Average 1243
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 805; PM CLV – 1096	Average 950.5
Service road/MD 4 WB ramps:	AM CLV – 673; PM CLV – 422.	Average 547.5

Woodside Village

Interchange traffic statistic: $(1243 + 950.5 + 547.5) / 3 = 913.67$

D’Arcy (North & South) + SHF + Rajae + Westphalia Towns

Interchange traffic statistic: 890.5

Change in traffic statistic = Woodside Village – (Westphalia + D’Arcy + SHF + Rajae)

Change in traffic statistic = $913.67 - 890.5 = 23.17$

Share = Change x Allocable cost per capacity unit

Share = $11.33 \times \$30,671.81 = \mathbf{\$710,563.60}$

Cost per dwelling unit = $\$710,563.60 / 1,360 = \mathbf{\$522.47}$

It should be noted that all of the CLV computations are based on a lane configuration as shown on the most recently available construction drawings (30 percent complete) for the proposed interchange. These computations may vary from those that were outlined in

PGCPB No. 08-121
File No. CDP-0601
Page 24

PGCPB 06-64(A) for The Smith Home Farm since staff had to rely on a design (and lane usage) that was in the very early planning phase. As the design plans get closer to 100 percent completion, it is conceivable that the proposed lane usage and subsequently, the final CLVs for the three intersections may change yet again. staff is confident that by the time final action by the Planning Board is taken regarding the establishment of a SCR, staff will have available, 100 percent design plans with a definitive lane usage.

With the approval of the Smith Home Farm preliminary plan, and

- a. The establishment of SCR improvement in accordance with Section 24-124; and
- b. A methodology for computing the pro-rata payment associated with this improvement, subsequent developments; including the subject property could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

All parties must be aware that subsequent action will be needed by the Planning Board to establish a SCR at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCR prior to the passage of the SCR resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCR prior to issuance of building permits.

- 7. The intersections identified in Finding 6 above will operate acceptably provided all of the improvements in the traffic are implemented.

The Transportation Planning Section stated that the staging of development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Prince George's County Code if the application is approved with certain specified conditions. Those conditions have been included in this approval.

- d. **Trails**—In a memorandum dated May 27, 2008, the trails coordinator stated that the subject site falls within the jurisdiction of the *Approved Westphalia Sector Plan and Sectional Map Amendment*, which recommends several master plan trails on the site and seeks to coordinate development proposals in the area in order to ensure that trail issues are considered comprehensively. More particularly, he notes the specific master plan trail issues as identified in the Westphalia Sector Plan as follows:

- Hiker-Biker-Equestrian trail along Cabin Branch
- Sidepath (Class II Trail) along Westphalia Road
- Trail/Bikeway along Suitland Parkway extended (MC-631)
- Trail/Bikeway along P-616
- Trail/Bikeway along P-619

Additionally, the trails coordinator noted the further guidance of condition 3.g. of approved Basic Plan A-9973 (PGCPB No. 06-112) as follows:

PGCPB No. 08-121
File No. CDP-0601
Page 25

- g. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following in conformance with the 1994 master plan and the WCCP Study:
- (1) Provide the master plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.
 - (2) Provide an eight-foot-wide side path or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended.
 - (3) Provide a side path (Class II Trail) along the subject site's entire road frontage of Westphalia Road.
 - (4) Provide the internal HOA trails and sidepaths as conceptually shown on the submitted hiker and biker trail plan.

As review observation, the trails coordinator offered the following:

- It is also important to coordinate the trails and sidewalk facilities on the subject property with facilities on the adjacent Smith Home Farm and Marlboro Ridge developments. Marlboro Ridge already has a network of trails included on the previously approved Conceptual Site Plan CSP-03005 and Preliminary Plan 4-04080. This network includes the Cabin Branch Trail, as well as several trails and pedestrian connections between the Marlboro Ridge and Woodside Village. The amended basic plan submitted with the subject application adequately reflects the connectivity between the two developments.
- The trail plan shown for the Woodside Village basic plan is comprehensive, implements the appropriate master plan trail proposals, and utilizes available open space as trail corridors. Supplementing these trails are numerous connector trails. These connector trails link development pods and provide access between master plan trails. Sidewalks will also be an important component of providing a walkable community. Sidewalk connectivity will be looked at in more detail at the time of specific design plan (SDP). However, staff recommends that sidewalks be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
- Future submittals should delineate M-NCPPC trails from HOA trails. It should also be noted that the adjacent Smith Home Farm application (CDP-0501 and 4-05080) also indicates a trail along their side of Cabin Branch. Work done for the Westphalia CCP indicated that a trail may be desirable along both sides of Cabin Branch in some areas. However, this should be coordinated with the Department of Parks and Recreation and the ultimate location of the trail, as well as any necessary stream crossings, will be determined by DPR.

PGCPB No. 08-121
File No. CDP-0601
Page 26

In order to implement the above trails recommendations, the trails coordinator suggested seven conditions that have been included in this approval.

- e. **Parks**—In a memorandum dated May 23, 2008, the Department of Parks and Recreation offered the following:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced comprehensive design plan application for conformance with the requirements of the approved Basic Plan A-9973; with amendments, limitations and conditions as described in County Council Resolution CR-2-2007, the requirements and the recommendations of the *Approved Prince George’s County General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment*, the current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

FINDINGS

The subject property consists of 381.9 acres of land located south of Westphalia Road. The property is bordered by the Cabin Branch Stream Valley to the south, the Smith Home Farms project to the west and the Marlboro Ridge project to the east.

The applicant’s proposal includes 1,496 residential dwellings units. Using current occupancy statistics for single-family and multi family dwelling units, one would anticipate that the proposed development would result in a population of 4,005 residents in the new community.

The DPR staff finds that Planning Area 78 is currently ranked as in high need of public parkland and public recreational facilities such as football, soccer and baseball fields, basketball courts, playgrounds and picnic areas. The demand for public parkland and public recreational facilities will only grow with the extensive residential development in this region of Prince George’s County.

The *Approved Westphalia Sector Plan and Sectional Map Amendment* introduced the concept of a “Central Park”, a single major recreational complex to serve the entire Westphalia Area. A highly visible central park will serve as a unifying community destination and amenity. The Westphalia Sector Plan recommends developing the central park with a lake or another water feature, active and passive recreational facilities; lawn areas and bandstands suitable for public events; trail system, group picnic area and tennis facility. In addition, the Westphalia Sector Plan recommends dedication of the Cabin Branch Stream Valley including the Primary Management Area known as the Cabin Branch Greenway Park.

Section 27-507 of the Zoning Ordinance describes the purposes of the Comprehensive Design Zone R-M Zone (Residential Medium Development). This section requires establishment (in the

PGCPB No. 08-121
File No. CDP-0601
Page 27

public interest) of a plan implementation zone, in which permissible residential density is dependent upon providing public benefit features. It states that the location of the zones must be in accordance with the adopted and approved General Plan, master plan, or public renewal plan. The purpose of R-M Zone is to encourage the provision of amenities and public facilities in conjunction with residential development and to improve the overall quality and variety of residential environments in the Regional District.

Council Resolution CR-2-2007 required the dedication of 56 developable acres of public open space to M-NCPPC (26 acres for central park, 10 acres for elementary school and 20 acres for middle school).

The applicant has provided 56 acres of public open space for parkland.

CR-2-2007, Condition 3 states: The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:

- g. The Applicant and Applicant's heirs, successors, and/or assignees shall provide the following in conformance with 1994 Master Plan and WCCP Study:**
 - (1) Provide the Master Plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.**

The applicant has shown a master plan trail hiker biker system along the Cabin Branch on dedicated parkland on the Westphalia Urban Park concept plan; however, the segment of the master planned trail along the Cabin Branch between planned road P-619 and the eastern property line adjacent to Marlboro Ridge is not shown as dedicated to M-NCPPC. The DPR staff believes that the entire Cabin Branch Stream Valley should be placed in public ownership. The DPR staff recommends that the applicant dedicate an additional 7.5 acres along the Cabin Branch (mostly Primary Management Area) to the M-NCPPC and provides hiker/biker and equestrian trails along the subject site's entire portion of the Cabin Branch Stream Valley on public land. DPR staff recommends establishing the timing and phasing of trail construction at the time SDP review and approval for the Central Park and the Cabin Branch Stream Valley Park.

- i. Provide a description of all type, amount, and general location of the recreational facilities on the dedicated parkland and elsewhere on the site, including provision of private open space and recreational facilities to serve development on all portions of the subject property.**

The applicant provided a description of all types, amount, and general location of the recreational facilities on the dedicated parkland as shown on the approved DPR Central Park

PGCPB No. 08-121
File No. CDP-0601
Page 28

Concept Plan. The applicant's proposal also includes private recreational facilities in five designated recreational/open space areas throughout the development including tennis courts, trails, open play areas, sitting areas, playgrounds, basketball courts, volleyball court and a private community recreation center with a swimming pool.

- j. The Applicant, and the Applicant' heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by DPR prior to Comprehensive Design Plan (CDP) submission. The total value of the monetary contribution (or in-kind services) for the development, operation and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. 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. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by DPR.**

The applicant agrees to make a monetary contribution of \$3,500 per dwelling unit in 2006 dollars or to provide in-kind services for the development for the operation and maintenance of the central park. The applicant's proposal includes approximately 1,496 dwelling units; the final unit count to be determined at the time of the Preliminary Plan of Subdivision approval. Using the proposed number of dwelling units (1,496 units), the DPR staff estimates that the applicant should make a monetary contribution into the "park club" in the amount of \$5,236,000 or provide an equivalent amount of recreational facilities.

- k. The applicant shall submit a scope of services from qualified urban park design consultant for development of comprehensive concept plan for the portion of central park in the project area. The comprehensive concept plan 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 comprehensive concept plan. The Comprehensive Concept Plan shall be approved by DPR prior to approval of Comprehensive Design Plan (CDP).**

The applicant has submitted a scope of services from a qualified urban park designer. The DPR staff has reviewed the credentials of the consultant and accepted a consultant's services for the development of the comprehensive concept plan for the Westphalia Central Park. The comprehensive concept plan was prepared in cooperation with a design team from DPR and Urban Design Section and approved by staff.

PGCPB No. 08-121
File No. CDP-0601
Page 29

- l. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.**

The public recreational facilities in the central park had been designed in accordance to *Park and Recreation Facilities Guidelines*. The concept plan for the development of a central park is shown in applicant's justification statement, Appendix-C, "Park Concept Plan."

- m. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.**

The applicant has provided a comprehensive design plan showing a multiuse stream valley trail along the subject site's portion of Cabin Branch and connector trails from the stream valley to adjacent residential development and recreational uses.

CR-2-2007, Condition 4 e, f and g, state: at the time of Preliminary Plan of Subdivision and/or prior to the first plat of Subdivision, the Applicant shall:

- e. The applicant shall dedicate 56 acres of public open space to M-NCPPC for a park/school. The portion of the parkland needed for school construction shall be conveyed to the Board of Education when funding for construction is in place and conveyance of the property is requested by the Board of Education. The final determination of location of the land to be dedicated for park/school sites shall be determined at the time of CDP plan approval. The land to be conveyed to the M-NCPPC shall be subject to the following conditions:**

- (1) An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.**
- (2) M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**

PGCPB No. 08-121
File No. CDP-0601
Page 30

- (3) **The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- (4) **The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.**
- (5) **Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
- (6) **All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.**
- (7) **All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.**
- (8) **The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.**
- (9) **No stormwater management facilities or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement**

PGCPB No. 08-121
File No. CDP-0601
Page 31

agreements shall be required prior to the issuance of grading permits.

The proposed CDP plan shows dedication of 56 acres to M-NCPPC. The DPR staff evaluated the proposed dedication area and found that this area is in general conformance with the Basic Plan A-9973 plan and recommendations for the parkland dedication area. However, the applicant proposes a large amount of tree conservation, afforestation and reforestation on dedicated parkland and has not obtained the written permission of DPR. DPR staff believes that the tree conservation, afforestation, reforestation easements should be removed from the dedicated parkland. This site presents many challenges for the development such as steep slopes, Marlboro Clay, floodplain and wetlands. Any additional restrictive easements on the dedicated parkland will jeopardize the vision of the master plan and Central Park Comprehensive Concept Plan. DPR staff recommends removing all tree conservation from dedicated parkland.

- f. Enter into an agreement with the DPR, prior to the first Final Plat of Subdivision that shall establish a mechanism for payment of fees into an account administered by the M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR.**

DPR staff recommended that a draft agreement should be submitted to the DPR for review and approval prior to submission of the Preliminary Plan of Subdivision.

- g. Submit three original, executed agreements for participation in the park club to DPR for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.**

CR-2-2007 also states that the District Council intends to require submission of an SDP for the Central Park following approval of the Westphalia Sector Plan and SMA. The exact timing for the submission, approval and phasing for the Central Park shall be established by District Council in approval of the next SDP to be filed under CDP-0501 for Smith Home Farm.

The Westphalia Central Park is located within the boundaries of the Smith Home Farm and the Woodside Village projects. Twenty-six acres of the central park are located within the boundaries of the Woodside Village. The District Council recommends establishing the timing for the submission, approval of the SDP for the Westphalia Central Park and the phasing of central park construction at the time of approval of the next SDP to be filed under CDP-0501 for Smith Home Farm.

While the majority of the Central Park (148 acres) is located within the boundaries of Smith Home Farm project and a SDP will be required for the Smith Home Farm portion of the

PGCPB No. 08-121
 File No. CDP-0601
 Page 32

central park, the DPR staff believes that the similar condition for the submission of the SDP for the Woodside Village portion of the central park should be established at this time. DPR staff recommends that SDP for the central park shall be submitted, reviewed and approved by the Planning Board as a second SDP to be filed under CDP-0601. 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 the credentials and approve the selection of the design consultant prior to development of SDP plans.

CONCLUSION

Subject to the included conditions, the application satisfies the conditions of the approved Basic Plan A-9973 as described in County Council Resolution CR-2-2007, the requirements and recommendations of the *Approved Prince George's County General Plan and Approved Westphalia Sector Plan and Sectional Map Amendment* as they pertain to public parks and recreation.

- f. **Public Facilities**—In a memorandum dated March 6, 2008, the Historic Preservation and Public Facilities Planning Section, noting that the Westphalia Sector Plan recommended the location of a fire station in a higher density location near the proposed community commercial core with access to the Suitland Parkway, stated that existing engine service to the subject property is within the travel time standard. In the same memorandum, the Historic Preservation and Public Facilities Planning Section noted that police and library facilities, according to the Westphalia concept plan, are appropriate uses in the commercial central core. Timing of the construction of these facilities will be determined in the Westphalia Financing Plan. Lastly, with respect to public schools, the Historic Preservation and Public Facilities Planning Section noted that the site plan indicates a 56-acre proposed park-school site in the central portion of the site and that the design program of the project was expected to generate 359 elementary school students, 90 middle school students and 180 high school students. In closing, the Historic Preservation and Public Facilities Planning Section suggested that the school site should be dedicated to M-NCPPC at or before a final plat is recorded for the subject site. A condition below ensures that this will occur.
- g. **Environmental Planning**—In a revised memorandum dated June 25, 2008, the Environmental Planning Section offered the following:

MASTER PLAN CONFORMANCE

The current Master Plan for this area is the Westphalia Approved Master Plan and Sectional Map Amendment (February 2007). In the Approved 2007 Master Plan and Sectional Map Amendment, the Environmental Infrastructure Section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **[BOLD]** is the text from the master plan and the plain text provides comments on plan conformance.

PGCPB No. 08-121
File No. CDP-0601
Page 33

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Westphalia sector planning area.

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

The majority of the land within the designated green infrastructure network is being preserved and reforestation is being proposed along portions of the network to expand the existing denuded buffers.

- 2. Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

With the exception of necessary road crossings, the CDP shows the PMA preserved on this site.

- 3. Place preserved sensitive environmental features within the park and open spaces network to the fullest extent possible.**

The subject application proposes to preserve these features and in some places, reforestation is also proposed. Preservation and reforestation on parkland is subject to the review and approval of the Department of Parks and Recreation (DPR).

- 4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

The current application contains extensive areas of primary management area (PMA) associated with Cabin Branch, a designated primary corridor. Portions of the associated PMA are to be included in the property to be dedicated for use for a public school or park. The other portion of the PMA associated directly with Cabin Branch is proposed to be bordered by stormwater management ponds which will service the associated proposed single family houses. Details on protecting the Cabin Branch primary corridor are discussed below.

- 5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.**

Impacts to the PMA were discussed above and are discussed in more detail in the Environmental Review Section below.

PGCPB No. 08-121
File No. CDP-0601
Page 34

6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

Prior to submission of this CDP, the development of the overall roadway network was discussed in detail and the road crossings were placed at the optimal locations to reduce impacts. Impacts to the primary management areas are discussed in more detail in the Environmental Review Section below.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

The use of the comprehensive design zone development standards is considered a flexible design technique.

Policy 2: Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

Strategies:

1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.

The current proposal provides conservation of already established wooded buffers along the streams on-site. The application also provides for reforestation/afforestation in some areas along these streams in order to increase the wooded buffer; however, additional information is needed to determine the best places to focus reforestation efforts. The tree conservation issues associated with this site are discussed in further detail in the Environmental Review Section below.

2. Require stream corridor assessment using Maryland Department of Natural Resources protocols and include them with the submission of a natural resources inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.

A signed NRI was submitted but it does not include a stream corridor assessment. The streams on-site are highly degraded from erosion of the highly erodible soils on-site and from the former agricultural uses. A stream corridor assessment is needed to determine where restoration efforts should be focused and whether or not the stream system in its current condition can handle the stormwater run-off proposed. The stormwater management design should consider the information obtained from the stream corridor assessment as part of the process of designing the overall system because a poorly design system will continue to degrade the streams on-site and result in the continuation of down-stream degradation.

PGCPB No. 08-121
File No. CDP-0601
Page 35

3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.

The subject application proposes the dedication of right-of-ways for four master-planned roads. At the time of creation of the Westphalia Master Plan, the exact locations of P-616, P-619, and MC-631 were determined for both the subject property and Smith Home Farms. These road crossings have been placed such that they reduce environmental impacts as much as possible.

4. Encourage shared public/private stormwater facilities as site amenities.

5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground facilities.

At this time there is insufficient information to fully address these standards. The CDP shows a variety of stormwater management ponds, all placed adjacent to the PMA. As stated above, a stream corridor assessment is needed to determine if the stream system will be stable enough to handle the influx of run-off. During the review of the preliminary plan, the stormwater management concept proposed will be evaluated to determine if it has been designed to include low impact development techniques and as amenities.

Policy 3: Reduce overall energy consumption and implement more environmentally-sensitive building techniques.

Strategies:

1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.

2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.

The use of green building techniques and energy conservation techniques shall be evaluated at time of specific design plan. The subject property does not currently contain existing buildings.

CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan, and are applicable to the subject site.

PGCPB No. 08-121
File No. CDP-0601
Page 36

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains Regulated Areas, Evaluation Areas, and Network Gap Areas as identified in the Countywide Green Infrastructure Plan, which cover a small portion of the property, adjacent to Cabin Branch. The areas adjacent to Cabin Branch are proposed to be preserved, and where possible, enhanced by areas of reforestation.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area will be provided through the protection of the Patuxent River Primary Management Area; the application of best stormwater management practices for stormwater management; and through stream restoration efforts where necessary. It is recommended that low impact development stormwater management methods be applied on this site, to the fullest extent possible, and be designed in a comprehensive manner that ensures that proper drainage has been provided to residential portions of the site.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques to reduce overall energy consumption should be addressed.

Policy 5: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.

Lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized. This will be addressed in more detail during future reviews.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

There are no noise related issues associated with this development because all of the roadways within and adjacent to the site are classified below the level of arterial.

Policy 7: Protect wellhead areas of public wells.

The site is not in a wellhead protection area and does not propose any public wells.

PGCPB No. 08-121
File No. CDP-0601
Page 37

CONFORMANCE WITH DISTRICT COUNCIL FINAL DECISION ON A-9973

On May 11, 2006, the Prince George’s County Planning Board reviewed Zoning Map Amendment Petition No. A-9973 Woodside Village, requesting rezoning from R-A (Rural Agriculture) Zone to the R-M (Residential Medium Development) Comprehensive Design Zone in accordance with Subtitle 27 of the Prince George’s County Code. The decision contains several environmentally-related conditions and considerations on the approved rezoning of the property to be applied at various review points in the process. The District Council reviewed the Zoning Map Amendment on September 18, 2006 and approved it with no additional conditions.

The text from the Prince George’s County Planning Board Resolution No. 06-112 has been shown in **[BOLD]** typeface evaluation has been shown in standard typeface.

Environmental Conditions of the Final Decision for Basic Plan A-9973

- o. Submit a signed natural resources inventory (NRI) with the comprehensive design plan. All subsequent plan submittals shall clearly show the Patuxent River Primary Management Area (PMA) as defined in Section 24-101(b)(10), and as shown on the signed NRI.**

The PMA is clearly shown on all plan submittals per this condition.

- p. Demonstrate that the PMA has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.**

As noted above, the overall layout of the road network in this area was evaluated comprehensively before CDP submission. The Environmental Review section below will go into further detail regarding the preservation of the PMA to the fullest extent possible.

- q. Submit a required Type I Tree Conservation Plan (TCPI). The TCPI shall:**
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.**
 - (2) Concentrate priority areas for tree preservation in areas within the framework of the Approved Green Infrastructure Master Plan, such as stream valleys. Reflect a 25 percent Woodland Conservation Threshold (WCT) and meet the WCT requirements on-site.**
 - (3) Mitigate woodland cleared within the PMA’s Preservation Area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads**

PGCPB No. 08-121
File No. CDP-0601
Page 38

which shall be mitigated ¼:1. This note shall also be placed on all Tree Conservation Plans.

- (4) Focus afforestation in currently open areas within the PMA and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.**
- (5) Prohibit woodland conservation on all residential lots.**

The Type I Tree Conservation Plan contains several errors with regard to the calculation of the requirements of this condition. Revisions are needed to the worksheet as addressed in the Environmental Review section below.

r. Submit an exhibit showing areas where Marlboro Clay occurs on-site.

The current review package includes plans with the approximate locations of Marlboro clay formations.

ENVIRONMENTAL REVIEW

- 1. A signed Natural Resources Inventory (NRI/158/06), which included detailed forest stand delineation (FSD), was submitted with the application. A revised NRI was subsequently submitted to add the Wholey property (the -01 revision). The applicant states in a June 10, 2008 letter that the figures on the -01 revision are also incorrect, and that the numbers on the TCPI are the correct numbers. At this time, staff is unable to verify the correct numbers and will review another revision to the NRI prior to approval of any more plans for this site.

The site contains four different forest stands. Stand one is approximately 51.04 acres of midsuccessional tulip poplars and sweetgums. This stand contains streams and their associated buffers along with wetlands and their associated buffers. Stand two is approximately 14.50 acres of mature mixed hardwoods, dominated by American beech, white oak, and tulip poplar. This stand contains many specimen trees and has a large area of severe slopes of 25 percent and greater. Stand three contains approximately 9.12 acres of mature tulip poplars, American beech, and white oak. This stand also contains the headwaters of the stream that originates on the property in the northeast portion of the site. Stand four contains 17.87 acres of early successional sweetgum, red maple, ash, black cherry, and tulip poplars. This stand contains extensive areas of severe slopes greater than 25 percent.

The calculations for the total site acreage, total floodplain acreage, and the total woodland in the floodplain vary between the two NRI submissions and the TCPI. The total acreage of the site is listed as 369.42 acres on NRI/158/05-01 and as 381.96 acres on the Type I

PGCPB No. 08-121
File No. CDP-0601
Page 39

Tree Conservation Plan, TCPI/006/08. The total floodplain for the site is listed as 15.83 acres on the NRI while it is listed as 15.45 acres on the TCPI. The forested floodplain for the site is listed as 6.43 on the NRI while it is listed as 7.91 acres on the TCPI. A letter from the applicant dated June 10, 2008, states that the acreages listed on the TCPI/006/08 are correct.

2. This development is subject to the requirements of the Prince George's County Woodland Conservation Ordinance, because the parcels affected by the development activity are more than 40,000 square feet in size and contain more than 10,000 square feet of existing woodland.

A Type I Tree Conservation Plan (TCPI/006/08) was submitted and has been reviewed. appears that a standard worksheet was not use because of the special nature of the conditions associated with the site (the use of a 25 percent threshold); however, a standard worksheet is required for all TCPs. The standard worksheet can be easily modified to provide the correct figures. The worksheet provided lacks two of the most important lines of information: the acreage cleared above the threshold and the calculations of the clearing that is required to be mitigated at a ratio of 1:1.

It appears that the woodland conservation requirement is 107.97 acres; however, this is subject to verification.

In conjunction with the above mentioned acreage discrepancies, there are technical revisions required. The areas of natural regeneration listed for the subject site shall include the following label on the plan, "Existing shrub/scrub area of natural regeneration."

Woodland preservation is proposed on the park/school site. This is not permitted without the consent of the Department of Parks and Recreation (DPR). If DPR's consent is obtained, the plans may be revised later. Update the woodland conservation calculations worksheet to exclude this preservation until written permission is obtained.

3. Marlboro clay occurs on this property. The plan does not show the existing, unmitigated 1.5 safety factor line associated with Marlboro clay. Section 24-131 of the Subdivision Regulations controls the development of potentially unsafe lands. The geotechnical study submitted, dated December 2006, states: "Based upon the available plans and subsurface information, GTA anticipates that the existing slopes on the project site generally have factors of safety for global stability greater than 1.5, and therefore, the unmitigated 1.5 line is not applicable to this site. Please refer to the attached results of the slope stability analysis for additional information. Note that as proposed grading plans are developed and revised, the "mitigated" 1.5 factor of safety line may impact the site development plans. In order to reduce this impact, the civil engineer should attempt to minimize proposed fill slopes, and stormwater management (SWM) facilities in the vicinity of the Marlboro Clay outcrops."

PGCPB No. 08-121
File No. CDP-0601
Page 40

A more detailed review of this issue will take place during the review of the preliminary plan.

- 4. The property contains streams and primary management areas that run roughly north to south close to the western and southern boundaries of the site. Streams and their buffers are required to be preserved by Section 24-130 of the Subdivision Ordinance. Proposed impacts to the regulated environmental features should be limited to those necessary for carefully placed road crossings, utilities, and stormwater management outfalls. In conjunction with the stream restoration information, the impacts to the PMA will be evaluated at the time of preliminary plan review.
- 5. According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelpia, Bibb, Collington, Galestown, Howell, Iuka, Marr, Mixed Alluvial Land, Sassafras, and Westphalia soils series.

Bibb, Collington, Galestown, and Sassafras pose no real limitations on development. Adelpia, Iuka, and Mixed Alluvial Land may limit development due to high water tables, flooding hazards, and poor drainage. Westphalia and Marr soils may pose development difficulties due to high erodibility on slopes.

The site is generally suitable for the proposed development. Specific mitigation measures will be further analyzed during the development process by the Washington Suburban Sanitary Commission for installation of water and sewer lines; by the Department of Public Works and Transportation for the installation of street, the installation of stormwater management facilities, and general site grading and foundations; and the Department of Environmental Resources for building foundations.

- h. **Zoning**—In an undated response, the Zoning Section stated that they had no comments on the subject project.
- i. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated April 29, 2008, DPW&T offered the following:
 - Right-of-way dedication and frontage improvements constructed in accordance with DPW&T's urban residential roadway standards would be required for internal subdivision streets and that right-of-way dedication for all proposed public roads and existing road frontages would be required and would have to be designed in accordance with DPW&T's specifications and standards.
 - Full-width, two-inch mill and overlay for all county roadway frontages would be required.
 - Any proposed and/or existing master plan roadways that lie within the property limits must be addressed through coordination between M-NCPPC and DPW&T

PGCPB No. 08-121
File No. CDP-0601
Page 41

and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's specification and Standards.

- Compliance with DPW&T's Utility Policy would be required. Proper temporary and final patching and the related mill and overlay in accordance with "DPW&T's Policy and Specification for Utility Installation and Maintenance Permits" would be required.
- The proposed site development will require an approved DPW&T stormwater management concept plan.
- An access study would have to be conducted by the applicant and reviewed to determine the adequacy of access points(s) and the need for construction of an acceleration/deceleration lane.
- All improvements within the public right-of-way are to be dedicated to the County and are to be designed in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- Culs-de-sac are required to allow a minimum turning movement for a standard WB vehicle and a standard length fire truck.
- Conformance with DPW&T street tree and lighting specifications and standards.
- Design of storm drainage systems and facilities are to be designed in accordance with DPW&T's Specifications and standards.
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets would be required.
- Realignment of major collector road MD 631 would be required.
- Alignment and grade study of Westphalia Road from Ritchie Marlboro Road to Melwood Road is required prior to the comprehensive design plan approvals.
- Coordination with Smith property for the extension of P-619 would be required.
- Stormwater management facilities are to include recreational features and visual amenities.
- Determination of roadway identification public or private within the site would be necessary prior to comprehensive design approval.

PGCPB No. 08-121
File No. CDP-0601
Page 42

j. Maryland State Highway Administration (SHA)—In a letter dated April 4, 2008, SHA stated the following:

- Since the subject property is located on the County-owned Westphalia Road, coordination with DPW&T would be most appropriate.
- However, they also noted that by letter dated February 20, 2008, they commented on a traffic impact study submitted in support of the application and concurred with the study's finding that the development would negatively impact the adjacent roadway network and recommended that the applicant make a pro rata share contribution towards future roadway improvements. They noted that the counts were dated and requested new counts be done and the traffic conditions reassessed.

In a subsequent letter, dated June 3, 2008, in response to an updated traffic impact study report, SHA offered the following:

- Access to the 451 single-family detached dwelling units, 689 townhouse units and 220 multifamily dwelling units is proposed from two full movement site access driveways on Westphalia Road and a connection to Presidential Parkway (all County roadways).
- The traffic report recommended the following improvements to address the negative site traffic impacts:
- Ritchie Marlboro Road at Sansbury Road - Widen eastbound and westbound Ritchie Marlboro Road to provide third exclusive through lane. The third eastbound Ritchie Marlboro Road was proposed to drop as a right turn lane at the adjacent Ritchie Marlboro Road at White House Road intersection. Modify northbound Sansbury Road approach to provide two left-turn lanes and one left through right lane.
- Ritchie Marlboro Road at White House Road – Modify northbound Ritchie Marlboro Road approach from the existing two left turn lanes and one right turn lane to two left turn lanes and one left through right lanes.
- MD4 at Westphalia Road – Contribute pro rata share towards the future grade separated interchange at this location.
- Westphalia Road at Ritchie Marlboro Road – Widen northbound Ritchie Marlboro Road approach to provide one left-turn lane and two through lanes. Widen southbound Ritchie Marlboro Road approach to provide one through lane and one right-turn lane. Widen eastbound Westphalia Road approach to provide one left-turn lane and one right-turn lane.

PGCPB No. 08-121
File No. CDP-0601
Page 43

Further, they had the following recommendations:

- Twenty-five percent of the site generated traffic will utilize the I-95 at Ritchie Marlboro Road interchange. As noted in many other traffic reports, additional improvements will be needed beyond the currently proposed three lane roundabout. Therefore, SHA recommends that M-NCPPC condition the applicant to pay a pro rata share contribution towards the future reconstruction of the I-95/Ritchie Marlboro interchange. Regional and Intermodal Planning Division (RIPD) will be in the lead for the Interstate Access Point Approval (IAPA) study and the coordination with the concerned agencies including the FHWA Maryland Division for the I-95/Ritchie Marlboro Road interchange reconstruct. Preliminary costs for the redesigned I-95/Ritchie Marlboro Road interchange are in the \$150 to \$225 million range. Therefore, it is the hope of SHA and FHWA that significant contributions can be collected from area developments to fund this project.
- The third eastbound and westbound Ritchie Marlboro Road through lanes at the Ritchie Marlboro Road at Sansbury Road intersection (as recommended in the traffic report) should extend to the west to the I-95 Northbound Ramps at the Ritchie Marlboro Road roundabout.
- SHA concurs with a pro rata share contribution towards the future improvements at the MD 4 at Westphalia Road intersection.

Such pro rata contribution was supported by the M-NCPPC Transportation Planning Division.

- k. Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated March 18, 2008, WSSC stated that water and sewer extension will be required and that the property is in the wrong water and sewer service category. They suggested that the applicant contact Prince George's County Department of Environmental Resources for additional information.
- i. Prince George's County Fire/EMS Department** – In a memorandum dated April 25, 2008, the Prince George's County Fire/EMS Department offered information regarding the needed access for fire apparatuses, private road design and the location and performance of fire hydrants.
- l. Verizon**—In an email dated March 20, 2008, Verizon stated that they would need a ten-foot private utility easement along all public and private streets and one in front of every unit.

PGCPB No. 08-121
File No. CDP-0601
Page 44

- m. **Potomac Electric Power Company (PEPCO)**—In an email dated May 30, 2008, PEPCO stated that they were coordinating with the developer on providing service, but had no comments on the comprehensive design plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPi/006/08), and further APPROVED the Comprehensive Design Plan CDP-0601, Woodside Village for the above described land, subject to the following conditions:

- 1. Prior to signature approval of the subject CDP, the applicant shall revise the plans as follow and/or provide the specified documentation:
 - a. Provide documentation that the Department of Parks and Recreation staff shall review and approve the revised comprehensive design plan that shows approximately 61 acres of parkland dedication.
 - b. Provide the master plan Hiker-Biker-Equestrian Trail along the subject site's entire portion of the Cabin Branch Stream Valley subject to Department of Parks and Recreation coordination and approval.
 - c. Provide an eight-foot-wide side path or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended (MC-631), unless modified by DPW&T.
 - d. Provide an eight-foot-wide side path or wide sidewalk along the subject site's entire road frontage of Westphalia Road (C-626), unless modified by DPW&T.
 - e. Provide bicycle and pedestrian accommodations along P616, unless modified by DPW&T. The exact nature of accommodations will be determined at time of specific design plan approval.
 - f. Provide an eight-foot-wide side path or wide sidewalk along the subject site's entire road frontage of P-619, unless modified by DPW&T.
 - g. Provide standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
 - h. Provide the internal connector trails as conceptually shown on the submitted landscape and recreation plan.
 - i. The lighter orange color utilized on the comprehensive design plan graphic shall be included in the legend for the plan and correctly identified as a single-family detached use and the spelling of the adjacent Marlboro Ridge development shall be corrected.

PGCPB No. 08-121
File No. CDP-0601
Page 45

- j. A note shall be added to the subject comprehensive design plan document stating that:
- 80 percent of all single-family detached models shall have a full front façade (excluding gables, bay windows, trim, and door) of brick, stone, stucco or fiber cement board. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - At least 60 percent of all single-family attached units shall have a full front façade (excluding gables, bay windows, trim and door) of brick, stone, stucco or fiber cement board. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - Every side elevation on a corner lot that is visible from the public street shall display significant architectural features as provided in one of the following options:
 1. Full brick, stone, stucco, or fiber cement board (excluding gables, bay windows, trim and door) combined with at least three windows, doors, or other substantial architectural features: or
 2. Brick, stone, stucco, or fiber cement board (excluding gables, bay windows, trim and door) with at least four windows, or one side entry door. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - Architecture for the condominium buildings shall be of a balanced and harmonious design and shall include at least 80 percent brick, stone, stucco or fiber cement board. At time of SDP approval, applicant may request that the Planning Board allow other masonry materials of equivalent quality.
 - Specific architecture for the project shall be approved at time of specific design plan approval for the project.
- k. All wood specified for the project to be used for benches and other amenities shall be replaced by a durable, non-wood, low sheen construction material to be approved more particularly at time of approval of specific design plan(s) for the project.
- l. A continuous buffer of green space/open area shall be provided at the periphery of the project. Exceptions to this requirement will be along the shared property line with the Sun Valley Estates subdivision to the west, and where roads and/or sidewalks or trails cross the site's boundaries and along the southeastern boundary where it is intended to provide a lotting pattern/street network that will dovetail with that of a replatted Marlboro Ridge.

PGCPB No. 08-121
File No. CDP-0601
Page 46

- m. A note shall be added to the plans stating that the homeowners association park site be completed prior to the issuance of the 748th building permit for the project. In the interim, the applicant will coordinate a program by which the residents may use the community center and pool in the adjacent Marlboro Ridge development until the homeowner's association park site can be completed.
 - n. A note shall be added to the plans that the following design guidelines should be adhered to for development of the townhouse lots:
 - That no more than 60 percent of the units included in the development be townhouse/two over two units.
 - That no townhouse (with the exception of rear loaded townhouses) yard shall measure smaller than 800 square feet if the unit does not have a deck and no less than 500-square feet if a deck is provided.
 - That a maximum of 15 percent of the townhouse/two over two units measure a minimum of 16 feet wide, with the remainder of the townhouse/two over two units measuring a minimum of 18 feet wide.
 - o. A note shall be added to the plans stating that the applicant shall be required to make information available to prospective homeowners regarding the Department of Housing and Urban Development (HUD) affordable housing program referred to in Appendix L of the subject Comprehensive Design Plan entitled "Plan for Housing for All Income Groups" pursuant to Condition 3s of A-9973.
2. Prior to approval of a preliminary plan for the subject site:
- a. The applicant shall prepare a draft perpetual maintenance easement for the Magruder Family Cemetery to be attached to the legal deed (i.e., the lot or parcel delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.
 - b. The applicant shall demonstrate that the Dunblane (Magruder family) Cemetery (Historic Resource #78-010) shall be preserved and protected in accordance with Section 24-135.02 of the subdivision regulations including:
 - (1) An inventory of existing cemetery elements which shall be provided to Historic Preservation staff for review and approval.
 - (2) Measures to protect the cemetery during development, which shall be provided to Historic Preservation staff for review and approval.

PGCPB No. 08-121
File No. CDP-0601
Page 47

- (3) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be reviewed and approved by Historic Preservation staff.
 - c. The applicant shall be conditioned to dedicate all rights-of-way for Westphalia Road as identified by the Planning Department.
 - d. The TCPI shall be revised to conceptually show the proposed stormwater management ponds as amenities and be labeled as such.
 - e. The Primary Management Area shall be preserved to the greatest extent possible. Protection and restoration of these areas is a priority. Impacts shall be limited to necessary road crossings, installation of sanitary sewer lines and connections, creation of a lake, a portion of which may be located on the subject property and stormwater management outfalls. PMA impacts for the trails and future lake on property to be dedicated to M-NCPPC will be evaluated at time of preliminary plan and subsequent specific design plan review.
3. Prior to the acceptance of a specific design plan application (or applications) for the area including 18PR894, 18PR898, 18PR900, 18PR901 or the cemetery:
- a. The applicant shall provide a final report detailing the Phase II investigations on sites 18PR894, 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to MHT standards.
 - b. If an archeological site has been identified as significant and potentially eligible to be listed as a Historic Site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:
 - 1. Avoiding and preserving the resource in place; or
 - 2. Phase III Data Recovery investigations and interpretation.
 - c. The applicant's Phase III Data Recovery plan, if required, shall be approved by The M-NCPPC staff archeologist. The Phase III (Treatment/Data Recovery) final report, if required, shall be reviewed for compliance with the *Guidelines for Archeological Review*, before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.
 - d. The applicant shall provide for buffering of the Magruder/McGregor Family Cemetery and/or an archeological site designated as a Historic Site, in compliance with the *Prince George's County Landscape Manual*.

PGCPB No. 08-121
File No. CDP-0601
Page 48

- e. The applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist.
4. Prior to the issuance of the first building permit for the development, the applicant shall:
- a. The applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee), with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be $\$522.47$ per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application) / (*Engineering News Record* Highway Construction Cost Index for the second quarter 2006).
 - b. The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, in a SCRCP, (which requires the Planning Board to adopt a resolution establishing the SCRCP) State CTP, Public Financing Plan approved by the Council.
 - c. Prior to the issuance of any building permits within the subject property, except model homes within the subject property, the following road improvements or sections of roads 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:
 - (1) **Sansbury Road/Ritchie Marlboro Road intersection (signalized)**
 - Install a third westbound and eastbound through lane on Ritchie-Marlboro Road.
 - (2) **White House Road/Ritchie-Marlboro Road intersection**
 - Restripe the three approach lanes of northbound Ritchie-Marlboro Road to provide double left and a shared left-thru-right-turn lane.
 - Provide a third through lane along westbound Ritchie Marlboro Road to receive traffic from three left-turn lanes.
 - (3) **Westphalia Road/ MD 4 intersection**
 - Provide a pro-rata contribution pursuant to conditions 4(a) and 4(b)

PGCPB No. 08-121
File No. CDP-0601
Page 49

(4) **D’Arcy Road and Westphalia Road**

- Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

(5) **D’Arcy Road and Sansbury Road**

- Conduct a signal warrant study and install signal if deemed necessary by DPW&T.

d. Prior to the initial SDP for residential units a timetable for the phasing, construction, and financing of the following road improvements shall be determined:

(1) **Westphalia Road**

- Construct a standard collector section along the south side of Westphalia Road along the property frontage

(2) **Westphalia Road and Ritchie Marlboro Road**

- Conduct a signal warrant study and install signal if deemed necessary by DPW&T. The timing for the installation of a signal shall be determined by DPW&T prior to the first SDP.

5. Prior to approval of the final plat that includes the park/school site acreage, the applicant shall dedicate approximately 61 acres parkland to M-NCPPC as shown on Department of Parks and Recreation Exhibit “A”, which shall be conveyed to M-NCPPC subject to the conditions of DPR’s Exhibit “B”, included as plat notes on the final plat.

6. Prior to issuance of each building permit for a residential unit, per the applicant’s proffer, the applicant and the applicant’s heirs, successors and/or assignees shall make a monetary contribution or provide in-kind services in the amount of \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the “park club” or provide an equivalent amount of recreational facilities. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. Notwithstanding the above, DPR acknowledges that it prefers that the applicant provide in-kind services (such as park improvements, trails, crossing, etc.) and that DPR’s approval of said services shall not be unreasonably withheld. The value of the recreational facilities shall be reviewed and approved by the Department of Parks and Recreation staff. Monetary contributions may be used for construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation.

PGCPB No. 08-121
File No. CDP-0601
Page 50

7. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of fees into an account administered by M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined by the DPR staff based on a cost estimate to be provided by the applicant. If not previously determined, the agreement also shall establish a schedule for payments and/or a schedule for park construction. The payment shall be adjusted from the base year of 2006 pursuant to Consumer Price Index (CPI) to account for inflation. The agreement shall be recorded in the Prince George's Land Records by the applicant prior to final plat approval.
8. The applicant shall develop a specific design plan (SDP) for the portion of Central Park on the Woodside Village Site. The SDP for the Central Park shall be submitted to the Planning Board in conjunction with the SDP containing the 225th dwelling unit for the area covered by CDP-0601. A specific design plan shall be prepared by a qualified urban park design consultant working in cooperation with a design team from the Department of Parks and Recreation. Department of Parks and Recreation staff shall review the credentials and approve the selected design consultant, prior to development of the SDP plans. The SDP shall include a phasing plan. Should the applicant seek to have the residential component of CDP-0601 included in a single specific design plan, plans for the approximately 61-acre park/school site shall be included in that plan. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and a six-foot-wide trail connectors to the neighborhoods. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Department of Parks and Recreation. Grade separated crossings shall be provided for the master planned Cabin Branch Stream Valley Trail at all major road crossings. The SDP for the Central Park shall identify the needed road crossings the value of which shall be credited to the applicant as an in-kind-contribution toward its required per dwelling park fee.
9. The recreational facilities to be constructed on dedicated parkland shall be built in phase with development but no later than the issuance of the 748th building permit.
10. Three original, executed recreational facilities agreements (RFA) for the construction of the recreational facilities on dedicated parkland shall be submitted to DPR for their approval, six weeks prior to a submission of a final plat of subdivision for any land adjoining the parkland. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
11. A performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the Department of Parks and Recreation shall be submitted to the Department of Parks and Recreation, at least two weeks prior to applying for any building permits.
12. At least 35 days prior to any public hearing for specific design plans for each portion of the property containing a stormwater management pond, the stormwater management ponds shall be designed as visual and recreational amenities to the community with features such as utilizing the natural contours of the site, providing extensive landscaping, providing walking trails where

PGCPB No. 08-121
File No. CDP-0601
Page 51

appropriate and shall include the use of low impact development stormwater management techniques, such as the use of forebays to trap sediment, bioretention, french drains, depressed parking lot islands and the use of native plants as approved by DPW&T.

13. Private recreational facilities for the project, the majority of which shall be located on the centrally-located homeowner's association land, shall consist of the following facilities or alternate facilities of equal value of \$1,853,600± which shall be determined at time of SDP:
- 2 picnic areas
 - 3 sitting areas
 - 4 tot lots
 - 2 open play areas
 - 2 pre-teen areas
 - 4 tennis courts
 - 1 swimming pool with six lanes (25 meters long) with at least a 30-foot by 30-foot training area and additional area for wading for toddlers
 - 1 volleyball court
 - 1 basketball court
 - 1 community building including a meeting room measuring a minimum of 5,000 square feet in addition to space acquired by pool facilities or as may be increased at the time of consideration and approval of the specific design plan for the subject project that includes the community building.

Recreational facilities not located on the centrally-located homeowners' association land shall be distributed throughout the subdivision so that all units have convenient access to a portion of the recreational facilities. Phase 5 of the deployment, which includes the centrally-located homeowners' association land, shall be completed prior to the issuance of the 748th building permits, while the remainder of the private recreational facilities shall be completed as the are included on individual specific design plans and prior to issuance of 50-percent of the building permits for units included on each respective specific design plan. Exact location of all the recreational facilities for the development shall be generally in accordance with Applicant's Exhibit #1 and confirmed at time of specific design plan approval.

14. At least 35 days prior to any Planning Board hearing on the preliminary plan,
- a. A stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted and used to further develop the stormwater management design for the site. Outfalls shall be carefully placed to ensure stream stability. If stream restoration recommendations are appropriate, they shall be included in the report and shown on the specific design plan. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.

PGCPB No. 08-121
File No. CDP-0601
Page 52

- b. The applicant shall coordinate a joint meeting with the staff reviewers of DPW&T, DPR and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment and recommend the final stormwater design for the site.
 - c. The NRI shall be revised to correctly show the total acreage of the site, total floodplain acreage, and the total wooded acreage in the floodplain for the subject site. Any other figures that need to be corrected as a result of these changes shall also be revised.
15. Prior to acceptance of the review package of the SDP, it shall be evaluated to ensure that it includes a statement from the applicant regarding how green building techniques and energy conservation methodologies have been incorporated to the greatest extent possible.
16. The following note shall be placed on all future plans for the project:
NOTE: All on-site lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.
17. Prior to certification of the CDP, and at least 35 days prior to any hearing by the Planning Board on the preliminary plan, the TCPI shall be revised as follows:
- a. Include the following label on the TCPI for the area of natural regeneration: "Existing shrub/scrub area of natural regeneration."
 - b. Remove woodland preservation located on the school/park site and revise the worksheet unless written permission from the Department of Parks and Recreation has been obtained.
 - c. Have the plan signed and dated by the qualified professional who prepared it.
18. Prior to acceptance of the preliminary plan application, the package shall be evaluated to ensure that it contains a revised geotechnical report based on the proposed grading of the site. The geotechnical report, prepared following the guidelines established by the Environmental Planning Section and the Prince George's County Department of Environmental Resource, shall state how the grading addresses the proposed 1.5 safety factor on the TCPI. The TCPI shall show proposed grading and the resulting 1.5 safety factor line. The 1.5 safety factor line shall not occur on any proposed residential lots. The report must contain an original signature and date; a signature stamp is not allowed.
19. Prior to the 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 approved conditions have been complied with, and associated mitigation plans.
20. Prior to the issuance of a building permit for any lot immediately adjoining a lot or parcel occupied by an archeological site or cemetery, applicant shall:
- a. Install all required signage, if any, decided at time of specific design plan approval

PGCPB No. 08-121
File No. CDP-0601
Page 53

- b. Install a permanent wall or fence to delineate the Dublane (McGruder/McGregor Family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the Historic Preservation Commission at the time of approval of the SDP that includes the cemetery.

21. The following note shall be placed on the final plat of subdivision:

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/006/08), or as modified by the Type II Tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.

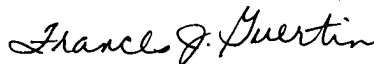
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, July 31, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of September 2008.

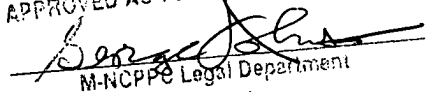
Oscar S. Rodriguez
Executive Director



By Frances J. Guertin
Planning Board Administrator

OSR:FJG:RG:bjs

APPROVED AS TO LEGAL SUFFICIENCY.



Date 9/5/08

RESOLUTION

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

WHEREAS, 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 (LCD) Zone (prior Residential Medium Development (R-M) Zone) and the Military Installation Overlay (M-I-O) Zone; and

WHEREAS, pursuant to Section 27-1703 of the Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on April 28, 2022, regarding Comprehensive Design Plan CDP-0601-01 for Case Yergat (Woodside Village), the Planning Board finds:

1. **Request:** This comprehensive design plan (CDP) amendment proposes to develop a 158.28-acre site with up to 661 residential dwelling units, including 110–130 single-family attached dwellings (townhouses) and 516–531 single-family detached dwellings.
2. **Development Data Summary:**

Zoning	LCD/MIO (Prior R-M)
Gross tract area	158.28 acres
Of which Case Property (Parcel 19)	79.37 acres
Yergat Property (Parcel 5)	78.91 acres
100-year floodplain	2.07 acres
Net tract area	156.21 acres

Density permitted	3.6–5.7 du/ac
Base density* of the R-M-zoned property (3.6 du/ac x 156.21 acres plus half floodplain) in terms of number of dwelling units	566
Maximum density (5.7 du/ac x 156.21 acres plus half floodplain) in terms of number of dwelling units	896
Proposed density ** (4.205 du/ac) in terms of dwelling units	661

Notes: *Per Section 27-486(a) of the prior Prince George’s County Zoning Ordinance, residential density determinations in the Residential Medium Development (R-M) Zone shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain.

**The proposed density is governed by the previously approved basic plan, as stated in Zoning Change 6 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* and subsequently revised as Basic Plan A-9973-02 (see discussion in Finding 7 below).

3. **Location:** The subject site is located on the south side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie Marlboro Road, in Upper Marlboro, Maryland. The site is also located in Planning Area 78 and Council District 6.
4. **Surrounding Uses: All uses are based on the current zoning code adopted April 1, 2022, unless stated otherwise.** The site is bounded to the north by the right-of-way of Westphalia Road, with properties in the Agricultural-Residential and Residential Estate Zones beyond; to the west by the existing single-family detached homes in the Residential, Rural Zone and a large development known as Parkside in the Legacy Comprehensive Design (LCD) Zone, which is under construction; and to the south and east by the remaining part of Woodside Village and Parkside in the LCD Zone. The site is also covered by the Military Installation Overlay Zone, as it is located in the vicinity of Joint Base Andrews.
5. **Previous Approvals:** The subject site is part of the larger 381.95-acre property, formerly known as Woodside Village, consisting of Parcel 5 (Yergat property), Parcel 14 (A. Bean property), Parcel 19 (Case property), and Parcel 42 (Suit property), as shown on Tax Map 82 that was originally approved by Zoning Map Amendment (ZMA) A-9973 in 2006, which rezoned the entire property from the Residential-Agricultural (R-A) to the Residential Medium Development (R-M) Zone, subject to five conditions. This ZMA application was included in the Prince George’s County District Council’s approval of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as Zoning Change 6: Woodside Village, including all five conditions (pages 124–128).

Woodside Village subsequently went through the approval of CDP-0601 by the Prince George’s County Planning Board on July 31, 2008 (PGCPB Resolution No. 08-121), for the entire 381.95-acre property. CDP-0601 was approved for 1,422 to 1,496 residential units, including approximately 1,276 single-family dwelling units (attached and detached) and 220 multifamily units, in the R-M Zone. The District Council affirmed the Planning Board’s approval with

conditions on February 9, 2009. However, no subsequent applications were ever submitted or approved.

On November 15, 2021, the District Council approved A-9973-02, to separate the basic plan and approve up to 661 dwelling units on only two parcels, including Parcel 5 (Yergat property) and Parcel 19 (Case property), with 15 conditions that supersedes the prior basic plan for these two parcels.

6. **Design Features:** The subject 158.28-acre CDP site is encumbered with three master plan rights-of-way, including MC-631, P-616, and P-617, and a Y-shape regulated environmental feature that divides the site into eastern and western pods. MC-631, Suitland Parkway Extended, which is categorized as a major collector roadway, is proposed as going through the southeast corner of the site and intersecting with Westphalia Road to the east. Primary Road P-616, Westphalia Boulevard, is running north-south along the western area of the site and intersects with Westphalia Road, providing one of the three access points to the site. Primary Road P-167, which runs east-west and intersects in a T-intersection with P-616 in the western area of the site, becomes the major roadway connecting the eastern and western development envelopes. Another access to the development from Westphalia Road intersects with a secondary, northern east-west roadway in front of a village green, surrounded by the only pod of townhouses.

The three distinct pods are located on both sides and to the north of the regulated environmental features in the middle of the site. The western pod is designed in a curvilinear pattern around P-616 and P-617 with an open space in the southeast quadrant of their intersection. The eastern pod is designed in a grid pattern on both sides of P-617, which continues eastward on the adjacent property to intersect with MC-631. An open space is shown in the southeast corner of the eastern pod. The townhouse pod, as previously mentioned, is in the northern middle portion of the site.

The phasing plan consists of six stages of development. In each stage, a specific number of residential units and types has been identified along with the proposed amenities and recreational facilities. The phasing and the facilities are preliminary in nature and will be fine-tuned with the progression of the development, as follows:

Stage	SFA Lot	SFD Lot	Total Lot	Recreational Facilities
1	-	150	150	
2	130		280	Clubhouse with pool
3	-	160	440	Trail north of P-617
4	-	100	540	Open Play Area #1
5	-	121	661	Open Play Area #2 and Trail south of P-617
6	-	-		Infrastructure (remaining)

The Planning Board has design concerns about the roadway alignment and future location of on-site recreational facilities in the proposed illustrative layout of the development. Specifically, the main entrance to the subject site off Westphalia Road should be aligned with the existing Matapeake Drive to form a four-way intersection. The proposed MC-631 should also be aligned

with its northern section that is located on the Parkland site across Westphalia Road to create a four-way intersection. In addition, the proposed open space in the eastern section of the development should be moved to a central location, instead of in the southernmost portion of the site. The roadway alignments and ideal locations of the on-site recreational facilities will be further evaluated at time of preliminary plan of subdivision (PPS).

Parking has been an issue in compact townhouse developments throughout the County. This project has only one development pod of compact townhouses that will be constructed during the proposed second stage. Additional parking that is 10 percent more than the requirement in Part 11 of the Zoning Ordinance should be provided at the time of specific design plan (SDP). In addition, the street network should be designed to allow emergency vehicles to navigate without any difficulties. A condition has been included herein, requiring the applicant to provide a fire engine turning radius exhibit at the time of SDP review.

Development Standards

This CDP also includes development guidelines governing the development of this project including parking, loading and circulation, views, green area, site and streetscape amenities, signage, grading, landscape and recreation design standards, public spaces, architecture, as well as the bulk standards for the single-family detached units, and single-family attached (townhouse) units as follows:

Lot Type	Min. Lot Size	Front Setback**	Side Setback**	Rear Setback**	Max Height	Max Lot Coverage	Min Width At R/W
Single-Family Detached	4,000 SF	20 feet	4 feet	20 feet	50 feet	80%*	40 feet
Townhouse	1,200 SF	10 feet	0 feet	15 feet	50 feet	85%*	N/A

Note: *The lot coverages are appropriate, as these lots and units are not typical in style, design, and size. The units are designed to be a large dwelling unit on a smaller lot to align with modern market preferences. For example, one of the smallest single family lot sizes proposed is 4,050 square feet or 45 feet wide by 90 feet deep. The side yard setback is 4 feet on each side and 20 feet in the front and rear. These dimensions push the lot to a higher lot coverage. This type of design allows for the maximum house footprint, a modest yard, and enough room to provide house options to match current market trends.

**Encroachments into setbacks are permitted for bay windows (3 feet), decks (10 feet), porches (10 feet), chimneys (2 feet), stoops (4 feet), foundations (4 feet), cantilevers (6 feet), and sheds (allowed within full rear yard setback.)

The proposed development standards that will govern this development are generally acceptable because they are consistent with the sector plan recommendations for this property. Specifically, the Westphalia Sector Plan and SMA envisions townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods. The Planning Board notes that certain standards, such as those related to the yard area of the single-family attached units, should be consistent with the

previously approved standards governing similar development projects in the close vicinity of this development in the R-M Zone. The adjusted standards have been included in this resolution.

Green Building Techniques

A development project of this large scale with multiple phases has numerous opportunities to apply green building and sustainable site development techniques to achieve green building certification and environmental excellency. The applicant should apply those techniques, as practical, at the time of SDP. For this application, the package includes a brief description of the possible green building techniques, including stormwater management (SWM), efficient appliances, HVAC systems, insulation, and building materials will be employed in the development. A condition has been included in this resolution, requiring the applicant to provide detailed sustainable site and green building techniques at the site, and building and appliance levels that will be used in this development with the submittal of the SDP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9973 (Basic Plan)-Approved Zoning Change 6 of the Sectional Map Amendment/Sector Plan Development Concept 3 for Woodside Village in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The larger property of approximately 381.95 acres was rezoned to the R-M Zone from the R-A Zone by the Westphalia Sector Plan and SMA, as stated in Appendix 5, including five conditions. A-9973-02 supersedes the previous approval and conditions.
8. **Zoning Map Amendment A-9973-02:** The District Council approved this amendment (Zoning Ordinance No. 8-2021) on November 15, 2021, with 15 conditions. Most of the conditions are related to the subsequent approvals, including PPS, SDP, and grading or building permits that will be enforced at the time of those applications. The conditions that are relevant to the review of this CDP are provided, as follows:
 1. **The following development data and conditions of approval serve as limitations on the land use types, densities and intensities, and shall become a part of the approved Basic Plan:**

Total Area	158.28 acres
Land in the 100-year floodplain*	2.07 acres
Adjusted gross area: (152.28 acres less than half in the floodplain)	157.25 acres
Density permitted under the R-M (Residential Medium) Zone	3.6-5.7 dwelling units/acre
Base residential density (3.6 dus/ac)	566 dwelling units
Maximum residential density (5.7 dus/ac)	896 dwelling units

Proposed Land Use Types and Quantities	
Residential: 157.25 gross acres @3.98-4.205 dus/ac	626-661 dwelling units
Number of the units above the base density	60-95 dwelling units
Density proposed in the R-M (Residential Medium) Zone	3.98-4.205 dwelling units/acre
Permanent open space: (23 percent of original site area, includes environmental, recreational and HOA areas)	37 acres

The land use types, quantities, and densities of the subject CDP are within the ranges of the approved basic plan.

13. The following shall be required as part of the comprehensive design plan submittal package:

- a. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive a detailed adequacy study at time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control, as well as the need for exclusive turn lanes at each location.**
- b. Provide a description of the general type, amount, and location of any recreational facilities on the site, including provision of private open space and recreational facilities to serve development on all portions of the subject property.**

The applicant has provided an exhibit showing all internal access points and intersections of the master plan roadways, including P-616 and P-617. Those intersections will be further reviewed and evaluated at the time of PPS.

A list of on-site recreational facilities has been provided and shown on the illustrative plan, including one clubhouse with swimming pool, trails on both sides of P-617 and two open play areas to serve future residents in this subdivision. As stated, those facilities and their locations are preliminary in nature and will be further evaluated at the time of PPS and SDP.

- 9. Comprehensive Design Plan CDP-0601:** The District Council affirmed the Planning Board’s approval (PGCPB Resolution No. 08-121) on February 9, 2009, with 21 conditions. Since the approval of CDP-0601 covers the entire 381.96-acre property and was based on the original Basic Plan A-9973, those conditions attached to the approval of CDP-0601 are not relevant to the review of this amendment, which is governed by a different Basic Plan, A-9973-02, for only two parcels.

10. **Prince George's County Zoning Ordinance:** This application has been reviewed for conformance with the requirements of the Zoning Ordinance governing development in the R-M and M-I-O Zones, as follows:

- a. In accordance with Section 27-515(b) of the Zoning Ordinance, the proposed residential uses consisting of both single-family detached and single-family attached (townhouse) units, are permitted in the R-M Zone, pursuant to the approved A-9973-02.
- b. **Density Increments:** The subject site is in the LCD Zone, and previously in the R-M Zone, which has specific density requirements and factors that can be utilized to increase the density, subject to the development caps established in the basic plan. In the R-M Zone, in accordance with Section 27-509, Regulations, of the Zoning Ordinance, for the Residential Medium 3.6 development, the base density is 3.6 dwelling units per acre and the maximum density is 5.7 dwelling units per acre. The proposed 661 dwelling units in the R-M Zone are at a density of 4.205 dwelling units per acre, which is above the base density, but still within the maximum allowed density of 5.7 dwellings per acre.

In order to achieve a density that is above the base density of 3.6 dwelling units per acre, the applicant has proposed the public benefit features and density increment factors, as stipulated in Section 27-509(b), as follows:

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

The applicant is requesting a density increment using this factor with this CDP amendment. Specifically, the applicant is proposing a total of 661 dwelling units, and in order to qualify for this increment a minimum of 23.14 acres must be provided, ($661 \text{ dwelling units} \div 100 = 6.61$; $6.61 \times 3.5 = 23.14$). The applicant is proposing to provide 37 acres of permanent open space, which includes environmental, recreational, and homeowners association (HOA) areas. A total of 141 additional dwelling units will be achieved by using this density increment factor.

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

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

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

The applicant is pursuing this density increment as it is providing trail connections in various portions of the site that will be separated from the roadways. A total of 28 additional dwelling units will be achieved by using this density increment factor.

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

The applicant is pursuing this density increment. Master plan trail facilities will be provided along Westphalia Road (C-626) and Primary Roads P-616 and P-617. Further, an extensive trail network, landscaping, and playground equipment will be provided in open space areas on land to be dedicated to the HOA. A total of 57 additional dwelling units will be achieved by using this density increment factor.

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

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

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

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

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

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

In summary, the applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above three density increment criteria. As a result, the applicant has earned the density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (# of units)
1	25	141
3	5	28
4	10	57
	40	226

The applicant requests only a density increment of 16.8 percent, an equivalent of 95 dwelling units, which is within the allowable limits of density increments, in accordance with the above analysis.

- c. **Development Standards:** A comprehensive set of development standards for residential uses, including single-family detached and attached dwelling units, have been provided with this CDP. The Planning Board has reviewed the proposed development standards, as discussed in Finding 6 above, and requires revisions that have been conditioned in this resolution.
- d. In accordance with Section 27-521(a) of the Zoning Ordinance, prior to approving a CDP, the Planning Board must make the following required findings:

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

As discussed in Finding 7 above, the subject site, as part of a larger property, known as Woodside Village, was rezoned from the R-A to the R-M Zone by A-9973, which was included in the Westphalia Sector Plan and SMA. The exhibit attached to the sector plan, along with Approved Zoning Change 6, serves as the basic plan for the larger property. However, the applicant obtained an amendment that superseded the basic plan for the larger property. The proposed CDP is in conformance with the governing Basic Plan A-9973-02, which was approved by the District Council on November 15, 2021, for the development types, quantities, and general spatial relationship among different types of dwellings.

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

The flexibility inherent in the comprehensive design zones, such as the R-M Zone in this application, will allow the applicant to produce a much better environment than in regular Euclidean zones and to achieve high standards for the development. This CDP will create a better environment when compared to the existing development in the Westphalia area. The proposed CDP will have approximately 37 acres, which are about 23 percent of the property preserved in green open space, including those regulated environmental features, by using a compact urban development pattern, especially for the townhouse section. This

fusion of urban- and suburban-style development cannot be achieved under normal regulations designed solely for suburban settings.

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

Approval is warranted because the CDP includes design elements and a land use vision that are consistent with the approved basic plan. The CDP does include the bulk standards for the proposed single-family detached units, and single-family attached dwelling units, as well as design guidelines for architecture, streetscape, signage, landscaping, etc., as discussed in above Finding 6. As noted above, the Planning Board made adjustments to the standards, such as minimum yard area for single-family attached lots. The Planning Board approves the CDP because it includes various housing types, multiple locations of recreational facilities, and amenities that are consistent with the approved basic plan, subject to conditions included in this resolution.

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

The subject site is part of a larger property, which was rezoned originally to the R-M Zone by A-9973 that was included in the Westphalia Sector Plan and SMA, as a planned community that is compatible with the existing land use, zoning, and facilities in the immediate surroundings. Even though the applicant obtained an amendment to the original basic plan, the development on the two parcels in this CDP remains generally the same as was previously approved. The basic plan envisions a community with low to medium residential development on the property. The proposed development is to implement this land use vision. In addition, the proposed design standards, as revised, are appropriate for this location.

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

- (A) Amounts of building coverage and open space;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points;**

Even though the two parcels are separated from the original approval, the application is in general conformance with the layout, development types, and unit distribution, as shown on the original basic plan via Zoning Change 6 when the two properties were in the larger Woodside Village. In terms of the amount of

building coverage and open space, relationship with abutting land uses, circulation, and access points, the CDP has been reviewed for consistency in terms of development standards with the approved A-9973-02 and is acceptable, given their preliminary nature. The proposed internal street network, and the design guidelines set forth in this application will allow for the forthcoming residential uses in Woodside Village to be completely compatible with one another in both scale and appearance. Additional evaluation, analysis, and review of these elements will be carried out at the time of PPS and SDP reviews.

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

The CDP includes a phasing plan that consists of six stages to fully construct the proposed development. The applicant proposes to start the development from the north, including both the single-family detached and attached units in the first two stages, and gradually progress into the southern sections that are away from Westphalia Road. The actual staging will be determined by market demand and is subject to change at the time of future applications.

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

Based on the referral submitted by the Transportation Planning Section (Burton to Zhang, March 28, 2022), the Planning Board finds that the proposed development will not be an unreasonable burden on available transportation facilities.

The Planning Board reviewed comments submitted by the Special Projects Section (Thompson to Zhang, March 21, 2022) on water and sewer category, fire and rescue, police facilities, and public schools, and finds that the development proposed in this application will not be an unreasonable burden on available public facilities. Further adequate public facility tests will be carried out at the time of approval of a PPS.

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

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**

- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The subject property includes the Dunblane Site and Cemetery (Historic Resource 78-010), which has not been evaluated by the Historic Preservation Commission for potential designation as an historic site, according to the criteria found in the Historic Preservation Ordinance (Subtitle 29 of the County Code). The proposed CDP does not propose an adaptive reuse of a historic site.

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

This section is overridden by Finding 12 below, pursuant to Section 27-226(f)(4) of the Zoning Ordinance.

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

The Planning Board reviewed the Environmental Planning Section's evaluation of the CDP's conformance with approved Type 1 Tree Conservation Plan, TCP1-006-2022, and finds that the CDP is in conformance, subject to three conditions that have been included in this resolution.

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

As stated previously, the Planning Board reviewed the proposed TCP1-006-2022 included with this CDP and concluded that all regulated environmental features on the subject site have been preserved and/or restored, to the fullest extent possible, and approves this CDP with conditions that have been included in this resolution.

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

The subject property was rezoned to R-M through A-9973, included in the Westphalia Sector Plan and SMA, which is pursuant to Section 27-226(f)(4), and serves as the basic plan for a larger property including the subject site. However, the applicant has filed an amendment to the original basic plan that has been

approved by the District Council on November 15, 2021. Section 2 of Zoning Ordinance No. 8-2021 specifically states that use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions herein. Since there are no specific guidelines included in the Zoning Ordinance, the guidelines governing this development should be prepared, in accordance with Section 27-480(g) of the Zoning Ordinance, which states the following:

- (g) When property is placed in a Comprehensive Design Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**
 - (1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property should establish and provide guidance for the development regulations to be incorporated in the Specific Design Plan.**
 - (2) The limitations on the maximum percentages of townhouse and multifamily dwelling units contained in Section 27-515(b)(7), footnote 29, the lot area requirement in Subsection (b) above, and the lot width requirements in Subsection (e) above shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.**

Development standards for townhouse development of the site have been provided and the Planning Board approves revisions to provide for units that are in keeping with the regulations of the comprehensive design zones, as contained in Section 27-480, which are comparable with the standards for developments in the vicinity of the site and most other townhouse communities in the County. The Planning Board finds that this is appropriate in this location because the proposed development is not within the town center of Westphalia. As such, an additional 10 percent parking, above the requirements in Part 11 of the Zoning Ordinance, is also required for the townhouse section.

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

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

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

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

- a. **Woodland and Wildlife Habitat Conservation Ordinance:** The application has a Natural Resources Inventory Plan (NRI-158-05-03), approved on September 16, 2021. The CDP shows the required NRI information and is in general conformance with the NRI plan for the overall site. No modifications to the CDP are required for conformance with the NRI.

A revised TCP1-006-2022 has been submitted with the current application, which shows the overall 158.28-acre site with a net tract area of 156.21 acres. The site has 31.52 acres of existing woodland in the net tract area, and 2.07 acres of existing woodlands in the floodplain. The woodland conservation threshold is 31.24 acres (20 percent of the site's overall net tract area). The woodland conservation worksheet shows the removal of 15.15 acres of woodland on the net tract area, 0.41 acre of woodlands in the floodplain, resulting in a woodland conservation requirement of 61.47 acres. This requirement is proposed to be met with 16.37 acres of woodland preservation, 7.66 acres of afforestation, and 37.44 acres of off-site credits.

A stream assessment, dated January 1, 2022, was submitted with the revised materials. The report indicates that the majority of the stream is significantly impaired. Stream restoration, or other SWM techniques, as approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), shall be investigated to retain the connectivity of the woodland area and promote stream health.

In the response to the Subdivision and Development Review Committee submission dated March 17, 2022, the applicant provided a revised CDP and TCP1, which shows a modified layout, which retains portions of this key area. The Planning Board supports this revised layout, but the TCP1 will be further analyzed at the time of PPS.

The NRI shall be revised to account for the discrepancy within the site statistic table, and minor revisions to the TCP1 are required and discussed below. Revisions in response to referrals may result in minor revisions to the TCP1, prior to certification.

- b. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties that are zoned R-M are required to provide a minimum of 15 percent. During the future review of SDPs, the applicant must demonstrate conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.

12. **Referral Comments:** The subject application was referred to the following agencies and divisions. The referral comments are summarized, and incorporated herein by reference, as follows:

- a. **Community Planning**—The Planning Board adopts a memorandum dated March 31, 2022 (Rowe to Zhang), which finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the Westphalia Sector Plan and SMA

The Westphalia Sector Plan and SMA recommends residential low land uses for the subject property, as well as the following recommendations:

Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.

Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.

Design an efficient, safe, and interconnected residential street system.

- b. **Subdivision**—The Planning Board adopts a memorandum dated March 25, 2022 (Conner to Zhang), which stated that a PPS and final plat will be required. Additional comments on the alignment of the master plan roadways, including P-616, P-617, and MC-631, as well as alignment of the main entrance to this subdivision from Westphalia Road with Matapeake Drive, located to the north of this development, have been discussed in this resolution.
- c. **Environmental Planning**—The Planning Board adopts a memorandum dated March 31, 2022 (Kirchhof to Zhang), which provided a review of this CDP application. Relevant findings have been included in this resolution or are summarized, as follows:

Preservation of Regulated Environmental Features/Primary Management Area:

The site contains streams, wetlands, and wetland buffers within the delineated primary management area (PMA), which shall be protected by conservation easements to the fullest extent possible as determined at the time of PPS and SDP reviews. The CDP application includes a statement of justification (SOJ) for 10 proposed impacts to the PMA, which are shown on the CDP and TCP1. PMA impacts will be reviewed for conformance at the time of PPS. A discussion of the impacts was provided, but no impacts were evaluated with CDP-0601-01.

Specimen Trees: TCPs are required to meet all the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance. (Refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances.)

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, then a variance from Section 25-122(b)(1)(G) of the WCO is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance, or WCO), provided all the required findings in Section 25-119(d) of the WCO can be met. An application for a variance must be accompanied by an SOJ stating the reasons for the request, and how the request meets each of the required findings.

The submitted TCP1 indicates that in the south-central portion of the site, multiple specimen trees are proposed for removal for the installation of a submerged gravel wetland. In a meeting with the applicant's engineering team on March 9, 2022, a statement was made that a stream assessment was performed on the property, which indicated that the on-site system was in poor health. In order to promote the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master* and meet the environmental requirements set forth in the Westphalia Sector Plan and SMA, these specimen trees shall be retained and placed within on-site preservation. A revised TCP1 was submitted, which modified the proposed stormwater facility and retains additional specimen trees, in addition to existing woodland. This revision preserves the connected nature of the woodland system, which currently exists on-site, and provides additional buffering for the impaired stream system.

The revised CDP submitted on March 17, 2022, shows a modified layout in which a greater portion of this key area is retained. No specimen trees are approved for removal with this application. Removal of specimen trees will be further analyzed at the time of PPS.

Special Roadways: Westphalia Road, which borders the site on the north, is designated as an historic roadway. Appropriate buffering for special roadways, consistent with the requirements originally established for the R-M-zoned site, should be maintained on future development applications.

The Planning Board approves CDP-0601-01, with conditions that have been included in this resolution.

- d. **Historic Preservation**—The Planning Board adopts a memorandum dated March 16, 2022 (Stabler and Smith to Zhang), which noted that the Historic Preservation Commission provided a comprehensive review of the subject application and voted 6-0-1 (the Vice-Chair voted “present”) at its March 15, 2022 meeting to forward findings, conclusions, and recommendations to the Planning Board, with conclusions listed, as follows:

- At the time of the submission of the associated PPS, the Historic Preservation Commission should evaluate the Dunblane Site and Cemetery (Historic Resource 78-010) to determine if it meets any of the historic site criteria in Subtitle 29 (the Prince George’s County Historic Preservation Ordinance). Any associated environmental setting for the historic site should include adequate buffering from nearby features of the proposed development such as roadways, sidewalks, lighting, or SWM facilities.
- Based on the historic significance of the Dunblane property, and its association with the Magruder family, the Magruder/McGregor family cemetery should be protected and maintained throughout the development process. A plan for the long-term maintenance and preservation of the site should be developed for the cemetery by the applicant.
- Should the Magruder/McGregor Family Cemetery and/or an archeological feature within the developing property be designated as an historic site, the buffering provisions of the 2010 *Prince George’s County Landscape Manual* would apply, and careful consideration should be given to the character of fencing, lighting, and landscape features to be introduced.

Archeology

- Phase II archeology investigations conducted on Sites 18PR900 and 18PR901 on the Case property indicated that there was a high degree of disturbance to both sites, due to agricultural activities and recent grading and dumping on the southern portion of the property. Historic Preservation staff concurs with the findings and conclusions of the Phase II archeological investigations for the Case Property that no further work is necessary on either site. Three hard copies and three digital copies of the final Phase II report for the Case property should be submitted, prior to approval of the associated PPS.

- A Phase II archeological investigation was previously recommended on portions of Site 18PR898 on the Yergat property. However, after a site visit to the subject property on March 15, 2022, it was determined that the site represented manuring activities on the agricultural fields and that no further work was necessary on Site 18PR898. Phase II archeological investigations are not recommended on Site 18PR898.
- During the site visit on the Case and Yergat Properties on March 15, 2022, Historic Preservation staff identified two areas on the property that could possibly be the location of a burial ground for the enslaved people who were held by the Magruder family on the subject property. The applicant's consultant archaeologist recommended the use of cadaver dogs to explore the areas of the property noted during the site visit as the possible location of a burial ground for the enslaved laborers. This work should be completed prior to approval of the associated PPS for this proposed development.
- The artifacts recovered from Phase I and Phase II investigations conducted on the Case Property and Phase I investigations on the Yergat property by Greenhorne and O'Mara (now Stantec) archeologists under the previous owner, were never curated with the Maryland Archaeological Conservation (MAC) Lab in Calvert County. The applicant should contact Stantec archaeologists about curating the artifacts recovered from the previous investigations on the Case and Yergat properties at the MAC Lab.

The Historic Preservation Commission recommends approval of CDP-0601-01 with six conditions all of which were included in the approval of A-9973-02 and will be applicable as conditioned therein.

- e. **Transportation Planning**—The Planning Board adopts a memorandum dated March 28, 2022 (Burton to Zhang), which provided a comprehensive review of the application's conformance with the requirements of the previous approvals, the Zoning Ordinance, the Westphalia Sector Plan and SMA, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the traffic impact study (TIS) dated September 2021, summarized as follows:

The subject site will be served by major roads along the northern and eastern end of the property. The planned right-of-way for these facilities will facilitate the design and construction of shared-use paths as recommended by the Master Plan, unless modified by DPIE with written correspondence. The applicant shall provide a network of pedestrian and bikeway facilities internal to the site to facilitate adequate connection for pedestrian and bicycle travel, in accordance with the master plan's policies and goals. The exact location and design of said facilities shall be evaluated with future applications.

The Planning Board reviewed a TIS dated November 2021, in conjunction with the subject CDP amendment. This TIS is necessary because the proposed development is projected to generate more than 50 vehicular trips in either peak hour.

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area (TSA) 2, as defined in the 2014 *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) of the prior Prince George's County Subdivision Regulations, is permitted at signalized intersections within any TSA, subject to meeting the geographical criteria in the "2012 Transportation Review Guidelines - Part 1" (Guidelines).

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

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

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

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

EXISTING CONDITIONS		
Intersections	AM (LOS/CLV) delay	PM (LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	B/1107	B/1002
Ritchie Marlboro Road and White House Road	B/1034	B/1003
Westphalia Road and MD 4	C/1174	D/1312
Westphalia Road and D’Arcy Road*	21.4 seconds	24.2 seconds
Ritchie Marlboro Road and Westphalia Road-Orion Lane*	21.9 seconds	39.4 seconds
MD 4 and Suitland Parkway-Presidential Parkway	E/1563	F/1644
D’Arcy Road and Sansbury Road*	12.6 seconds	12.6 seconds
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

The traffic study identified 20 background developments whose impact would affect some or all of the study intersections. Based on average daily traffic ADT data representing the last 10 years of daily traffic along regional routes such as MD 4 (Pennsylvania Avenue), it was determined that an average annual growth of 0.2 percent has been realized. Applying a conservative growth of 0.5 percent over a 6-year period, plus the traffic for those background developments, the analyses were predicated on the following two intersections being upgraded to interchanges:

- Westphalia Road and MD 4 (Prince George’s County Council Resolution CR-66-2010 PFFIP Funding)
- MD 4 and Suitland Parkway-Presidential Parkway (CTP Funding)

Given all the background-related assumptions, the following represents the level of service under background conditions.

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	B/1044	D/1322
Ritchie Marlboro Road and White House Road	C/1177	C/1212
Westphalia Road and MD 4 MD 4 SB Ramps and Old Marlboro Pike MD 4 NB Ramp and Westphalia Road	- A/597 A/534	A/728 A/697
Westphalia Road and D'Arcy Road* Tier 1: HCS Delay test Tier 2: Minor Street Volume Tier 3: CLV	53.3 seconds >100 vehicles A/753	>200.0 seconds >100 vehicles A/864
Ritchie Marlboro Road and Westphalia Road-Orion Lane* Tier 1: HCS Delay test Tier 2: Minor Street Volume Tier 3: CLV	106.8 seconds >100 vehicles B/1106	148.8 seconds >100 vehicles C/1248
MD 4 and Suitland Parkway-Presidential Parkway MD 4 SB Ramps and Suitland Parkway MD 4 NB Ramp and Presidential Parkway	- A/685 A/578	- A/558 A/504
D'Arcy Road and Sansbury Road*	33.0 seconds	42.8 seconds
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

Using the trip rates from the Guidelines, the study has indicated that the subject application represents the following trip generation:

Land Use	Density-Units	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Single Family	531	80	318	398	311	167	478
Townhouse	130	18	73	91	68	36	104
Total new trips		98	391	489	379	203	582

The table above indicates that the development as proposed, will be adding 489 AM and 582 PM net new peak trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersections	AM (LOS/CLV) delay	PM (LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	B/1103	D/1388
Ritchie Marlboro Road and White House Road	C/1186	C/1236
Westphalia Road and MD 4 MD 4 SB Ramps and Old Marlboro Pike MD 4 NB Ramp and Westphalia Road	- A/597 A/534	- A/842 A/697
Westphalia Road and D’Arcy Road* Tier 1: HCS Delay test Tier 2: Minor Street Volume Tier 3: CLV	161.9 seconds >100 vehicles A/929	>200.0 seconds >100 vehicles B/1080
Westphalia Road and West Site Access*	13.5 seconds	14.6 seconds
Westphalia Road and East Site Access*	12.0 seconds	12.4 seconds
Westphalia Road and Main Site Access*	12.8 seconds	13.4 seconds
Ritchie Marlboro Road and Westphalia Road-Orion Ln* Tier 1: HCS Delay test Tier 2: Minor Street Volume Tier 3: CLV	>200.0 seconds >100 vehicles B/1126	>200.0 seconds >100 vehicles C/1273
MD 4 and Suitland Parkway-Presidential Parkway MD 4 SB Ramps and Suitland Parkway MD 4 NB Ramp and Presidential Parkway	- A/728 A/585	- A/598 A/527
D’Arcy Road and Sansbury Road* Tier 1: HCS Delay test Tier 2: Minor Street Volume Tier 3: CLV	74.7 seconds >100 vehicles A/798	143.3 seconds >100 vehicles A/964
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

The results under total traffic conditions show that all intersections will operate within the policy threshold for transportation adequacy. The unsignalized intersections of Ritchie Marlboro Road and Westphalia Road-Orion Lane, has failed the three-step test required for unsignalized intersections. Consequently, the TIS is recommending that the applicant provides a signal warrant analysis for the intersection. If the intersection is deemed to be warranted, the applicant will be required to install said signal(s) if such installation is approved by the permitting agency. Regarding the intersection of MD 4 at Westphalia Road-Old Marlboro Pike, the adequate levels of service projected for this intersection are based on an interchange being built. Pursuant to the provisions of Prince George’s County Council approved CR-66-2010, the applicant will be required to contribute to the Westphalia Public Facilities Financing and Implementation Program District. The amount of the contribution will be determined at the time of PPS.

Having reviewed the TIS, the Planning Board is in general agreement with its overall conclusions and recommendations. The TIS was referred to the Maryland State Highway Administration (SHA), as well as DPIE. As of this writing, the Planning Board has not received comments from either agency. Regarding the street layout on the proposed site, there is a design issue that is not supported by the Planning Board.

The western half of the property fronts along a section of Westphalia Road where the horizontal radii fall below the minimum American Association of State Highway and Transportation Officials (and County) standards for collector roads. The current MPOT recommends that section of Westphalia Road be realigned to meet the minimum geometric standard. Approximately 200 feet to the east of the proposed main entrance, is the existing “T” intersection of Westphalia Road and Matapeake Drive. If the main entrance to the site is built in the proposed location, there will be two “T” intersections within 200 feet apart. The close proximity of these intersections could pose an operational challenge for vehicles along Westphalia Road. The Planning Board requires the realigning of Westphalia Road, prior to the release of any building permits for any phase of this development, and further requires relocation of the main entrance to the east, such that it becomes coincident with the centerline of Matapeake Drive. It is important to underscore the timing of the realignment of Westphalia Road along the property frontage, and how it will affect the progress of the development. Under no circumstance should any access be granted for the main entrance until the realignment of Westphalia Road is complete and open to traffic.

The Planning Board concludes that the CDP meets the finding of Section 27-521, if the application is approved with conditions that have been included in this resolution.

- f. **Special Projects**—The Planning Board adopts a memorandum dated March 21, 2022 (Thompson to Zhang), which found that the subject application will not be an unreasonable burden on available public facilities, including water and sewer, police, school, and fire and rescue. Further adequate public facilities tests for the proposed development will be carried out at the time of PPS review.

The Planning Board also reviewed the school surcharges, in accordance with the general location of the project, that will be paid to DPIE at the time of issuance of each building permit.

- g. **Prince George’s County Department of Parks and Recreation (DPR)**—The Planning Board adopts a memorandum dated March 28, 2022 (Yu to Zhang), in which DPR provided discussion, as follows:

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the prior Subdivision Regulations provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities.

In the applicant's SOJ, the applicant provided narrative about the design framework of the on-site recreational facilities at various locations in the community. Please see summary below:

- The central focus will be the northernmost open space indicated on the CDP. This open space area can contain such elements such as a clubhouse, pool, outdoor play area, and adequate parking.
- A secondary open space will be located at the intersection of P-617 and P-616. This area could be used for open play activities, potential play equipment, and seating areas.
- The third location in the southeast corner can be used for a smaller, quieter, more hidden open space area where a seating area or gazebo can be proposed. This area can be used as a picnic grove or outdoor gathering place.

These three areas are connected by a recreation trail that runs north and south in the center of the site and by a large pedestrian sidewalk system. These locations have been shown on the CDP. The exact location, details, and quantity will be determined at the time of SDP.

This CDP shows the fulfillment of on-site recreation. The details of these amenities and the cost estimates will be provided with the subsequent PPS and SDP applications.

Since the subject property is within close proximity to Westphalia Central Park, the applicant shall make a monetary contribution into a "park club." The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the Westphalia Sector Plan and SMA. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.

DPR recommends approval of CDP-0601-01 with conditions that were included in the approval of A-9973-02 or will be addressed at the time of PPS.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts a memorandum dated March 7, 2022 (Giles to Zhang), in which DPIE provided comments on the major roadways included in this application, as follows:

- **Westphalia Road** is an existing County-maintained road to the north of the subject property with variable right-of-way width, requiring an 80-foot right-of-way width, as per its master plan road classification C-626. The applicant shall provide right-of-way dedication based on the master-planned

alignment and construct roadway/frontage improvements, as required in accordance with the Prince George's County Department of Public Works and Transportation (DPW&T) Urban 4-Lane Collector Road standard (Standard 100.03). This work shall be permitted prior to or concurrent with issuance of a fine grading permit.

- **Master Plan Road P-616** is located within the subject site and is currently unimproved, requiring a 60-foot right-of-way width, as per its master plan road classification P-616. The applicant shall adjust the alignment of this roadway to be a continuous through road, as per the master plan. The applicant shall provide right-of-way dedication and construct this road improvement, as required in accordance with the DPW&T Urban Primary Residential Road standard (Standard 100.06). This work shall be permitted prior to or concurrent with issuance of a fine grading permit.
- **Master Plan Road P-617** is located within the subject site and is currently unimproved, requiring a 60-foot right-of-way width, as per its master plan road classification P-616. The applicant shall dedicate right-of-way and construct this road, as required in accordance with the DPW&T Urban Primary Residential Road standard (Standard 100.06). This work shall be permitted prior to or concurrent with issuance of a fine grading permit.

In addition, DPIE also stated that the site development concept application filed under DPIE Case No. 38822-2021-0 has not been approved yet, but will be required with future applications. The rest of the DPIE's comments will be enforced through their separate permitting process.

- i. **Prince George's County Police Department**—At the time of preparation of this resolution, the Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—The Planning Board adopts a memorandum dated March 3, 2022 (Adepoju to Zhang), in which the Health Department provided several comments, as follows:
 - Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
 - CDPs should include pet friendly amenities for pets and their owners. Pet refuse disposal stations and water sources are strongly recommended at strategic locations.
 - During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.

- During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

These comments have been transmitted to the applicant. The comments on pedestrian, recreational facilities, and pet friendly amenities are consistent with site design guidelines of the comprehensive design zone that will be further implemented at PPS and SDP stages. A condition has been included herein, requiring the applicant to include the last two comments as site plan notes on the CDP.

- k. **Westphalia Sector Development Review Committee (WSDRC)**—At the time of preparation of this resolution, WSDRC did not offer comments on the subject application.

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 1 Tree Conservation Plan TCP1-006-2022, and further APPROVED Comprehensive Design Plan CDP-0601-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan, the following revisions shall be made, or information shall be provided:
 - a. Include the approved bulk regulations for both the single-family detached and attached units in the comprehensive design guides.
 - b. Revise the Type 1 tree conservation plan to identify wetlands areas using the standard symbology in the Environmental Technical Manual and update the legend to ensure all symbols present are identifiable.
 - c. Revise the natural resources inventory (NRI) to address the discrepancies between the Type 1 tree conservation plan worksheet and the NRI site statistics table.
2. Total development within the subject property shall be limited to uses which generate no more than 489 AM peak-hour trips and 582 PM peak-hour trips, unless modified by the adequate public facilities test for transportation at the time of preliminary plan of subdivision.

3. This development is governed by the following design standards:

Single-Family Detached Units

STANDARDS*

Minimum Net Lot Area	4,000 square feet
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet**
Minimum Side Yard Setback	
(one side/combined)	4 feet/8 feet
Minimum Lot Width at Street Line	40 feet
Minimum Lot Width at Front BRL	40 feet
Minimum Lot Width at Street (cul-de-sac)	25 feet
Maximum Height	50 feet
Maximum Lot Coverage	80 percent
Minimum Rear Yard Area	900 square feet

Single-Family Attached (Townhouse) Units

STANDARDS*

Minimum Net Lot Area	
16-foot-wide	1,200 square feet
20-foot-wide	1,400 square feet
22-foot-wide	1,600 square feet
24-foot-wide	1,800 square feet
Minimum Front Yard Setback	10 feet
Minimum Lot Width at Street Line	16 feet***
Minimum Lot Width at Front BRL	16 feet ***
Minimum Distance Between Buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	50 feet
Minimum Rear Yard Area	300 square feet

Other Design Standards:

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.

Highly visible end units for dwelling units require additional design and finish treatments, that will be decided at the time of specific design plan approval.

Notes: *Modification of the standards can be granted by the Prince George’s County Planning Board on a case-by-case basis, with the approval of a specific design plan.

**A deck or patio can encroach into the rear yard by 10 feet. In addition, bay windows can encroach three feet, porches 10 feet, chimneys two feet, stoops four feet, foundations four feet, cantilevers six feet into the setbacks, and sheds are allowed anywhere in the rear yard.

***The minimum width is 16 feet for interior units and 22 feet or larger for end units. At least 25 percent of the single-family attached sticks of units shall be a combination of 20, 22, or 24 feet in width to achieve the highest architectural quality and a variety of unit sizes. The Prince George’s County Planning Board and/or the Prince George’s County District Council may allow variations to these standards, in accordance with Section 27-480 of the prior Prince George’s County Zoning Ordinance, during review of the specific design plans.

4. Prior to approval of a preliminary plan of subdivision, the applicant shall:
 - a. Label the dedication of all rights-of-way for MC-631, P-617, and P-616 as identified by the Prince George’s County Planning Department.
 - b. Work with the Prince George’s County Planning Department on contribution to the Public Facilities Financing and Implementation Program. The exact amount will be determined based on the density approved with the PPS.
 - c. Provide a network of pedestrian and bikeway facilities internal to site. The exact location and design of said facilities shall be evaluated with future specific design plan applications.

5. At the time of specific design plan (SDP), the applicant shall:
 - a. Submit a list of sustainable site and green building techniques at the site, building, and appliance levels that will be used in this development.
 - b. Provide the following site plan notes on the SDP:

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

“The applicant shall conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”
 - c. Provide tracking tables for both the percentage of those townhouses that have 100 percent brick front elevations and those townhouses that have frontage width larger than 16 feet.

- d. Provide a highly visible unit exhibit and corresponding elevations of the proposed architecture models.
 - e. Provide an additional 10 percent parking for visitors in the townhouse development.
 - f. Provide a fire engine turning radius exhibit for the townhouse development.
6. Prior to approval of any building permit within the subject property, the following road improvement 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:
- a. Ritchie Marlboro Road and Westphalia Road-Orion Lane

Conduct a signal warrant study for this intersection and install signal if it is deemed to be warranted and approved for construction the Prince George’s County Department of Permitting, Inspections and Enforcement.
7. At the time of preliminary plan of subdivision, the applicant shall reflect dedication for its portions of Westphalia Road (C-626), P-617, P-616, and MC-631, per the requirements of the 2009 *Approved Countywide Master Plan of Transportation*. Required rights-of -way shall be dedicated at the time of final plat.


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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Shapiro voting in favor of the motion, with Commissioner Doerner temporarily absent, and with Commissioner Washington absent at its regular meeting held on Thursday, April 28, 2022, in Upper Marlboro, Maryland.

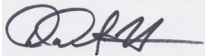
Adopted by the Prince George's County Planning Board this 19th day of May 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:HZ:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 12, 2022




THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

June 27, 2022

INTRA-OFFICE **MEMORANDUM**

TO: James Hunt, Division Chief
Development Review Division
Maryland-National Capital Park and Planning Commission

FROM: 
Donna J. Brown
Clerk of the Council

RE: **CDP-0601-01 Case Yergat (Woodside Village)**
Woodside Development, LLC, Applicant

Located on the south side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie Marlboro Road (158.28 Acres; LDC / MIO Zones).

This is to advise you that:

- (X) The District Council has waived its right to elect to review the subject application.
- (X) No appeal was received during the thirty-day appeal period.
- (X) Therefore, the Planning Board's decision stands final.
- () On _____, District Council elected to make the final decision on the subject application.

cc: All Persons of Record

Wayne K. Curry Administration Building
1301 McCormick Drive Largo, MD 20774

September 13, 2022

Dream Finders Homes LLC
4506 Daly Drive, Suite 300
Chantilly, VA 20151

Re: Notification of Planning Board Action on
Preliminary Plan of Subdivision 4-21049
Case Yergat

Dear Applicant:

This is to advise you that, on **September 8, 2022**, the above-referenced Preliminary Plan of Subdivision was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 23-401 of the Land Use Article of the Maryland Code, a petition for judicial review of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within 30 calendar days after the date of this final notice.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Gupta, Mridula Digitally signed by Gupta,
Mridula
Date: 2022.09.09 07:47:59 -04'00'
Reviewer

Attachment: PGCPB Resolution No. **2022-86**

cc: Persons of Record

R E S O L U T I O N

WHEREAS, The Atkinson Trust, LLC and Woodside Development, LLC are the owners of a 158.28-acre tract of land known as Parcel 5 and Parcel 19, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD) Zone and the Military Installation Overlay (MIO) Zone; and

WHEREAS, on May 20, 2022, Dream Finders Homes, LLC filed an application for approval of a Preliminary Plan of Subdivision for 610 lots and 58 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21049 for Case Yergat was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 21, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(b) of the Subdivision Regulations, a subdivision application submitted under a valid comprehensive design plan approved under the prior Zoning Ordinance must be reviewed and decided, in accordance with the Subdivision Regulations in existence at the time of the approval of the comprehensive design plan; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended approval of the application with conditions; and

WHEREAS, on July 21, 2022, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-006-2022-01, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21049, for 610 lots and 58 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:

- a. Revise the dedication of master plan rights-of-way to reflect the correct limits of P-616 and P-617. Public Road A shall be identified as P-616, between Westphalia Road and Public Road C, and P-616 shall continue along Public Road C to the southernmost point of the property. Public Road A shall be identified as P-617, between Public Road C and the easternmost point of the property. Revise General Note 10 to reflect the correct square footage for areas of dedication.
- b. Revise the right-of-way of MC-631 within the property to reflect 100 feet of dedication consistent with the 2009 *Approved Countywide Master Plan of Transportation*. Revise General Note 10 to reflect the correct square footage for areas of dedication.
- c. Revise the intersection of P-616 and P-617 to intersect at a “T” design and eliminate the curvature of the intersection, which may require the reconfiguration and/or loss of lots.
- d. Show prior parcel boundary lines in lighter line weight to distinguish from proposed parcel and lot lines.
- e. Label prior parcel numbers (Parcels 5 and Parcels 19).
- f. Revise General Note 1 to add Military Installation Overlay (M-I-O) Zone to both prior and current zoning of the subject property.
- g. Delete General Note 11.
- h. Revise General Note 15 to reference the minimum net lot area required for single-family detached and single-family attached dwelling units, in accordance with Comprehensive Design Plan CDP-0601-02.
- i. Revise General Note 16 to reference the minimum lot widths required for single-family detached and single-family attached dwelling units, in accordance with Comprehensive Design Plan CDP-0601-02.
- j. Revise the Type 1 tree conservation plan number in General Note 27 to TCP1-006-2022-01.
- k. Remove the word ‘Easement’ from the label for the Magruder/McGregor Family Cemetery.
- l. Revise the Parcel Table to correctly identify the parcel to include the Magruder/McGregor Family Cemetery.
- m. Provide the conceptual location for an access path to the Magruder/McGregor Family Cemetery Historic Site (78-010) from a nearby public sidewalk or trail.

2. Any nonresidential development shall require the approval of a new preliminary plan of subdivision, prior to approval any building permits.
3. Development of this site shall be in conformance with the approved stormwater management concept plan (38822-2021-00) and any subsequent revisions.
4. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for on-site private recreational facilities in accordance with the standards outlined in the Prince George's County *Parks and Recreation Facilities Guidelines*.
5. The private 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 *Parks and Recreation Facilities Guidelines*, and establishment of triggers for construction, with the submittal of the specific design plan.
6. Prior to submission of the final plat of subdivision, 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.
7. 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 the on-site recreational facilities recreational facilities listed in the recreational facilities agreement.
8. The applicant shall make a monetary contribution into a "park club". The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.
9. Prior to approval of a final plat of subdivision:
 - a. The applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a "park club" account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the land records of Prince George's County, Maryland by the applicant prior to final plat approval.

- b. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public and private rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation. The draft covenants shall include a plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the HOA.
10. At the time of final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate all public rights-of-way, consistent with the approved preliminary plan of subdivision.
11. Total development within the subject property shall be limited to uses which generate no more than 451 AM peak-hour trips and 538 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
12. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4 (Pennsylvania Avenue)/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a total fee of \$1,703,936.75 or \$2,793.34 (in 2010 dollars) per dwelling unit pursuant to the Memorandum of Understanding required by CR-66-2010. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.
- If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building (excluding escalation cost) at the time of each specific design plan. Notwithstanding the requirements of this condition above, a determination shall be made at that time as to when the fees shall be provided.
13. Prior to issuance of the first building permit within the subject property, unless modified in accordance with Condition 15, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. Ritchie Marlboro Road, Westphalia Road, and Orion Lane—Conduct a signal warrant study for this intersection and install a signal if it is deemed to be warranted and approved for construction by the operating agency.

- b. Construction of P-616 and P-617 in general conformance to the preliminary plan of subdivision, as further modified to reflect accurate dedication of right-of-way and land area.
14. Prior to approval of the first building permit, unless modified in accordance with Condition 15, the master plan right-of-way, P-616, between MC-631 and Westphalia Road, shall be fully constructed.
15. 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 listed below and as provided in Conditions 13 and 14 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.
 - a. Westphalia Road – Frontage improvements per the 2009 *Approved Countywide Master Plan of Transportation*.
 - b. P-616 on-site.
 - c. P-617 on-site.
 - d. Portion of P-616 located off-site between MC-631 and the subject site, if determined necessary by the phasing plan.
16. Prior to acceptance of a specific design plan, and as part of the detail site plan submission, the applicant and the applicant's heirs, successors, and/or assignees shall include the following:
 - a. A minimum 6-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.
 - b. Americans with Disabilities Act curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.
 - c. A minimum 10-foot-wide path along C-626 (Westphalia Road), unless modified by the operating agency, with written correspondence.
 - d. Shared roadway pavement markings and signage along P-616, consistent with the *Guide for the Development of Bicycle Facilities* (American of Association of State Highway and Transportation Officials (AASHTO)), unless modified by the operating agency, with written correspondence.
 - e. A minimum 10-foot-wide path along P-617, unless modified by the operating agency, with written correspondence.

- f. Short-term bicycle parking at all recreation areas, consistent with the *Guide for the Development of Bicycle Facilities* (American of Association of State Highway and Transportation Officials (AASHTO)).
17. Prior to approval of the grading permit for the portion of the development adjacent to the Magruder Family Cemetery, the applicant shall contact Historic Preservation Section staff to schedule monitoring of the grading next to the cemetery to ensure that no burials or cemetery features are disturbed.
18. Prior to signature approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts recovered from Phase I and Phase II investigations conducted on the Case Property, and Phase I investigations on the Yergat Property, are curated to Maryland Historical Trust standards.
19. Prior to acceptance of a specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Prepare a written plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the homeowners association. This plan shall be submitted to Historic Preservation Section staff of the Maryland-National Capital Park and Planning Commission for review.
 - b. Show an access path to the Magruder/McGregor Family Cemetery Historic Site (78-010) from a nearby public sidewalk or trail and show the location of the required interpretive signage within the environmental setting on the plans.
 - c. Show the location and submit the design of a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries, and submit proposed text for an interpretive marker to be placed at a location close to or attached to the cemetery fence/wall for review and approval by the Prince George's County Historic Preservation Commission.
20. Prior to approval of the final plat of subdivision for the parcel containing the Magruder/McGregor Family Cemetery, the applicant and the applicant's heirs, successors, and/or assignees shall record a perpetual maintenance easement agreement or covenant in the Prince George's County Land Records for the Magruder/McGregor Family Cemetery, consistent with the approved specific design plan. The easement shall be described by bearings and distances on the final plat. The final plat shall indicate the Liber and folio of the agreement. The easement agreement shall be approved by the Prince George's County Planning Board (or its designee) prior to recordation.

21. Prior to approval of any grading permits or any ground disturbance for the parcel containing the Magruder/McGregor Family Cemetery and adjoining roads, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit an inventory of existing cemetery elements.
 - b. Submit a list of measures to protect the cemetery during development.
22. Prior to signature approval of the preliminary plan of subdivision, the Type 1 Tree Conservation Plan (TCP1) shall be revised as follows:
 - a. The legend shall be revised to indicate the wetlands symbology present on the TCP1.
 - b. All easements and impacts associated with the Washington Suburban Sanitary Commission easement shall be shown on the TCP1.
 - c. The TCP1 shall be revised to remove the proposed site-wide recreational trail and associated primary management area impacts and to include these areas as part of the on-site woodland preservation or afforestation, to the extent possible.
 - d. The TCP1 associated with this PPS is TCP1-006-2022-01. Indicate the prior approval information associated with TCP1-006-2022 in the approval block. In the woodland conservation worksheet, identify that this is the -01 revision of TCP1-006-2022.
23. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-2022-01). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-006-2022-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
24. Prior to issuance of permits for this subdivision, a Type 2 Tree Conservation Plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

25. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

26. Prior to acceptance of the specific design plan, a global stability analysis performed on critical slopes shall be submitted for both unmitigated and mitigated conditions, in compliance with Techno-gram 005-2018.
27. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
28. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision and specific design plan. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.

- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
29. Prior to approval of any final plat of subdivision for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer, its heirs, successors, and/or assignees shall execute a Memorandum of Understanding (MOU) with the County that sets forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Prince George's County Land Records and the Liber/folio noted on the final plat.
30. Prior to approval of any building permits, a permanent wall or fence to delineate the cemetery boundaries and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall shall be provided.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site consists of four acreage parcels, two of which are both known as Parcel 5, and two of which are both known as Parcel 19. Parcel 5 is recorded in the Prince George's County Land Records in Liber 45419 at folio 393, while Parcel 19 is recorded in Liber 45939 at folio 532. The property area is 158.28 acres. The subject property is located in the Legacy Comprehensive Design (LCD) Zone and the Military Installation Overlay (MIO) Zone for height and is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan). However, this preliminary plan of subdivision (PPS) is reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required by Section 24-1703(b) of the Subdivision Regulations because the site has a comprehensive design plan (CDP) approved under the old Zoning Ordinance, which is currently valid. The site is subject to Residential Medium Development (R-M) Zone, as well as the Military Installation Overlay (M-I-O) Zone for height under the prior Zoning Ordinance.

This PPS approves 610 lots and 58 parcels for development of 493 single-family detached and 117 single-family attached dwelling units. A trash hauling operation and a sediment and erosion control service exists on the northernmost portion of the property on Parcel 19. The remainder of the property is used for agriculture, and a residential dwelling and accessory structures. All existing structures are proposed to be razed.

The applicant also filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to allow removal of 25 specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**— The site is located on Tax Map 82 in Grid F4, Tax Map 83 in Grid A4, Tax Map 90 in Grid F1, and Tax Map 91 in Grids A1 and B1. The subject property is located on the south side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie Marlboro Road, within Planning Area 78. The following development abuts the subject site: Westphalia Road to the north, with single-family residential development in Residential Estate Zone and vacant land in the Agricultural-Residential Zone beyond; vacant land in the LCD Zone to the east and south; and single-family residential development in the Residential, Rural Zone to the west.
1. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	LCD/MIO	LCD/MIO (reviewed per R-M/ M-I-O standards)
Use(s)	Industrial/Agricultural/ Residential	Single-family Residential
Acreage	158.28	158.28
Dwelling Units	0	610
Gross Floor Area	0	0
Parcels	0	58
Lots	6	610
Outlots	0	0
Variance	No	Yes, Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on May 27, 2022.

2. **Previous Approvals**—Basic Plan A-9973 and CDP-0601, titled Woodside Village, established the original plan for the overall development of the subject site.

On February 6, 2007, the Prince George’s County District Council approved the sector plan and sectional map amendment (SMA) (Prince George’s County Council Resolution CR-2-2007). A-9973, which requested rezoning from the prior Residential-Agricultural Zone to the prior R-M Zone for approximately 381.95 acres of land, was included within the Council’s approval of the SMA. In 2009, the District Council affirmed the Prince George’s County Planning Board’s approval of CDP-0601 for development of 1,422–1,496 residential units, including approximately

1,276 single-family dwelling units (attached and detached) and 220 multifamily dwelling units. However, no subsequent applications were ever submitted or approved pursuant to these approvals.

On November 15, 2021, the District Council approved A-9973-02, to amend the original Woodside Village basic plan in order to separate approximately 158.28 acres consisting of Parcel 5 (Yergat property) and Parcel 19 (Case property) and establish a new basic plan specific to the property included in this PPS. A-9973-02 approved up to 661 dwelling units on the subject site, with 15 conditions. The conditions relevant to the subject PPS are shown below in **bold** text and analysis of this project’s conformance to the conditions follows each one in plain text. Several remaining conditions of the basic plan, applicable to this PPS, are analyzed in the related findings in this resolution.

1. **The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved Basic Plan:**

Total Area	158.28 acres
Land in the 100-year floodplain*	2.07 acres
Adjusted gross area: (158.28 acres less half the floodplain)	157.25 acres
Density permitted under the R-M (Residential Medium) Zone	3.6–5.7 dwelling units/acre
Base residential density (3.6 du/ac)	566 dwelling units
Maximum residential density (5.7 du/ac)	896 dwelling units

Proposed Land Use Types and Quantities	
Residential: 157.25 gross acres @ 3.98–4.205 du/ac	626–661 dwelling units
Number of the units above the base density:	60–95 dwelling units
Density proposed in the R-M (Residential Medium) Zone	3.98–4.205 dwelling units/acre
Permanent open space: (23 percent of original site area) (Includes environmental, recreational, and HOA areas)	37 acres

The land use types, quantities, and densities of the subject PPS are within the ranges of the approved basic plan.

14. **At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:**

- a. **Submit hydraulic planning analysis to the Washington Suburban Sanitary Commission (WSSC) to address access to adequate water storage facilities and water service to be approved by WSSC to support the fire flow demands required to serve all site development.**

The applicant provided correspondence and plans demonstrating that a hydraulic planning analysis for the project has been submitted to the Washington Suburban Sanitary Commission for their review, pursuant to this condition.

On May 19, 2022, the Planning Board adopted a resolution of approval for CDP-0601-01 for Case Yergat (PGCPB Resolution No. 2022-50), to allow 516–531 single-family detached and 110–130 single-family attached residential dwelling units for a maximum of 661 dwelling units, subject to 7 conditions. On June 6, 2022, the District Council waived the election to review this case. CDP-0601-01 approved amendments to CDP-0601 applicable to the subject site only, in accordance with A-9973-02. Condition 3 of PGCPB Resolution No. 2022-50 establishes development standards for both the single-family detached and attached units that have been reflected on the PPS. The conditions of CDP-0601-01 applicable to the review of this PPS are shown below in **bold** text and analysis of the project’s conformance to the conditions follows each one in plain text. The remaining CDP conditions that are applicable to this PPS are reviewed for conformance under the related findings in this resolution.

3. This development is governed by the following design standards:

Single-Family Detached Units

STANDARDS*

Minimum Net Lot Area	4,000 square feet
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet**
Minimum Side Yard Setback	
(one side/combined)	4 feet/8 feet
Minimum Lot Width at Street Line	40 feet
Minimum Lot Width at Front BRL	40 feet
Minimum Lot Width at Street	25 feet
(cul-de-sac)	
Maximum Height	50 feet
Maximum Lot Coverage	80 percent
Minimum Rear Yard Area	900 square feet

Single-Family Attached (Townhouse) Units

STANDARDS*

Minimum Net Lot Area	
16-foot-wide	1,200 square feet
20-foot-wide	1,400 square feet
22-foot-wide	1,600 square feet
24-foot-wide	1,800 square feet
Minimum Front Yard Setback	10 feet
Minimum Lot Width at Street Line	16 feet***
Minimum Lot Width at Front BRL	16 feet ***
Minimum Distance Between Buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	50 feet
Minimum Rear Yard Area	300 square feet

Other Design Standards:

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.

Highly visible end units for dwelling units require additional design and finish treatments that will be decided at the time of specific design plan approval.

Notes: *Modification of the standards can be granted by the Prince George’s County Planning Board on a case-by-case basis, with the approval of a specific design plan.

****A deck or patio can encroach into the rear yard by 10 feet. In addition, bay windows can encroach three feet, porches 10 feet, chimneys two feet, stoops four feet, foundations four feet, cantilevers six feet into the setbacks, and sheds are allowed anywhere in the rear yard.**

*****The minimum width is 16 feet for interior units and 22 feet or larger for end units. At least 25 percent of the single-family attached sticks of units shall be a combination of 20, 22, or 24 feet in width to achieve the highest architectural quality and a variety of unit sizes. The Prince George’s County Planning Board and/or the Prince George’s County District Council may allow variations to these standards, in accordance with Section 27-480 of the prior Prince George’s County Zoning Ordinance, during review of the specific design plans.**

The sizes and widths of the single-family detached and attached lots approved in the subject PPS conform to the design standards required by this condition.

There is no previous PPS or final plat of subdivision that applies to this site. A PPS is required for the division of land and the proposed construction of multiple dwelling units, in accordance with Section 24-107 of the Subdivision Regulations. Final plats will be required following approval of this PPS and specific design plan (SDP) before any permits can be approved for the subject site.

3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated, as follows:

Plan 2035

The subject property is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development (page 20).

Sector Plan

This PPS conforms to Section 24-121(a)(5) of the Subdivision Regulations.

The sector plan recommends Residential Low land uses on the subject property. However, the sector plan also recognizes, and the associated sectional map amendment applied, the R-M zoning for the subject property approved via A-9973, which set forth the approved development types and quantities for the project. As analyzed above, this PPS conforms to the permitted uses and land use quantities approved with A-9973 and its subsequent amendments. Page 31 of the sector plan also makes the following recommendations applicable to the subject property:

- **Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.**
- **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
- **Design an efficient, safe, and interconnected residential street system.**

The approved PPS incorporates the above design principles.

SMA/Zoning

The 2007 SMA placed the subject property in the R-M Zone. The District Council approved A-9973-02, which allows the proposed uses and densities via Zoning Ordinance No. 8-2021. The 2016 *Approved Military Installation Overlay Zoning Map Amendment* superimposed the M-I-O Zone on the subject property. The 2022 *Approved Countywide Map Amendment* reclassified the subject property in the LCD and MIO zones.

Aviation/Military Installation Overlay Zone

The subject property is located within Height Surface E of the M-I-O Zone. Structures on the subject property should not exceed 474.75 feet in height.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (38822-2021-00) was submitted with this PPS. The SWM concept plan shows the use of several micro-bioretenement facilities, bio-swales, and submerged gravel wetlands across the site. In their meeting with staff, the applicant also proffered stream restoration to obtain stormwater credits, which are not currently reflected on the unapproved SWM concept plan. If this option is used, the plans for stream restoration shall be reviewed by the respective approving agencies, namely, the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) and the Maryland Department of the Environment. Prior to signature approval of the PPS, the most recent draft of the SWM concept plan shall be submitted for review. There are several SWM facilities shown close to, or within the primary management area (PMA). Final locations of proposed SWM features should minimize impacts to the PMA.

Development of the site, in conformance with SWM concept approval and any subsequent revisions to ensure that no on-site or downstream flooding occurs, will satisfy the requirements of Section 24-130 of the Subdivision Regulations.

5. **Parks and Recreation**—This PPS was reviewed and evaluated for conformance with the requirements and recommendations of the sector plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George’s County* (LPPRP), the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, prior approvals, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities.

The subject property is in Prince George’s County Department of Parks and Recreation (DPR) Service Area 6 and adjacent to Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned Westphalia Central Park, a premier park for which portions of the park border the subject property to the south and east. This portion of Westphalia Central Park is currently undeveloped, while Phase I along the southern portion of the overall park is under construction. Once complete, Phase I will provide a playground, a network of trails, tennis and basketball courts, informal fields and lawn areas, a recreational pond, and several other possible amenities for public enjoyment. Two other M-NCPPC parks are in the immediate vicinity of the subject property: Westphalia Park (approximately 0.75 mile to the west), which includes a basketball court, horseshoe pit, picnic area, and picnic shelter; and Westphalia Community Center (approximately 1.25 miles to the west along Westphalia Road), which includes a community lounge, fitness room, multipurpose room, playground, basketball court, tennis court, and a gymnasium.

The LPPRP notes that Park Service Area 6 meets DPR’s guidelines for adequate parkland. The data from the LPPRP shows that there are 79.8 acres of parkland per 1,000 persons, which is more than double DPR’s guideline of 35 acres of parkland per 1,000 persons.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the density of the residential portion of the proposed development, five percent of the net lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 7.81 acres. However, the applicant proposed to provide on-site recreational facilities to meet the mandatory dedication of parkland requirement. The conceptual list of active and passive recreational facilities proposed for this development include a clubhouse and pool, tot lots, and a walking trail with exercise stations situated along the trail.

In accordance with Section 24-135(b) of the Subdivision Regulations, on-site recreational facilities may be approved by the Planning Board provided that the facilities will be superior or equivalent to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and his heirs, successors, and assignees.

Given the abundance of existing parkland within the local area, the applicant's proposal of on-site recreational facilities is appropriate for this development and consistent with CDP-0601-01. The proposed walking trail, with exercise stations, is located along the stream valley and will cause substantial impacts to the PMA, which are not approved. The proposed list of recreational facilities shall therefore be revised to remove the walking trail and exercise stations. The on-site recreational facilities will still be adequate for the proposed development with the removal of these amenities. The type and details of the on-site recreational facilities shall be reviewed for adequacy and proper siting, in accordance with the *Parks and Recreation Facilities Guidelines*, with the review of the SDP.

The following condition of A-9973-02, related to parks and recreation, is relevant to this PPS:

- 12. The applicant shall make a monetary contribution into a park club. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.**

Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a park club account administered by M-NCPPC. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County Land Records by the applicant, prior to final plat approval.

Since the subject property adjoins Westphalia Central Park, the applicant shall make a monetary contribution into a “park club”. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the sector plan. M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.

The PPS is in conformance with the applicable sector plan and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

6. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the sector plan, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the Subdivision Regulations to provide the appropriate transportation facilities.

Prior Conditions of Approval

The subject site is governed by the following prior approvals and their conditions that are applicable to this PPS:

Basic Plan A-9973-02

9. **Provide the below master plan facilities, designed to be consistent with the 2012 AASHTO Guide for the Development of Bicycle Facilities, as part of subsequent applications and shown prior to their acceptances, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence:**
 - a. **Minimum 10-foot-wide path along Westphalia Road (C-626)**
 - b. **Shared roadway pavement markings and signage along P-616**
 - c. **Minimum 10-foot-wide path along P-617**
 - d. **Minimum 10-foot-wide path along MC-631**
10. **Internal streets and shared-use paths are to follow the 2009 *Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles* and include traffic calming measures, as well as a bicycle boulevards network. These will be reviewed as part of subsequent applications.**
11. **All sidewalks within the subject site shall be a minimum of six feet in width, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**

- 13. The following shall be required as part of the comprehensive design plan submittal package:**
- a. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive a detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control, as well as the need for exclusive turn lanes at each location.**

Conditions 9, 10, and 11 will be evaluated with subsequent SDP applications. Condition 13 was evaluated with CDP-0601-01, but has also been evaluated as part of the traffic impact study submitted with this PPS.

CDP-0601-01

- 2. Total development within the subject property shall be limited to uses which generate no more than 489 AM peak-hour trips and 582 PM peak-hour trips, unless modified by the adequate public facilities test for transportation at the time of preliminary plan of subdivision (PPS).**

The PPS does not exceed the trip cap established in CDP-0601-01.

- 4. Prior to the approval of preliminary plan of subdivision, the applicant shall:**
- a. Label the dedication of all rights-of-way for MC-631, P-617, and P-616, as identified by the Prince George's County Planning Department.**
- b. Work with the Prince George's County Planning Department on contribution to the Public Facilities Financing and Implementation Program. The exact amount will be determined based on the density approved with the PPS.**
- c. Provide a network of pedestrian and bikeway facilities internal to site. The exact location and design of said facilities shall be evaluated with future specific design plan applications.**

The dedication of right-of-way for the master plan roadways required in Condition 4a is labeled incorrectly on the PPS. As a condition of approval, all master plan rights-of-way shall be correctly labeled on the PPS. Condition 4b is carried forward as a condition of approval of this PPS, and is further discussed below. Facilities required by Condition 4c will need to be provided and evaluated with subsequent SDPs, however, the PPS shows sufficient rights-of-way for all internal roadways to accommodate these facilities.

6. **Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

- a. **Ritchie Marlboro Road and Westphalia Road-Orion Lane**

Conduct a signal warrant study for this intersection and install signal if it is deemed to be warranted and approved for construction the Prince George's County Department of Permitting, Inspections and Enforcement.

This condition is discussed in more detail in this finding and will also be further evaluated with subsequent development applications at the time of permit.

7. **At the time of preliminary plan of subdivision, the applicant shall reflect dedication for its portions of Westphalia Road (C-626), P-617, P-616, and MC-631, per the requirements of the 2009 *Approved Countywide Master Plan of Transportation*. Required rights-of-way shall be dedicated at the time of final plat.**

As previously mentioned, the PPS includes the roadway dedications, but is further discussed in more detail below.

Master Plan Compliance

Per the MPOT, the subject site is impacted by various master-planned roadways. The subject site fronts master plan collector roadway C-626 (Westphalia Road), with an 80-foot ultimate right-of-way, which is shown appropriately on the PPS; master-planned primary roadways P-616 and P-617, with 60 feet of right-of-way dedication consistent with MPOT recommendations, shown on the PPS as north/south and east/west facilities, respectively; and master plan collector roadway MC-631, located on the eastern edge of the property and shown with a right-of-way dedication of 80 feet, which is not consistent with the MPOT. As a condition of approval, the applicant shall provide a dedication of 100 feet wide for the portion of MC-631 that is located on the site, consistent with the MPOT recommendation.

As previously mentioned, the PPS shows incorrect labeling for P-616 and P-617. Public Road A shall be identified as P-616, between Westphalia Road and Public Road C, and P-616 shall continue along Public Road C to the southernmost point of the property. Public Road A shall be identified as P-617, between Public Road C and the easternmost point of the property. The appropriate labeling of right-of-way dedications shall be revised on the PPS plan sheet as well as the general notes to reflect the proper amount of dedication areas.

Traffic Analysis

The applicant submitted a full traffic impact analysis which was used as the basis for a determination of adequacy.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

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

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

Transportation Planning Review

Trip Generation

This application is a PPS for residential uses. The submitted traffic study analyzed a higher density than what is approved with this PPS. However, the reduction in density does not impact the conclusions of the analysis. The table below summarizes trip generation of the total dwelling units and is used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 4-21049 Case Yergat									
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily Trips
			In	Out	Total	In	Out	Total	
Single Family Detached	493	units	74	296	370	291	153	444	4,437
Single Family Attached	117	units	16	65	81	61	33	94	936
Total Trip Cap			451			538			5,373

The traffic generated by the PPS would impact the following intersections and links in the transportation system:

- Ritchie Marlboro Road/Sansbury Road (signalized)

- Ritchie Marlboro Road/White House Road (signalized)
- MD 4 (Pennsylvania Avenue)/Westphalia Road (signalized)
- Westphalia Road/Darcy Road (unsignalized)
- Westphalia Road/West Site Access (unsignalized)
- Westphalia Road/East Site Access (unsignalized)
- Westphalia Road/Main Site Access (unsignalized)
- Ritchie Marlboro Road/Westphalia Road/Orion Lane (unsignalized)
- MD 4/Suitland Parkway/Presidential Parkway (signalized)
- Darcy Road/Sansbury Road (unsignalized)
- P-616/P-617 (unsignalized)

Existing Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (LOS, AM & PM)	
	Ritchie Marlboro Road / Sansbury Road	1107	1002	B
Ritchie Marlboro Road / White House Road	1034	1003	B	B
MD 4 / Westphalia Road	1174	1312	C	D
Westphalia Road / Darcy Road*	21.4s	24.2s	-	-
Westphalia Road / West Site Access*	-	-	-	-
Westphalia Road / East Site Access*	-	-	-	-
Westphalia Road / Main Site Access*	-	-	-	-
Ritchie Marlboro Road / Westphalia Road / Orion Lane*	21.9s	39.4s	-	-
MD 4 / Suitland Parkway / Presidential Parkway	1563	1644	E	F
Darcy Road / Sansbury Road *	12.1s	12.6s	-	-
P-616 / P-617*	-	-	-	-
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Background Traffic

The critical intersections of MD 4/Westphalia Road and MD 4/Suitland Parkway are scheduled for a grade separated interchange per Council Resolution CR-66-201 and the Maryland State Highway Administration (SHA) Consolidated Transportation Program (CTP). The traffic conditions for these intersections were analyzed with the future realignments and lane configurations. With these improvements in place, the intersections of MD 4/Westphalia Road and MD 4/Suitland Parkway will operate at an acceptable level.

In addition, once fully built, the master-planned roadway P-616 will serve as a direct route between Presidential Parkway and the development via MC-631, which will consume vehicular trips that would typically travel along Suitland Parkway/MD 4 and Westphalia Road. Due to the study assuming this analysis, P-616 shall be fully constructed prior to the first building permit.

Twenty developments have been identified that could impact the site’s critical intersections. In addition, a growth of 0.5 percent over six years was also applied to all traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (LOS, AM & PM)	
	Ritchie Marlboro Road / Sansbury Road	1046	1325	B
Ritchie Marlboro Road / White House Road	1178	1214	C	C
MD 4 / Westphalia Road	-	-	-	-
**MD SB Ramps / Old Marlboro Pike	600	731	A	A
**MD 4 NB Ramps / Westphalia Road	543	707	A	A
Westphalia Road / Darcy Road*	56.0s	>200s	-	-
*Tier 3	761	873	A	A
Westphalia Road / West Site Access*	-	-	-	-
Westphalia Road / East Site Access*	-	-	-	-
Westphalia Road / Main Site Access*	-	-	-	-
Ritchie Marlboro Road / Westphalia Road/Orion Lane*	120.7s	156.4s	-	-
*Tier 3	1108	1250	B	Fail
MD 4 / Suitland Parkway / Presidential Parkway	-	-	-	-
**MD 4 SB Ramps / Suitland Road	685	559	A	A
**MD 4 NB Ramps Presidential Parkway	578	507	A	A
Darcy Road / Sansbury Road*	44.2s	44.1s	-	-
P-616 / P-617*	-	-	-	-
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.</p> <p>**Future improved intersections per CR-66-201 and the SHA CTP.</p>				

The intersection of Ritchie Marlboro Road/Westphalia Road/Orion Lane did not pass the three-step test for unsignalized intersections. Therefore, a signal warrant study is required, as consistent with Condition 6 of CDP-0601-01.

Total Traffic

The following critical intersections identified above, when analyzed with total future traffic as developed using the “Transportation Review Guidelines, Part 1” (Guidelines) including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (LOS, AM & PM)	
Ritchie Marlboro Road / Sansbury Road	1105	1391	B	D
Ritchie Marlboro Road / White House Road	1178	1238	C	C
MD 4 / Westphalia Road	-	-	-	-
**MD SB Ramps / Old Marlboro Pike	600	845	A	A
**MD 4 NB Ramps / Westphalia Rd	543	707	A	A
Westphalia Road / Darcy Road*	174.6s	>200s	-	-
*Tier 3	937	1089	A	B
Westphalia Road / West Site Access*	13.6s	14.7s	-	-
Westphalia Road / East Site Access*	12.1s	12.5s	-	-
Westphalia Road / Main Site Access*	12.8s	13.5s	-	-
Ritchie Marlboro Road / Westphalia Road / Orion Lane*	>200s	>200s	-	-
*Tier 3	1128	1277	B	C
MD 4 / Suitland Parkway / Presidential Parkway	-	-	-	-
**MD 4 SB Ramps / Suitland Road	728	599	A	A
**MD 4 NB Ramps / Presidential Parkway	585	530	A	A
Darcy Road / Sansbury Road *	78.6s	148.5s	-	-
*Tier 3	802	971	A	A
P-616 / P-617*	11.6s	11.8s	-	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				
**Future improved intersections per CR-66-201 and the SHA CTP.				

Based on the Guidelines, the proposed residential development will generate 451 AM and 538 PM vehicle trips. In addition, per CDP-0601-01, the realignment of Westphalia Road shall be constructed and is included as a condition of approval. A signal warrant study is also required per CDP-0601-01 at the intersection of Westphalia Road, Ritchie Marlboro Road, and Orion Lane. Based on the traffic analysis above, all critical intersections will operate at acceptable levels to serve the proposed development.

All master plan roadways impacting the proposed development shall be constructed as part of this application, except MC-631. Per DPIE, the operating agency, the applicant shall construct the frontage improvements on Westphalia Road, in accordance with the MPOT and the Prince George’s County Department of Public Works and Transportation design standards. The applicant shall also construct the intersection of P-616 and P-617 to intersect at a “T” design consistent with the county roadway design standards. This design will eliminate the curvature configuration, as shown on the latest PPS submission, and will enhance safe operations along these roadways. DPIE also recommended that the main access driveway along Westphalia Road align with the existing intersection at Matapeake Drive to create a four-way intersection. This

configuration is shown on the PPS. The Planning Board concurs with the recommendations provided by DPIE.

The results of total traffic conditions show that the intersections will all operate adequately. While the construction of the future interchange at MD 4 and Suitland Parkway is fully funded for construction in SHA's current CTP, the funding for the interchange at MD 4 and Westphalia Road will come from contributions from developers within the Westphalia Sector Plan area.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)

On October 26, 2010, the Prince George's County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange for a total cost of \$79,990,000.00. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation of the interchange for all the properties within the PFFIP district was determined. The allocation for each development is based on the proportion (percentage) of average daily trips generated by each development passing through the intersection, to the estimated total average daily trips contributed by all the developments in the district passing through the same intersection. The application's future traffic impact (or average daily trips) becomes the basis on which each development's share of the overall cost is calculated.

Analysis of PFFIP Contribution

The analyses show that the development included with this PPS will generate 5,373 daily trips. Given the proximity of the property to the failing intersection, the traffic study recommends a 30 percent trip assignment through that intersection. The proposed development will send a total of 1,612 (5,373 x 0.3) daily trips through the intersection. With these additional daily trips, the total average daily trips for all the PFFIP properties = 75,674 trips. Based on the daily trips from the subject property, the total fee is calculated as: $1612/75,674 * 79,990,000.00 = \$1,703,936.75$. With 610 dwellings being approved, the cost for each unit is computed as $\$1,703,936.75/610$ or \$2,793.34 per dwelling unit.

Analysis of Bicycle and Pedestrian Impacts

This development is subject to the MPOT. Four recommended master plan trail facilities are located on the subject property: a planned side path along Westphalia Road, a planned shared roadway along P-616, a planned hard surface trail along P-617, and a planned side path along MC-631. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

This development is also subject to the sector plan, which includes the following recommendations for pedestrian and bicyclist facilities:

- **Sidewalks should be provided throughout the Westphalia community except designated scenic rural roads, highways, bikeways, trails, and lanes.**

The PPS includes sufficient right-of-way to allow the construction of sidewalks along all internal streets and an 8-foot-wide path internal to the subject site. Americans with Disabilities Act compliant curb ramps and crosswalks shall be provided at all intersections and pedestrian crossing points throughout the site. Per the prior approvals, all internal sidewalks shall be a minimum of 6 feet wide unless modified by the operating agency. The master-planned pedestrian facilities shall be constructed along Westphalia Road, P-616, and P-617 to include side paths, shared pavement markings, and bikeway signage, unless modified by the operating agency. Short-term bicycle parking shall be provided at all recreational areas within the site to accommodate and encourage multimodal users to travel along the bicycle facilities.

Based on the preceding findings, adequate transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of the Subdivision Regulations.

7. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Schools Facility Regulations for Schools*. Per Section 24-122.02(a)(2) of the Subdivision Regulations, the PPS is considered adequate when the future student enrollment does not exceed 105 percent of the state rated capacity. The subject property is located within Cluster 4, as identified in the 2021 Update *Pupil Yield Factors and Public-School Clusters*. The results of the analyses are as follows:

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Total Dwelling Units	610 DU	610 DU	610 DU
Single-Family Attached (SFA) Dwelling Units	117 DU	117 DU	117 DU
Pupil Yield Factor (PYF) – Single-Family Attached (SFA)	0.104	0.072	0.091
SFA x PYF = Future Subdivision Enrollment	12	8	11
Single-Family Detached (SFD) Dwelling Units	493 DU	493 DU	493 DU
Pupil Yield Factor (PYF) – Single-family Detached (SFD)	0.150	0.095	0.125
SFD x PYF = Future Subdivision Enrollment	74	47	62
Total Future Subdivision Enrollment	86	55	73
Adjusted Student Enrollment 9/30/21	12,730	10,182	7,914
Total Future Student Enrollment	12,816	10,237	7,987
State Rated Capacity	17,095	10,737	8,829
Percent Capacity	75%	95%	90%

Per Section 24-114.01, School Planning Capacity Analysis, of the Subdivision Regulations, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities; it is not a condition of approval for a subdivision.

Section 10-192.01 School Facilities Surcharge

Section 10-192.01 of the County Code establishes school surcharges and an annual adjustment for inflation unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located outside the Capital Beltway; thus, the surcharge fee is \$17,451 per dwelling unit.

This fee is to be paid to DPIE at the time of issuance of each building permit.

- Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated July 5, 2022 (Perry to Gupta), incorporated by reference herein.

Water and Sewer

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or

planned availability of public water and sewerage for preliminary or final plat approval.” The 2018 Water and Sewer Plan placed this property in water and sewer Category 4, Adequate for Development Planning. Category 4 comprises “properties inside the envelope eligible for public water and sewer for which the subdivision process is required.” Redesignation of the subject property to Category 3, Community System, through the Administrative Water and Sewer Category Change process will be necessary, prior to final plat approval.

Conformance with Applicable Plans

This PPS was reviewed for conformance to the sector plan in accordance with Section 24-121(a)(5). The sector plan provides goals and policies related to public facilities (pages 48-50). However, these are not specific to the subject site or applicable to the proposed development. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed or designated on the subject property by the sector plan. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities. This master plan does not identify any location on the subject property for upgrades to existing facilities or construction of new facilities.

- 9. **Use Conversion**—The total development included in this PPS is for 610 single-family dwelling units in the R-M Zone. Any nonresidential development or a substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings will require approval of a new PPS, prior to approval of any building permits.
- 10. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights of way. The subject site fronts on public right-of-way Westphalia Road to the north. To provide access and public street frontage to subdivided lots, a network of public roads, including master plan roads P-616 and P-617, are approved for the subdivision. Master plan road MC-631 shall be dedicated, but not constructed.

Private streets are also approved, which require PUEs. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along at least one side of all private streets. The PPS meets this requirement and provides additional PUEs at appropriate locations to provide for continuity and ease in laying of utilities to service lots adjacent to these private streets.

The required 10-foot-wide PUEs are correctly shown and labeled parallel, contiguous, and adjacent to the rights-of-way lines of all public and private streets. All required PUEs, as shown on the PPS, will be recorded with the final plat.

11. **Historic**—The sector plan includes goals and policies related to historic preservation (pages 66-68). These are applicable to the proposed development on the subject site due to presence of an historic resource, Magruder/McGregor Family Cemetery Historic Site (78-010), on the property.

Policy 2 **Cemeteries: Prepare a cemetery preservation plan to provide guidelines for property owners and developers in cemetery preservation and maintenance.**

Strategies

1. **Develop plans for the protection and interpretation of the following cemetery resources:**

78-010, Dunblane Site and Cemetery—10009 Westphalia Road

Appropriate conditions are included to provide for protection and interpretation of the Dunblane Site and Cemetery (Magruder/McGregor Family Cemetery).

Policy 3 **Archeology: Integrate archeology in all development processes ranging from prehistory to the twentieth century to provide additional context for understanding the archeological record of Prince George’s County’s history.**

Strategies

1. **Strengthen community identity through interpretive markers describing the rich history of individual buildings and communities.**

An interpretive marker is required for the Magruder/McGregor Family Cemetery, located close to, or attached to a permanent wall or fence around the cemetery.

Policy 5 **Resource Inventory: Provide an updated inventory of historic resources in the Westphalia sector plan area.**

Strategies

1. **Continue with survey work, as funding permits, of historical and archeological resources, particularly in the Little Washington community.**

Details of archeological investigations conducted on the property and requirements for further monitoring are discussed below in this finding.

The Prince George’s County Historic Preservation Commission (HPC) reviewed the subject application at its meeting on June 21, 2022, and voted 5-0 to forward the following findings, conclusions, and recommendations to the Planning Board for its review:

1. The Case and Yergat properties were part of the Dunblane land patent that was granted to Alexander Magruder on June 26, 1671. At his death in 1676, Dunblane was devised to his sons James and John Magruder. James Magruder eventually acquired title to the entire Dunblane land patent and later conveyed it to his brother, Samuel Magruder. Samuel Magruder served as High Justice and Captain of the Militia of Prince George's County and Justice of the County Court, and served in the House of Assembly from 1704 to 1707. Samuel Magruder devised 250 acres of Dunblane to his son John at his death in 1711. John Magruder is believed to have constructed the house on Dunblane around 1723, which remained standing until being destroyed in a gas explosion in 1969. John Magruder devised Dunblane to his son, Nathaniel Magruder. Several enslaved people are mentioned in his will, including York, Hercules, David, and Margery. Nathaniel Magruder died in 1786 and his inventory listed 18 enslaved people on his plantation. Four men were described as smiths: Harry (45), Ben (32), Tom (25), and Will (22). The others listed were David (15), Charles (10), Bess (70), Moll (60), Clara (32, with a 3-month-old child), Rose (20), Poll (18), Molly (8), Sook (4), Cupid (4), Tom (3), Sam (3), Toby (2), and Adam (18 months). Dunblane was inherited by Francis Magruder, and it is presumed that the enslaved people listed in Nathaniel Magruder's will continued to reside on the Dunblane plantation. By the time of the 1790 Census, Francis Magruder held nine enslaved people. In 1800, Francis Magruder held 26 enslaved people and in 1810, 27 enslaved people.

The 1798 Federal Direct Tax records described the Dunblane plantation as consisting of 249 acres with a dwelling house, a kitchen, storage related structures, such as a brick store house and meat house and a tenant house that included a kitchen, tobacco sheds, and a slave quarter. Francis Magruder died in 1819 and the 1821 inventory of his estate listed 33 enslaved people: James (70), Biney (50), Pegg (45), Polly (6), Innocence (3), Mary (26), Caroline (5), Barney (3), Henry (3 months), Esther (26), John (7), Richard (5), Davy (3), Judy (25), George (3), Charles (1), Clara (22), Bill (8 months), Alsgery (?) (16), Chrissy (3 months), Kitty (20), Matilda (15), Lavinia (10), Harry (40), John (28), London (25), Aaron (28), Gabriel (21), Thomas (21), Hanson (18), Ben (12), and Nancy (18). Francis Magruder devised Dunblane to his daughters, Louisa, Eleanor W., and Elizabeth Magruder. Louisa Magruder (ages 26–44) is listed in the 1820 Census, along with two other white females aged 16–25, who were presumably her sisters, Eleanor and Elizabeth Magruder. The number of enslaved people listed was 35, 13 of whom were engaged in agriculture and one in manufacture. Louisa Magruder died in 1828 and devised her portion of Dunblane to her sister, Eleanor. In the case of the death of Eleanor without children, her estate was to go to their nephew Francis Magruder Bowie. In her will, Louisa Magruder freed one of her enslaved laborers named Tom. She further willed that all male and female slaves over 20 were to be freed six years after her death, all slaves aged 12–19 to be freed after 12 years, and all slaves under 12 to be freed when they reached the age of 25.

The 1830 Census for Prince George's County is missing, but the 1840 Census enumerates Ellen W. Magruder, age 40–99, as the head of household, with one white male,

age 20-29 and one age 5-9, one other white female, age 20-29, and 26 enslaved people. Eleanor W. Magruder died February 5, 1847, and is buried in the Magruder Family Cemetery. In her will, Eleanor W. Magruder devised to her cousin Eliza Hamilton, wife of Dr. C.B. Hamilton, "all that part of my landed estate which lies on the south side of the public road leading from the long old fields through my plantation to Upper Marlboro on which my dwelling house stands." Dr. C.B. and Eliza Hamilton were probably the people residing with Eleanor W. Magruder as listed in the 1840 Census. Eleanor W. Magruder also directed in her will that "a good and sufficient brick wall resting on a granite foundation should be built around the family burying ground." She bequeathed all her negro slaves, except one, to Dr. C.B. Hamilton, to serve him one year from the time of her decease and then to be free, with the expense of procuring their free papers to be paid out of her estate. Her negro slave called Henny, daughter of Jenny, she bequeathed to Florence Holcomb.

Eleanor W. Magruder's inventory enumerates 24 enslaved persons: Gabriel, Charles Lee, George Lee, Nace, Charles Gray, Moses, Bill, Tom, Mary, Silvey, Easter, Jane, Beck, Rachel, Lucy, Jeney, Milley, Henry, Hopey, Henny, Alfred, Susan, Nancy, and Bob. The Hamiltons likely continued to reside at Dunblane for a time after the death of Eleanor W. Magruder until they moved to the District of Columbia. The Hamiltons sold the Dunblane plantation to a relative, George W. Watterston of Louisiana, on April 11, 1849. Although indicated as the owners of the property on the 1861 Martenet Map, the Watterstons do not appear to have resided on the property and likely operated the plantation with tenants. William T. Bealll acquired the property in 1904 and farmed the land until he sold it in 1930, to Charles Raphael and Margaret Ellen Carrick. The land remained in the Carrick family until it was sold to David Carroll Case and Horace G. Baldwin in 1998.

2. The subject property includes the Magruder/McGregor Family Cemetery (Historic Site 78-010) with interments and tombstones dating from 1810 to 1857. The original eighteenth century Dunblane House was destroyed in 1969. The Dunblane house was a one-and-one-half story, multi-part stucco-covered dwelling that was one of Prince George's County's most venerable landmarks because of its association with the earliest generations of the Magruder family. Dunblane was built in 1723 by John Magruder, grandson of Alexander Magruder, a Scottish immigrant. Three walls were constructed of bricks, the fourth was of log construction. The house stood until a gas explosion in 1969. Prior to its destruction, Dunblane was the oldest Magruder dwelling in Maryland. The property had been documented with photographs and plan sketches by the Historic American Buildings Survey in the 1930s. The Magruder/MacGregor Family Cemetery was evaluated for historic site designation by the Prince George's County Historic Preservation Commission on April 19, 2022, along with its environmental setting of 0.3393 acres (44,388 square feet) identified on the subject PPS as Parcel HH.
3. Section 24-135.02 of the Subdivision Regulations outlines the procedures to follow when a cemetery is located on property that will be subdivided:

(a) When a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

- 1) The corners of the cemetery shall be staked in the field prior to preliminary plan submittal. The stakes shall be maintained by the applicant until preliminary plan approval.**

The applicant provided photographs with the PPS application showing the staked corners of the cemetery.

- 2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plan application.**

The applicant has provided an inventory of the Magruder/McGregor Family Cemetery with this application. The inventory includes a map showing the location of the cemetery within the development property, a detailed map showing the current location of all stones, the approximate boundary of the cemetery, a photograph of each stone and a record of the inscriptions on each stone that were readable.

- 3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**

The Magruder/McGregor Family Cemetery Historic Site has been placed on Parcel HH, which will be used as open space and placed under the ownership of the development's homeowners association (HOA). A super-silt fence should be installed around the environmental setting of the cemetery prior to issuance of a grading permit.

- 4) An appropriate fence or wall constructed of stone, brick, metal, or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.**

At the time of SDP, the applicant should provide details of the fencing or wall that will surround the Magruder/McGregor Family Cemetery, along with a construction schedule.

- 5) **If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other arrangements shall include a determination of the following:**
- A) **Current and proposed property ownership.**
 - B) **Responsibility for maintenance.**
 - C) **A maintenance plan and schedule.**
 - D) **Adequate access; and**
 - E) **Any other specifications deemed necessary by the Planning Board.**

The PPS indicates that the development's HOA will retain ownership of the Magruder/McGregor Family Cemetery and that it will be responsible for its maintenance. At the time of SDP, the applicant should provide a maintenance plan and schedule, and a plan for the future care and maintenance of the Magruder/McGregor Family Cemetery. The applicant should also demonstrate that the required funding for perpetual maintenance will be provided to the HOA. While the cemetery has been located in an open space parcel with frontage on a proposed public road for access, the applicant should also provide an access road or path to the cemetery to be shown on the SDP. Some of the stones have been removed from their original positions and should be restored to their original locations.

- (b) **Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.**

A super-silt fence should be installed around the cemetery prior to issuance of a grading permit, leaving a sufficient buffer. Proof of installation of the fence shall be provided to Historic Preservation staff prior to issuance of the grading permit for the area around the Magruder/McGregor Family Cemetery.

Archeology

4. A Phase I archeological survey was conducted on the five parcels comprising the Woodside Village property (Wholey, Suit, Yergat, A. Bean, and Case) from February to

April 2005 and January to May 2007. Twelve archeological sites were identified on the overall property. Six archeological sites (18PR898, 18PR899, 18PR900, 18PR901, 18PR902, and 18PR903) were recorded on the Yergat and Case properties. Site 18PR898 is located on the Yergat Property and is a mid-nineteenth to twentieth century artifact scatter that may represent the remains of two tenant houses. Site 18PR899 is also located on the Yergat Property and is a refuse disposal area dating from the late nineteenth to twentieth centuries. Site 18PR900 is located on the Case Property and is an eighteenth to twentieth century artifact scatter associated with the former Dunblane House. Site 18PR901 is located on the Case Property and consists of a late nineteenth to early twentieth century artifact scatter. Site 18PR902 is located on the Case Property and is a late nineteenth to early twentieth century refuse dump associated with house site 18PR900. Site 18PR903 is located on the Case Property and is another late nineteenth to early twentieth century refuse dump associated with house site 18PR900.

5. Historic Preservation staff concurred with the Phase I report's findings that no further work is necessary on sites 18PR899, 18PR902 and 18PR903. In addition, staff concurred that Phase II investigations were necessary on sites 18PR898, 18PR900, and 18PR901. The previous applicant submitted four copies of the final reports for the Case and Yergat properties. The reports were accepted by Historic Preservation staff on March 28, 2008, and April 8, 2008.
6. Phase II archeological investigations were completed on the Case property by the previous applicant's archeological consultant. However, the draft Phase II report was never submitted to Historic Preservation Staff. The applicant retained another consultant to perform additional Phase II investigations on sites 18PR900 and 18PR901 to determine if intact deposits or features in each site were present. In consultation with Historic Preservation staff, no Phase II investigations were conducted on site 18PR898 on the Yergat property.

Case Property

7. Phase II investigation of sites 18PR900 and 18PR901 on the Case property were completed in October 2021. A metal detector survey was conducted at both sites with the intent of identifying construction hardware, such as nails, that might indicate the presence of buildings and intact archeological features. A diffuse scatter of metal artifacts was identified on the east end of site 18PR900, where the eighteenth century Dunblane house was located before being destroyed in a gas explosion in 1969. An area west of a small drainage channel on the western side of site 18PR900 yielded artifacts dating from the eighteenth through twentieth centuries. These artifacts included handwrought nails, metal buttons and spoons dating to the nineteenth century, as well as a post-1938 Plymouth silver plate. Two early nineteenth century United States Navy buttons, as well as a lead wax seal, were also recovered.

Nine, 3 feet by 3 feet test units were placed in the western portion of the site where a cluster of historic artifacts was encountered. Seven of the units exhibited three or more

strata. Ten aboriginal lithics were recovered, but there was no evidence of a significant long-term prehistoric occupation of the site. This portion of the site likely represents occasional visits to a nearby spring by aboriginal people, but no long-term occupation during the prehistoric period. Most of the historic artifacts were identified in mixed contexts and possibly represents erosion from a historic period site located outside of the boundaries of the subject property. The bulk of the material recovered in the western portion of the site dates from the late eighteenth through the first half of the nineteenth centuries.

Metal detecting was also conducted at site 18PR901 in the southern portion of the Case property. A large portion of the area within the site had been graded or heavily damaged by machine and truck traffic. Work was suspended on 18PR901 when it was determined that a large portion of the surface had been recently disturbed.

Due to the lack of intact deposits or features and extensive twentieth century disturbance, no further work was recommended on sites 18PR900 and 18PR901. Historic Preservation staff concurs that no additional archeological investigations are necessary on either site.

The Magruder family held many enslaved people on the subject property during their occupation of the site. The Magruder family cemetery does not appear to be large enough to have included burials of enslaved people. Therefore, it is possible that a separate burial ground for the enslaved people exists on the larger property. In March 2022, the applicant retained a consultant to use cadaver dogs to search for human remains outside the Magruder/McGregor burial ground to determine whether additional burials were located outside of what was believed to be the limits of the family cemetery.

Yergat Property

8. A Phase I archeology survey was conducted on the Yergat property in February 2005, with additional investigations in April 2007. A total of 613 shovel test pits were excavated across the Yergat property, and 229 locations were investigated by pedestrian survey. Two historic archeological sites, 18PR898—a late nineteenth to twentieth century tenant site, and 18PR899—a late nineteenth to twentieth century artifact scatter, were identified on the property. Due to the large number of artifacts recovered and the large size of the site, Phase II evaluation was recommended for site 18PR898 to determine its eligibility to the National Register of Historic Places. No further work was recommended for site 18PR899 due to its lack of intact deposits, lack of structural debris, and lack of evidence for structures at this location.

Staff concurs with the recommendations of this report that no additional archeological investigations are necessary on site 18PR899 located in the northern portion of the Yergat Property. After a site visit to the area of site 18PR898 on March 15, 2022, staff concluded that the large artifact scatter represented by site 18PR898 was the result of manuring the agricultural fields with refuse brought into the site from the District of Columbia.

Therefore, staff concluded that no additional archeological investigations were necessary on site 18PR898.

9. On November 15, 2021, the District Council approved A-9973-02, to separate the basic plan and approve up to 661 dwelling units on the subject site, including Parcel 5 (Yergat property) and Parcel 19 (Case property), with 15 conditions. Conditions 3, 4, 5, 6, 7, 8, and 15 of A-9973-02 are relevant to historic preservation and archeology concerns:

- 3. Prior to approval of any preliminary plan of subdivision, the applicant shall provide a final report detailing the Phase II investigations on sites 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to Maryland Historic Trust standards.**

The final reports for the Phase II investigations have not been submitted and this condition applies until satisfied.

- 4. Prior to approval of a specific design plan, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:**

- a. Avoiding and preserving the resource in place; or**
b. Phase III Data Recovery investigations and interpretation.

None of the archeological sites identified in the Phase I and II investigations of the Case and Yergat properties were found to be intact or significant. No further archeological investigations are recommended on any of the archeological sites. Therefore, this condition has been satisfied.

- 5. If required, prior to approval of a specific design plan or the area including the cemetery and the archeological sites, the applicant's Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the *Guidelines for Archeological Review* before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.**

Phase III archeological investigations were not recommended on the archeological sites identified on the Case and Yergat properties. Therefore, this condition has been satisfied.

- 6. Prior to approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur, prior to issuance of the first building permit for development.**

This condition is still outstanding and should be carried forward until satisfied.

- 7. Prior to approval of a specific design plan for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.**

This condition is still outstanding and should be carried forward until satisfied.

- 8. Prior to approval of the first building permit for development, the applicant shall provide for a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the Historic Preservation Commission.**

This condition is still outstanding and should be carried forward until satisfied.

- 15. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder/McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations, including:**

- a. An inventory of existing cemetery elements.**
- b. Measures to protect the cemetery during development.**
- c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder/McGregor family) cemetery.**

- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.**

This condition is still outstanding and should be carried forward until satisfied.

Conclusions

Historic Preservation

1. Based on the historic significance of the Dunblane property, and its association with the Magruder family, the Magruder/McGregor Family Cemetery (Historic Site 78-010) should be protected and maintained throughout the development process. A plan for the long-term maintenance and preservation of the site by the development's HOA should be developed for the cemetery by the applicant and submitted with the SDP.
2. Since the Magruder/McGregor Family Cemetery was designated a Prince George's County historic site, the buffering provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) apply, and careful consideration should be given to the character of fencing, lighting, and landscape features to be introduced at the time of the submission of an SDP that includes these features.

Archeology

3. Phase II archeology investigations conducted on sites 18PR900 and 18PR901 on the Case property indicated that there was a high degree of disturbance to both sites due to agricultural activities and recent grading and dumping on the southern portion of the property. Historic Preservation staff concurs with the findings and conclusions of the Phase II archeological investigations for the Case Property that no further work is necessary on either site. Three hard copies and three digital copies of the final Phase II report for the Case property should be submitted prior to signature approval of the PPS.
4. A Phase II archeological investigation was previously recommended on portions of site 18PR898 on the Yergat property. However, after a site visit to the subject property on March 15, 2022, it was determined that the site represented manuring activities on the agricultural fields and that no further work was necessary on site 18PR898. Phase II archeological investigations are not recommended on site 18PR898.
5. A cadaver dog survey was conducted around the Magruder/McGregor Family Cemetery (Historic Site 78-010) in March 2022. Several areas to the west of the family cemetery were identified as probable burial sites. These areas were marked in the field and were included within the environmental setting of the Magruder/McGregor Family Cemetery. These outlying burials are likely those of some of the people who were enslaved on the

subject property by the Magruder family in the eighteenth and nineteenth centuries. Historic Preservation staff should monitor any grading near the Magruder/McGregor Family Cemetery to ensure that any burials not identified in previous surveys are not disturbed.

6. The artifacts recovered from Phase I and Phase II investigations conducted on the Case Property and Phase I investigations on the Yergat property by Greenhorne & O'Mara Inc. (now Stantec) archeologists under the previous owner, were never curated with the Maryland Archaeological Conservation (MAC) Lab in Calvert County. The applicant should contact Stantec archeologists about curating the artifacts recovered from the previous investigations on the Case and Yergat properties at the MAC Lab.

The Planning Board generally concurs with the findings and recommendations of the HPC, but noted that hard copies of the final Phase II report for the Case property were submitted by the applicant, in accordance with Condition No. 3 of A-9973-02 above. Appropriate conditions are included to address the remaining recommendations of the HPC. Those conditions which are applicable at SDP will be addressed at that time and are not necessary to recondition as part of this PPS.

12. **Environmental**—This PPS was accepted on May 20, 2022. Comments were provided to the applicant at the SDRC meeting on May 27, 2022. Revised plans and documents were received on June 13, 2022. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NRI-158-05	N/A	Staff	Approved	07/10/2006	N/A
A-9973	N/A	District Council	Approved	02/06/2007	CR-2-2007
CDP-0601	TCPI-006-08	District Council	Approved	02/09/2009	PGCPB No. 08-121
N/A	TCPII-223-92	Staff	Approved	11/30/1992	N/A
NRI-158-05-01	N/A	Staff	Approved	10/04/2012	N/A
N/A	TCP2-083-05-14	Staff	Approved	02/12/2020	N/A
A-9973-02	N/A	District Council	Approved	11/15/2021	Z.O. No. 8-2021
A-9973-01	N/A	District Council	Approved	4/11/2022	Z.O. No. 5-2022
NRI-158-05-03	N/A	Staff	Approved	9/16/2021	N/A
CDP-0601-01	TCP1-006-2022	Planning Board	Approved	4/28/2022	PGCPB No. 2022-50
4-21049	TCP1-006-2022-01	Planning Board	Approved	07/21/2022	PGCPB No. 2022-86

Grandfathering

This project is subject to the environmental regulations contained in Subtitle 25, and in prior Subtitles 24 and 27 that came into effect on September 1, 2010, because the application is for a new PPS.

Site Description

The site is located within the Established Community areas of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The subject property is located on the south side of Westphalia Road, just east of its intersection with Valley Forest Drive. This site contains streams and wetlands associated with the Western Branch of the Patuxent River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, and endangered species found to occur on or in the vicinity of this property. Westphalia Road is a designated historic road. Three master-planned roadways are mapped on the site: primary road P-616 runs from north to south on the western portion of the property; primary road P-617 connects to P-616 and crosses from west to east; and major collector road MC-631 proposes a connection with Westphalia Road along the eastern edge of the site. According to the 2017 *Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains both regulated and evaluation areas with the majority of regulated areas associated with the on-site stream network, and the evaluation areas present on the southern portion of the site. The Dunblane Cemetery (Magruder/McGregor Family Cemetery) historic site is present in the northwestern corner of the site.

Previously Approved Conditions

There are no previously associated PPS cases, with conditions for the subject property.

Type 2 Tree Conservation Plan TCPII-223-92 was approved on November 30, 1992, and associated with the Woodside Village project, which included additional adjacent properties. However, the TCPII was never implemented.

Basic Plan A-9973-02

The condition of approval for A-9973-02, which is environmental in nature, is addressed below:

- 14. At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:**
 - b. Submit a letter of justification for all proposed primary management area impacts, in the event disturbances are unavoidable.**

A revised statement of justification (SOJ) for all proposed PMA impacts was provided in association with the PPS. This SOJ outlines proposed impacts which are discussed in the Environmental Review section of this finding.

CDP-0601-01 was approved by the Planning Board by PGCPB Resolution No. 2022-50 on April 28, 2022. There are no conditions of approval of CDP-0601-01 which are environmental in nature, and are relevant to the review of this PPS.

Conformance with Applicable Plans.

Sector Plan

In the sector plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the sector plan, and the plain text provides comments on the plan conformance.

Policy 1 **Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.**

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

According to the Green Infrastructure Plan, the site contains regulated areas and no network gaps. The plan shows 15.03 acres of existing woodland which are proposed to be preserved, and 7.32 acres of reforestation to promote retention of the on-site green space. Impacts to the PMA were proposed for a recreational trail totaling 2.12 acres.

The PMA impacts for a recreational trail, in this instance, are not approved where a master-planned trail system is provided within the rights-of-way of the master-planned roads, and sidewalks will be provided throughout the subdivision on both sides of all internal streets. The remainder of the approved impacts to the regulated environmental features for master-planned roadway crossings, sewer connections, and SWM facilities are generally minimized, to the extent practicable.

- 2. Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

Several impacts to the PMA are approved with this application. Partial preservation of the natural buffer along on-site stream is approved. This buffer provides additional protection for the stream system and associated wetlands systems, and helps to maintain a green corridor along the sensitive edge. A site-wide recreational trail was proposed with this application which has the potential to have a significant impact on PMA. This trail is not approved, and the removal of the trail aligns with this strategy.

3. Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.

The PPS includes development on the most developable portion of the site. The majority of the stream network will remain undisturbed within a green space buffer. A portion of these features were proposed to be impacted by a site-wide recreational trail and for the approved street network within the subdivision. As stated earlier, PMA impacts for a recreational trail are not approved. Regulated features shall be placed within a woodland and wildlife habitat conservation easement and supported by additional afforestation, in the areas vacated by the recreational trail, to further protect the open space network.

4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.

The site is within the Western Branch of the Patuxent River watershed. With the removal of the proposed areas of PMA impact for the recreational trail, the preservation and restoration of the on-site stream system is found in conformance with this strategy.

5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.

6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

In regard to strategies 5 through 7, with the exception of one stream crossing, the proposed stream crossings are for master-planned rights-of-way. The PMA impacts for the recreational trail are not approved. With the removal of the proposed areas of impact for the recreational trail, the preservation and restoration of the on-site stream system is found in conformance with this strategy.

Policy 2 Restore and enhance water quality of receiving streams that have been and preserve water quality in areas not degraded.

Strategies:

- 1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

The application does not propose agricultural uses. The existing agricultural use on the subject site will be removed and replaced with residential use.

- 2. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

A stream assessment, dated January 2022, was submitted with the PPS. The report indicates that the majority of the stream is significantly impaired. Stream restoration or other SWM techniques, as approved by DPIE, shall be investigated to retain the connectivity of the woodland area, and promote stream health.

- 3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**

The PPS approves limited connections between this development and adjacent sites to the east and the south, to minimize the need for stream crossings and PMA impacts. The remainder of the PMA area of the site will remain undisturbed and be placed into a woodland conservation easement. Three stream crossings are included with this PPS.

- 4. Encourage shared public/private stormwater facilities as site amenities.**
- 5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

In regard to strategies 4 and 5, development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable.

- Policy 3** **Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

The use of green building and energy conservation techniques are encouraged for the residential portion of the development and should be addressed with an application which includes the review of building design.

- 2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of alternative energy sources is encouraged for the residential portion of the development.

Policy 4 Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

Strategies:

- 1. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- 2. Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- 3. Evaluate development proposals using Phase I noise studies and noise models.**
- 4. Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- 5. Provide for the use of appropriate attenuation measures when noise issues are identified.**

There are no designated noise corridors on or in immediate proximity of the subject site.

Green Infrastructure Plan

The site is mapped as an evaluation area within the Green Infrastructure Plan. This site is comprised of mostly agricultural area, with an on-site stream system located in the center of the property that flows off-site to the south.

The following policies and strategies are applicable to the PPS. The text in **bold** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

Policy 1 Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is in the Western Branch of the Patuxent River basin, but is not within a Tier II catchment area, a sensitive species project review area, or a special conservation area. The site contains a stream system and associated minor wetland, which is within an Evaluation Area of the network. The current plan proposes to preserve the system within an area of woodland conservation, with impacts to the PMA area minimized to the extent practicable.

Stream restoration or other SWM techniques, as approved by DPIE, shall be investigated to retain the connectivity of the woodland area and promote stream health. With the removal of the proposed areas of impact for the recreational trail, opportunities for providing additional afforestation areas shall be considered to further support the ecological systems and reduce the off-site woodland conservation credits required.

Policy 2 Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

With the removal of the recreational trail and PMA impacts for site grading and SWM facilities, the regulated system on-site will be preserved with impacts to the PMA limited to utilities and road crossings. The revised design will adequately preserve a connected wooded stream system. The Type 1 tree conservation plan (TCP1) shows that 22.35 acres of the required woodland conservation requirement will be met on-site as 15.03 acres of preservation and 7.32 acres of afforestation, with the remaining 41.80 acres being met off-site. The removal of the recreational trail provides opportunities to enhance the Regulated Areas with afforestation inside and along the PMA.

Policy 3 Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

Minor fragmentation of regulated environmental features is included with this PPS at the location of the proposed stream crossing associated with the master plan rights-of-way, sewer connections, SWM outfalls, site grading for lots and

SWM facilities, and a recreational trail. With the removal of the recreational trail and PMA impacts for site grading and SWM facilities, the regulated environmental features will be preserved with the impacts to the PMA limited to utilities and stream crossings.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

A site-wide trail system is proposed with this PPS. However, due to the PMA impacts required to construct the trail, the proposed trail shall be removed and the area afforested to enhance the regulated environmental features.

Policy 4 Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation comprising areas of preservation and afforestation will be required to be placed in woodland conservation easements, with the approval of the Type 2 Tree Conservation Plan.

Policy 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The proposal has not yet received SWM concept approval. The submitted SWM Concept Plan (38822-2021-00) shows use of micro-bioretenion and submerged gravel wetlands, as well as stormdrain outfalls with impacts to the PMA, to meet the current requirements of environmental site design, to the maximum extent practicable. SWM facilities shall not be designed or located in such a way that impact the PMA. The current proposal identifies 10 impacts to PMA, of which seven partly contain impacts for SWM. Impacts for stormdrain outfalls are approved, however, impacts for the placement of submerged gravel wetlands or micro-bioretenion facilities are not supported. The relocation or redesign of on-site SWM features would address this strategy.

Policy 7 **Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1** **Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2** **Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4** **Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/or amendments are used.**

The TCP1 provides 10 percent of the gross tract area in woodland conservation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the Landscape Manual. Tree canopy coverage (TCC) requirements will be evaluated at the time of SDP.

Forest Canopy Strategies

- 7.12** **Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13** **Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18** **Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is included with the subject application. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does contain potential forest interior dwelling species habitat. Green space is encouraged in compact developments to serve multiple eco-services. With the deletion of the proposed recreational trail, grading and SWM facility encroachments, and the addition of afforestation opportunities, this application will maintain and enhance the greenspace associated with the on-site stream system.

Policy 12 **Provide adequate protection and screening from noise and vibration.**

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

There are no designated noise corridors on or in immediate proximity of the subject site.

Environmental Review

Natural Resources Inventory

The subject site has a Natural Resources Inventory Plan, NRI-158-05-03, approved on September 16, 2021. The PPS shows the required NRI information and is in general conformance with the NRI plan for the overall site. The PPS clearly shows the wetlands areas; however, the symbology is missing from the legend. The site statistics table shown on the TCP1, provided with the PPS, is in conformance with the NRI Plan. TCP1-006-2022-01 shall be revised to indicate the wetlands symbology in the legend. At this time, no other modifications are required to the TCP1 for conformance with the CDP.

Woodland Conservation

A revised TCP1-006-2022-01 was submitted with the PPS, which shows the overall 158.28-acre site with a net tract area of 156.21 acres. The site has 31.52 acres of existing woodland in the net tract area, and 2.07 acres of existing woodlands in the floodplain. The woodland conservation threshold is 31.24 acres (20 percent of the net tract area). The woodland conservation worksheet shows the removal of 16.49 acres of woodland on the net tract area and 0.41 acre of woodlands in the floodplain, resulting in a woodland conservation requirement of 64.15 acres. This requirement is proposed to be met with 15.03 acres of on-site woodland preservation, 7.32 acres of on-site afforestation, and 41.80 acres of off-site woodland conservation credits.

While the site layout is in conformance with prior approvals, it reflects an overall increase in clearing from the TCP1 associated with CDP-0601-01, which proposed 15.15 acres of woodland cleared and a woodland conservation requirement of 61.47 acres. With the CDP, this requirement was proposed to be met with 16.37 acres on-site woodland preservation and 7.66 acres of afforestation, with 37.44 acres of off-site woodland conservation credits. Some discrepancy between the CDP and the PPS is expected as the PPS is further engineered and provides additional details. However, the TCP1 associated with this PPS proposes an increase of 2.68 acres in clearing, and reduction of both on-site woodland conservation and afforestation. To bring the PPS in balance with the prior approvals, the proposed recreational trail shall be removed, and woodland retention and afforestation shall be provided in its place. This will result in an increase of on-site woodland conservation and a reduction of the off-site woodland conservation credits required.

Specimen Trees

Section 25-122(b)(1)(G) of the County Code 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 of each tree in its entirety or preserve an

appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The Code, however, is not inflexible.

The authorizing legislation of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

An SOJ was provided for the removal of 25 specimen trees. The conditions of these trees rate from very poor to fair condition.

Specimen Tree Number	Common Name	DBH* (in inches)	Condition	Disposition
24	Tulip poplar	36	Fair	Remove
25	Tulip poplar	34	Fair	Remove
26	White oak	35	Fair	Remove
27	Sweet gum	44	Fair	Remove
28	Tulip poplar	46	Fair	Remove
32	Silver maple	46	Fair	Remove
33	Sycamore	45	Fair	Remove
34	Silver maple	31	Fair	Remove
35	Tulip poplar	35	Fair	Remove
36	Tulip poplar	32	Fair	Remove
37	Tulip poplar	33	Poor	Remove
38	Tulip poplar	32	Fair	Remove
39	Tulip poplar	43	Fair	Remove
40	White oak	32	Fair	Remove
45	Red oak	34	Fair	Remove
46	American beech	34	Fair	Remove
49	Tulip poplar	42	Very Poor	Remove
50	Tulip poplar	40	Fair	Remove
51	Tulip poplar	35	Fair	Remove
53	Tulip poplar	36	Fair	Remove
54	Tulip Poplar	32	Fair	Remove
55	American Beech	38	Fair	Remove
56	Tulip Poplar	33	Fair	Remove
57	Sweet Gum	38	Fair	Remove
60	Tulip Poplar	40	Fair	Remove

*Diameter at breast height

Removal of the 25 specimen trees requested by the applicant is approved, based on the findings below.

Evaluation

Section 25-119(d) contains six required findings (text in **bold** below) to be made before a variance to 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 the 25 specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

Specimen trees are located in three areas of the site: the southwest, southcentral, and central. This site features two master-planned rights-of-way: P-616 and P-617. Many of the specimen trees approved for removal are associated with the construction of P-616 and P-617. These rights-of-way serve as the main access and through roads for the site, providing access from Westphalia Road, eventually connecting with sites to the south and east.

The location of these rights-of-way are in conformance with the MPOT. Specimen trees approved for removal, not in association with the master-planned rights-of-way, are identified for removal for construction of a SWM feature. The location of this proposed submerged gravel wetland will be analyzed by DPIE, in association with the SWM concept plan. The submitted variance request identifies 25 specimen trees, of which 15 are Tulip Poplars. Tulip Poplars are known for poor construction tolerance and are prone to damage when isolated. Of the 25 specimen trees approved for removal, the majority are directly associated with the development of the master-planned roadways which bisect the site. The remainder of the trees approved for removal are associated with a SWM feature as described above.

The construction of the master-planned rights-of-way is a reasonable use for the subject site, and it cannot be accomplished elsewhere on the site, as the alignment of the roadways connects to the adjacent properties to the south. Restricting the removal of these trees would result in the modification of the master-planned roadway alignments, to the extent that it would cause the applicant an unwarranted hardship. The master-planned roadways propose crossings over regulated environmental areas, and further adjustment of the road alignment would result in additional PMA impacts. The removal of these trees is supported, and the position of the master-planned roadway is reflective of the MPOT.

(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 critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the 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 approved for removal, retaining the trees and avoiding disturbance to the critical root zone 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.

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 similar residential developments were bisected by two master-planned rights-of-way, with regulated environmental features and specimen trees in similar conditions and locations, it would be given the same considerations 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 existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the 25 specimen trees would be the result of the grading required for the development site. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

There are no existing conditions relating to land or building uses on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on 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 Prince George's Soil Conservation District. 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 the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees 24–28, 32–40, 45, 46, 49–51, 53–57, and 60. The requested variance for removal of 25 specimen trees for the development proposed with this PPS is approved.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains streams, wetlands, and wetland buffers within the delineated PMA, which shall be protected by conservation easements to the fullest extent possible, as determined at the time of PPS and SDP reviews. A conceptual proposed PMA impact statement and exhibit was provided at time of CDP to establish areas of potential impact. No impacts to PMA were approved with the CDP. The proposed impact square footage identified at CDP was presented to quantify how much each proposed impact has increased with the PPS. This increase in proposed impacts is due to factors such as the Washington Suburban Sanitary Commission alignments and further engineering detail. The PPS application package included an SOJ for 10 proposed impacts to the PMA, which are shown on the PPS and TCP1. The proposed impacts are partially approved, as detailed below, subject to conditions.

A site-wide recreational trail was proposed with the CDP, which was designed to serve as a recreational amenity for the site. The proposed location of this trail significantly impacts the PMA in several locations throughout the site. In the applicant's revised SOJ for impacts to regulated environmental features, dated June 10, 2022, the total impacts for the trail network were identified as 92,233 square feet, or 2.12 acres. This area is 36 percent of total impacts proposed, and potentially could be further detrimental to the on-site stream system. The recreational trail system is not required under the conditions of the prior approvals for the site, and is not required to support the density included with this PPS. The trail shall be deleted from the development proposal, to eliminate unnecessary PMA impacts and increase the on-site woodland conservation with afforestation areas. The PMA impacts proposed with this PPS total 253,391 square feet, or 5.82 acres. With the recreational trail deleted from the development proposal, the PMA impacts reduce to 161,158 square feet, or 3.70 acres. The removal of this trail significantly reduces avoidable impacts and allows for more on-site woodland conservation to further meet requirements.

Impact 1

Impact 1 proposes 42,990 square feet of PMA and stream buffer disturbance for the construction of a road crossing for master plan road P-616, a sanitary sewer connection, an existing SWM easement, and site grading behind Lots 65 and 66. P-616 has a required right-of-way of 60 feet and the location is set in accordance with the MPOT, and will provide a connection to the development to the south.

This impact also includes a connection to an existing sewer line to support site infrastructure. An existing SWM easement is recorded at Liber 34656 at Folio 201, which needs to allow clearing to maintain the SWM facility. In addition, site grading of 750 square feet, or 0.02 acre, of disturbance is proposed behind Lots 65 and 66, to avoid a retaining wall. In the SOJ, the applicant stated that grading out this area into the PMA would provide an opportunity to reforest the PMA area; however, in review of the TCP1, afforestation is not proposed for this area. This impact has increased from 35,209 square feet, or 0.81 acre, as proposed with the CDP; to 42,990 square feet, or 0.99 acre, with the PPS. Impacts for site grading behind Lots 65 and 66 are not approved and shall be removed. Impact 1 is partially approved. The impacts to construct the master-planned right-of-way P-616, the sewer connection, and for the existing SWM easement area are approved, as it provides primary access to the site to the south and necessary infrastructure. Additional impacts for SWM and grading into the PMA for lot alignment are not approved.

Impact 2

Impact 2 proposes 39,025 square feet, or 0.99 acre, of PMA and stream buffer disturbance for the construction of an internal road crossing, water loop and sewer lateral connection SWM outfall, stormdrain pipes, and recreational trail. The internal road connection crosses a sensitive area directly south of the Dunblane Cemetery site. During CDP review, three direct vehicular connections to Westphalia Road were identified for this project. These connections serve the main sections of the development, making this internal connection redundant and avoidable. Additional discussion with the applicants' engineers occurred during review of the CDP, in which it was identified that the current use on the site has impacted this location. Additional information was requested for further justification on this crossing. In the March 18, 2022, response to SDRC comments submission, additional materials relating to the proposed internal crossing were provided, which detailed impacts to the stream from the existing use. This impact has increased from 35,807 square feet, or 0.82 acre, as proposed with the CDP; to 39,025 square feet, or 0.99 acre, with the PPS. If the trail is not implemented, this impact is further reduced to 21,033 square feet, or 0.48 acre. Impact 2 is partially approved for the internal road crossing for site connectivity, utilities, and SWM outfall structures. Impacts related to the site-wide trail and stormdrain pipe features are not approved.

Impacts 3 and 4

Impact 3 proposes 14,304 square feet, or 0.32 acre, of PMA impacts for the proposed site-wide trail and sewer line connection. This impact has increased from the 9,894 square feet, or 0.23 acre proposed with the CDP to 14,304 square feet, or 0.32 acre, with the PPS. The SOJ for PMA impacts identifies that the trail will follow the existing grading, and additional grading will not be required.

Impact 4 proposes 13,497 square feet, or 0.31 acre, of PMA impacts for the proposed site-wide trail system. As with Impact 3, the SOJ details that the trail will follow the existing contours so, no grading will be required for this section of the trail.

A large portion of the proposed PMA Impacts 3 and 4 are associated with the proposed recreation trail. The recreational trail shall be removed as it is not required to implement the density included with 4-21049. These impacts run parallel to the on-site stream system, and the

associated grading has the potential to further impact the stream system. As noted above, if the proposed trail system is not considered, there is a significant reduction in site-wide PMA impacts. Impact 3 is further reduced to 4,410 square feet, or 0.10 acre, and Impact 4 is completely eliminated by removing the 13,497 square feet, or 0.31 acre, of impact. Utility connections associated with Impact 3 are approved, while the site-wide trail is not. Impact 4 is not approved.

Impact 5

Impact 5 proposes 35,350 square feet, or 0.81 acre, of PMA and stream buffer disturbance for the construction of a stormdrain outfall, sanitary sewer, and a portion of the site-wide recreational trail. The stormdrain outfall has been placed to minimize PMA disturbance. As discussed with Impacts 3 and 4 above, removal of the proposed trail will reduce Impact 5 to 21,725 square feet, or 0.50 acre. Impacts for utility connections and SWM outfall structures are approved. The impact due to the site-wide trail is not approved.

Impact 6

Impact 6 proposes 48,640 square feet, or 1.12 acres, of PMA and stream buffer disturbance for the construction of master plan road P-617, a stormdrain outfall, and a portion of the site-wide recreational trail. The road impact provides east to west connection through the site and is supported. The outfall is to be placed to minimize impacts to the PMA. As discussed above, with the removal of the on-site trail, this impact will be reduced to 33,390 square feet, or 0.77 acre. This impact is partially approved for the construction of P-617, sewer connection, and stormdrain outfall. The proposed site-wide trail is not approved.

Impact 7

Impact 7 proposes 16,685 square feet, or 0.38 acre, of PMA and stream buffer disturbance for the construction of a stormdrain outfall and site-wide recreational trail. The stormdrain outfall is to be placed to minimize impacts to the PMA. As discussed above, removal of the trail system reduces this impact to 4,560 square feet, or 0.10 acre. Impact 7 is partially approved for the stormdrain outfall. The proposed site-wide trail is not approved.

Impact 8

Impact 8 proposes 25,050 square feet, or 0.58 acre, of PMA and stream buffer disturbance for the construction of two stormdrain outfalls, a stormdrain pipe with easement, and a portion of the site-wide recreational trail. The outfalls are to be placed to minimize impacts to the PMA. As discussed above, removal of the trail system with reduce this impact to 18,790 square feet, or 0.43 acre.

This impact is partially approved. The impacts for installation of stormdrain outfall and utilities are approved. Environmental site design should be considered to reduce the impact to the PMA from the associated pipe system. Impacts due to the site-wide trial are not approved.

Impact 9

Impact 9 proposes 8,260 square feet, or 0.19 acre, of PMA and stream buffer disturbance for the construction of a sewer connection and a portion of the site-wide recreational trail. The impact associated with the connection for infrastructure is to be minimized to the extent practicable. As

discussed above, removal of the site-wide trail will further reduce this impact to 4,670 square feet, or 0.11 acre. Impact 9 is partially approved for the proposed sewer connection. The proposed site-wide trail is not approved.

Impact 10

Impact 10 proposes 9,950 square feet, or 0.22 acre, of PMA and stream buffer disturbance for the construction of a stormdrain outfall, and for infrastructure associated with an existing Washington Gas pipeline. Impacts associated with the Washington Gas pipeline account for future disturbances and connections and impacts to PMA for infrastructure are to be minimized to the extent practicable. Impact 10 is approved in its entirety.

Conclusion

Impacts for the three- master-planned rights-of-way are approved with this application. Utility impacts, as currently proposed, are approved with this application. As a SWM concept plan has not yet been approved for this site, the final location of SWM features is undetermined. Impacts to PMA for the installation of SWM features outside of outfall structures are not approved. PMA impacts are proposed for the development of the site-wide trail, which is not required or conditioned by a prior approval. The inclusion of this trail increased the allowed density on-site as approved with the applicable CDP; however, the PPS does not reach the maximum density approved and, therefore, does not require the recreational trail to be provided. A master-planned trail will be incorporated into master-planned roads on-site. As such, the trail as proposed is an avoidable PMA impact, and is not approved. Impact 10 is approved in its entirety; Impacts 1–3 and 5–9 are partially approved; and Impact 4 is not approved.

Section 24-130(b)(5) of the Subdivision Regulations 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 regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25.” Based on the level of design information available at the present time, and the disapproval of impacts provided above, the regulated environmental features on the subject property will be preserved and/or restored to the fullest extent practicable.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are in the Adelphia-Holmdel complex, Croom-Marr complex, Dodon Fine Sandy Loam, Evesboro-Downer complex, Issue Silt Loam, Marr-Dodon complex, Woodstown Sandy Loam, and Widewater and Issue soils. Marlboro clays occur on sites in proximity to the subject site. This information is provided for the applicant’s benefit, and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report in conformance with Prince George’s County Council Bill CB-94-2004 during the permit process review.

Hillis-Carnes Engineering Associates (HCEA) performed the geotechnical explorations and the slope stability analysis and submitted the report, 'Preliminary Slope Stability Study, Yergat

Property-GSS', dated June 1, 2022. In summary, HCEA conducted four sections (section AA through section DD) of the slope stability analysis for unmitigated conditions. The slope sections evaluated at the site appears to be stable having the factor of safety higher than 1.5. Overall, the slope stability analysis report provided the information required by Prince George's County; however, the following are the County's requirements at the time of SDP acceptance:

- a. According to the Techno-Gram 005-2018, engineer shall perform 3-point drained shear test on over-consolidated clay to establish the residual shear strength parameters. However, the soil strength parameters of the Marlboro clay used for the slope stability analysis have been determined, based on the consistencies of cohesive soils and the engineer's previous experiences in the area. A residual shear strength test shall be performed and used in the analysis for further analysis on the mitigated conditions.
- b. As discussed in the report, the global stability analysis is required for mitigated conditions at the time of SDP. The global stability analysis considering the final proposed construction conditions, including the structural loads, shall be performed. If retaining walls taller than 10 feet, or taller than 6 feet with 3H:1V backslope are proposed, global stability analysis shall be performed on the cross-section of the walls in compliance with the Techno-Gram 002-2021.

Special Roadways

Westphalia Road, which borders the site on the north, is designated as a historic roadway. Appropriate buffering for special roadways, consistent with the requirements originally established for the R-M zoned site, should be maintained on future development applications.

13. **Urban Design**—Conformance with the Zoning Ordinance is evaluated, as follows:

The property is subject to the conditions of CDP-0601-01 and will require SDP approval. The development is required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, at the time of SDP review including, but not limited to, the following.

- Section 27-507, Section 27-508, and Section 27-509 requirements for the R-M Zone, as applicable,
- Part 10C Military Installation Overlay(M-I-O) Zone,
- Part 11 Off-Street Parking and Loading, and
- Part 12 Signs.

Conformance with the 2010 Prince George's County Landscape Manual

This development in the R-M Zone is subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from

Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with these requirements will be evaluated at the time of SDP.

Conformance with the Prince George’s County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject site is 158.28 acres in size and will be required to provide a minimum of 23.74 acres of the tract area in TCC. Conformance with this requirement will be evaluated at the time of detailed site plan.

14. **Westphalia Sector Plan Implementation Board**—The subject property is located within geographical boundary of the Westphalia Sector Plan and therefore, is under the purview of the Westphalia Sector Plan Implementation Board (WSPIB), pursuant to County Council Resolutions CR-6-2009, CR-80-2009, CR-57-2010, and CR-30-2014. The PPS application was referred to WSPIB for review and comments on May 24, 2022, in accordance with CR-6-2009, which requires that WSPIB be made a party of record to land development proposals which involve property within the Westphalia Sector Plan area before the Zoning Hearing Examiner, the Prince George’s County Planning Board, or the Prince George’s County District Council. At the time of the Planning Board hearing, no referral or correspondence has been received from WSPIB.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

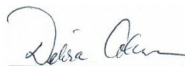
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Geraldo absent at its regular meeting held on Thursday, July 21, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of September 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:jah


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 8/16/22



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division

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

301-952-3972

January 5, 2023

MEMORANDUM

TO: Thomas Burke, Planner IV, Urban Design Section, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division

FROM: Andrew Bishop, Planner II, Placemaking Section, Community Planning Division *NAB*

SUBJECT: SDP-2203 Case Yergat

FINDINGS

Pursuant to Subtitle 27, Part 8, Division 4, Subdivision 2 of the prior Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Specific Design Plan

Location: Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road

Size: 158.28 acres

Existing Use: Undeveloped

Proposal: Approval for infrastructure only to allow on-site grading and clearing on the property, including installation of sediment control and stormwater devices to serve the ultimate development. Subsequent SDPs for lots, recreational facilities, and architecture will be submitted later for fine grading permits and building permits as appropriate.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Established Communities. The vision for the Established Communities is to create the most appropriate for context-sensitive infill and low-to medium density development (Pg. 20).

Master Plan: The 2006 *Approved Westphalia Sector Plan* recommends low density residential land uses for the subject property. Low density residential envisions a variety of housing styles and architecture and promotes best practices for residential design (page 31).

SDP-2203 Case Yergat

In Addition, it should be noted that this application is consistent with CDP-0601-01 which was approved for up to 661 residential dwelling units, including 110–130 single-family attached dwellings (townhouses) and 516–531 single-family detached dwellings. Its approval is embodied in PGCPB Resolution No. 2022-50.

Planning Area: 78

Community: Westphalia

Aviation/MIOZ: This application is located within Height Surface E of the Military Installation Overlay Zone. Structures are not proposed with this application and will be reviewed with future applications. Structures on the subject property shall not exceed 474.75 feet in height.

SMA/Zoning: The 2021 *Approved Countywide Map Amendment* placed the subject property in the Military Installation Overlay/Legacy Comprehensive Design (MIO/LCD) Zone. Relevant to this application, the 2006 *Approved Westphalia Sectional Map Amendment* originally placed the subject property in the Residential-Medium (R-M) Zone.

MASTER PLAN CONFORMANCE ISSUES:

None

ADDITIONAL INFORMATION

None

CC: Long Range Book

Adam Dodgshon, Planning Supervisor, Placemaking Section, Community Planning Division



PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

County Administration Building • 14741 Governor Oden Bowie Drive, 4th Floor, Upper Marlboro, Maryland 20772
pgplanning.org/HPC.htm • 301-952-3680

January 18, 2023

MEMORANDUM

TO: Thomas Burke, Urban Design Section
FROM: Historic Preservation Commission
VIA: Thomas Gross, HPC Liaison, Historic Preservation Section *TWG*
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
SUBJECT: SDP-2203 Case Yergat (Woodside Village)

The Historic Preservation Commission (HPC) reviewed the subject application at its January 17, 2023, meeting. The HPC voted 5-0 to recommend to the Planning Board approval of the subject application, and forwards the following findings, conclusions, and recommendations for review by the Prince George's County Planning Board.

Background

The subject property comprises 158.28 acres and is on the south side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie Marlboro Road. The subject specific design plan (SDP) application is for infrastructure only and proposes grading, clearing, sediment control, and required stormwater management (SWM) facilities. This SDP includes onsite grading and clearing within the approved limits of disturbance for the property. It also includes installation of sediment control/SWM devices to serve the ultimate development on the property. This plan does not cover utilities and/or roads. Subsequent SDPs for lots, recreational facilities, and architecture for each phase will be submitted later in advance of a fine grading permit and building permits, as appropriate. The subject property is zoned R-M (Residential-Medium).

Findings

1. The Case and Yergat properties were part of the Dunblane land patent that was granted to Alexander Magruder on June 26, 1671. The subject property includes the Magruder/McGregor Family Cemetery (Historic Site 78-010) with interments and tombstones dating from 1810 to 1857. The original eighteenth century Dunblane House was destroyed in 1969. The Dunblane house was a one- and one-half story, multi-part stucco-covered dwelling that was one of Prince George's County's most venerable landmarks because of its association with the earliest generations of the Magruder family. Dunblane was built in 1723 by John Magruder, grandson of Alexander Magruder, a Scottish immigrant. Three walls were constructed of bricks; the fourth was of log construction. The house stood until a gas explosion in 1969. At its destruction, Dunblane was the oldest Magruder dwelling in Maryland. The property had been documented with photographs and plan sketches by the Historic American Buildings Survey in the 1930s. The Magruder/MacGregor Family Cemetery was evaluated for historic site designation by the Prince George's County HPC on April 19, 2022, along with its environmental setting of 0.3393 acres (44,388 square feet), identified on the preliminary plan of subdivision (PPS) as Parcel DD.

2. Compliance with Zoning Map Amendment (Basic Plan) A-9973-02. On November 15, 2021, the District Council approved A-9973-02 to separate the basic plan and approve up to 661 dwelling units on only two parcels, including Parcel 5 (Yergat property) and Parcel 19 (Case property), with 15 conditions that supersede the prior basic plan for these two parcels. Conditions 3, 4, 5, 6, 7, 8, and 15 are relevant to Historic Preservation and Archeology concerns:

3. Prior to approval of any PPS, the applicant shall provide a final report detailing the Phase II investigations on sites 18PR898, 18PR900, and 18PR901, and shall ensure that all artifacts are curated to Maryland Historic Trust standards.

Comment: The final reports for the Phase II investigations have been submitted and this condition has been satisfied.

4. Prior to approval of a SDP, if an archeological site has been identified as significant and potentially eligible to be designated as an historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for: a. Avoiding and preserving the resource in place; or b. Phase III Data Recovery investigations and interpretation.

Comment: None of the archeological sites identified in the Phase I and II investigations of the Case and Yergat properties were found to be intact or significant. No further archeological investigations are recommended on any of the archeological sites. This condition has been satisfied.

5. If required, prior to approval of a SDP or the area including the cemetery and the archeological sites, the applicant's Phase III Data Recovery plan shall be approved by the Maryland-National Capital Park and Planning Commission staff archeologist. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the Guidelines for Archeological Review before any ground disturbance or before the approval of any grading permits within 50 feet of the perimeter of the archeological site(s) identified for Phase III investigation.

Comment: Phase III archeological investigations were not recommended on the archeological sites identified on the Case and Yergat properties. This condition has been satisfied.

6. Prior to approval of a SDP, the applicant shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage shall be subject to approval by the HPC and the Maryland-National Capital Park and Planning Commission staff archeologist. Installation of the signage shall occur prior to issuance of the first building permit for development.

Comment: This condition is still outstanding and should be carried forward until satisfied. The wording for the signage should be submitted with the first SDP for architecture.

7. Prior to approval of a SDP for the area including the cemetery and any archeological sites, the applicant shall provide for buffering of the Dunblane (Magruder/McGregor family) cemetery and/or any archeological site designated as an historic site, in compliance with the 2010 Prince George's County Landscape Manual.

Comment: This condition is still outstanding and will be addressed in a later SDP. It should be carried forward until satisfied.

8. Prior to approval of the first building permit for development, the applicant shall provide for a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence and proposed text for the marker for review and approval by the HPC.

Comment: This condition is still outstanding and should be carried forward until satisfied.

15. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder/McGregor family) cemetery shall be preserved and protected, in accordance with Section 24-135.02 of the Prince George's County Subdivision Regulations, including:
 - a) An inventory of existing cemetery elements.
 - b) Measures to protect the cemetery during development.
 - c) Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder/McGregor family) cemetery.
 - d) Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Prince George's County Planning Board or its designee, prior to final plat.

Comment: An inventory of the existing cemetery elements was submitted with the application. A condition of the preliminary plan requires the applicant to place a super silt fence around the boundaries of the burial ground, as identified in the archeological investigations prior the commencement of grading. The area around the identified burials should be monitored by an archeologist at the time of grading near the cemetery to ensure that burials that may not have been identified in previous archeological investigations will not be impacted by the grading. Items C and D of this condition are still outstanding, and should be carried forward until satisfied.

3. Compliance with Preliminary Plan 4-21049 (PGCPB No. 2022-86). On September 8, 2022, the Planning Board adopted Resolution No. 2022-86 for Preliminary Plan 4-21049 for 610 lots and 58 parcels. Conditions 1.m, 9.c, 17, 18, 19, 20, and 21 are relevant to Historic Preservation and Archeology concerns:

1. Prior to signature approval of the PPS, the plan shall be revised as follows:
- m. Provide the conceptual location for an access path to the Magruder/MacGregor Family Cemetery Historic Site (78-010) from a nearby public sidewalk or trail.

Comment: This condition has been satisfied.

9. Prior to approval of a final plat of subdivision:
- c. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation. The draft covenants shall include a plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the HOA.

Comment: This condition has not been satisfied and should be carried forward until satisfied.

17. Prior to approval of the grading permit for the portion of the development adjacent to the Magruder Family Cemetery, the applicant shall contact Historic Preservation Section staff to schedule monitoring of the grading next to the cemetery to ensure that no burials or cemetery features are disturbed.

Comment: This condition has not been satisfied and should be carried forward until satisfied.

18. Prior to signature approval of the PPS, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts recovered from Phase I and Phase II investigations conducted on the Case Property, and Phase I investigations on the Yergat Property, are curated to Maryland Historical Trust standards.

Comment: This condition has been satisfied.

19. Prior to acceptance of a SDP, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Prepare a written plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the HOA. This plan shall be

- submitted to Historic Preservation Section staff of the Maryland-National Capital Park and Planning Commission for review.
- b. Show an access path to the Magruder/McGregor Family Cemetery Historic Site (78-010) from a nearby public sidewalk or trail, and show the location of the required interpretive signage within the environmental setting on the plans.
 - c. Show the location and submit the design of a permanent wall or fence to delineate the Dunblane (Magruder/McGregor family) cemetery boundaries, and submit proposed text for an interpretive marker to be placed at a location close to or attached to the cemetery fence/wall for review and approval by the Prince George's County HPC.

Comment: This condition is still outstanding and should be addressed with the submission of an SDP for the area of the development that includes the Magruder/McGregor Family Cemetery Historic Site.

20. Prior to approval of the final plat of subdivision for the parcel containing the Magruder/McGregor Family Cemetery, the applicant and the applicant's heirs, successors, and/or assignees shall record a perpetual maintenance easement agreement or covenant in the Prince George's County Land Records for the Magruder/McGregor Family Cemetery, consistent with the approved SDP. The easement shall be described by bearings and distances on the final plat. The final plat shall indicate the Liber and folio of the agreement. The easement agreement shall be approved by the Prince George's County Planning Board (or its designee), prior to recordation.

Comment: This condition is still outstanding.

21. Prior to approval of any grading permits or any ground disturbance for the parcel containing the Magruder/McGregor Family Cemetery and adjoining roads, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit an inventory of existing cemetery elements.
 - b. Submit a list of measures to protect the cemetery during development.

Comment: The applicant submitted an inventory of existing cemetery elements with the preliminary plan application. The applicant will be required to place a super silt fence around the boundaries of the Magruder Family Cemetery.

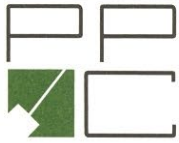
Conclusions

Conditions 6, 7, 8, 15.c, and 15.d of the District Council's approval of A-9973-02 and Conditions 9.c, 17, 18, 19, and 20 of PGCPB 2022-86 are still outstanding and should be satisfied as development of the subject property progresses. No new conditions are proposed by the HPC.

Recommendation

The HPC recommends to the Planning Board approval of SDP-2203, Case Yergat (Woodside Village), with no new conditions.

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Countywide Planning Division
Transportation Planning Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3680

February 6, 2023

MEMORANDUM

TO: Thomas Burke, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division

VIA: William Capers III, PTP, Transportation Planning Section, Countywide Planning Division

SUBJECT: SDP-2203: Case Yergat

Proposal:

The subject Specific Design Plan (SDP) application proposes on-site grading, clearing, and installation of sediment control/SWM devices to serve the subject site. No buildings, utilities, or roads are proposed within this application. The applicant has noted that subsequent SDP applications on the subject property for lots, recreational facilities, and architecture, which will be required prior to approval of building permits, will be submitted at a later stage.

Prior Conditions of Approval:

The site is subject to Zoning Map Amendment A-9973 and A-9973-02, Comprehensive Design Plan CDP-0601 and CDP-0601-01, and Preliminary Plan of Subdivision 4-21049. As discussed above, the subject SDP application is for infrastructure only for on-site grading, clearing, and installation of sediment control/SWM devices. Conditions of approval related to transportation adequacy, access and circulation, and multimodal improvements, will be addressed at later stages of development. Staff would note that the location of the SWM facilities shown on the subject application does not conflict with any conditions of approval related to onsite transportation facilities.

Master Plan Compliance

Master Plan Roads

This application is subject to 2009 *Approved Countywide Master Plan of Transportation (MPOT)* as well as the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The subject site contains frontage along Westphalia Road (C-626) along its northern bounds. Additionally, the site is impacted by two master plan roads that traverse through the site. The master plans recommend P-616 as traversing the site in a north-south direction along the western side of the site and P-617 as an east-west roadway within the limits of the site. The location and design of these roadways were depicted and approved with PPS 4-21049 as envisioned in the MPOT and will be used to evaluate future SDPs. Specific to the subject application, the location of SWM facilities has been strategically placed so as not to interfere with any of the planned roadways, which will ultimately serve the subject site. Staff finds that the application meets Master Plan compliance regarding recommended roadways.

Master Plan Pedestrian and Bike Facilities

The 2009 Approved Countywide Master Plan of Transportation (MPOT) contains the following recommended bicycle or pedestrian facilities associated with the subject application:

Recommended Side Path: Westphalia Road, P-617

Recommended Shared Roadway: P-616

The bicycle and pedestrian facilities listed above were evaluated and have been conditioned for approval as part of 4-21049. Specific design elements of these facilities are discussed with condition 16 of 4-21049. Specific to the subject application, the location of SWM facilities has been placed so as not to interfere with any planned bicycle and pedestrian improvements. Staff finds that the application meets Master Plan recommended bicycle and pedestrian facilities.

Transportation Planning Review

As discussed above, the subject application does not propose any transportation improvements. The staff has evaluated the location of all SWM locations on-site and finds that they will not result in any conflicts with roadways or bicycle and pedestrian facilities, which were evaluated with prior applications.

Conclusion:

Overall, from the standpoint of The Transportation Planning Section, it is determined that this plan is acceptable.

February 2, 2023

MEMORANDUM

TO: Thomas Burke, Acting Planner IV, Urban Design Section
VIA: Mridula Gupta, Planner III, Subdivision Section *MG*
FROM: Mahsa Vatandoost, Planner II, Subdivision Section *MV*
SUBJECT: SDP-2203; Case Yergat

The subject property is located on Tax Map 82 in Grid F-4, Tax Map 83 in Grid A-4, Tax Map 90 in Grid F-1, and Tax Map 91 in Grid A-1. The property currently consists of four acreage parcels, two of which are both known as Parcel 5, and two of which are both known as Parcel 19. Parcel 5 is recorded in the Prince George's County Land Records in Liber 45419 at folio 393, while Parcel 19 is recorded in Liber 45939 at folio 532. The property is located within the Legacy Comprehensive Design (LCD) Zone and Military Installation Overlay (MIO) Zone for height. However, this specific design plan (SDP) application was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed pursuant to the prior Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) zoning of the property, and prior Subdivision Regulations.

This SDP covers 158.28 acres and proposes on-site grading and sediment control within the approved limits of disturbance for the property. Seven outparcels are proposed in this SDP, however, no development, including infrastructure, is currently proposed on these outparcels, and the applicant has indicated that a future SDP will be submitted for the development of the property.

The property is subject to the Preliminary Plan of Subdivision (PPS) 4-21049, titled Case Yergat, which was approved by the Prince George's Planning Board on July 21, 2022 (PGCPB Resolution No. 2022-86). The PPS covers 158.28 acres and approved 610 lots and 58 parcels for the development of 493 single-family detached and 117 single-family attached dwelling units.

There are no prior final plats of subdivision recorded for this property. Final plats of subdivision will be required subsequent to the approved PPS and following to the approval of this SDP before any grading permits can be approved for this site. The area of the recorded outparcels will need to be replatted in accordance with the approved PPS subsequent to future SDPs for development.

PPS 4-21049 was approved subject to 30 conditions. However, as noted above, this SDP has been filed for grading and sediment control only, and the conditions of approval of the PPS will be further reviewed for conformance with subsequent SDPs. The condition relevant to the review of this SDP

is listed below in bold text. Staff analysis of the project's conformance to the condition follows in plain text:

3. **Development of this site shall be in conformance with the approved stormwater management concept plan (38822-2021-00) and any subsequent revisions.**

The Environmental Planning Section should determine conformance with this condition.

17. **Prior to approval of the grading permit for the portion of the development adjacent to the Magruder Family Cemetery, the applicant shall contact Historic Preservation Section staff to schedule monitoring of the grading next to the cemetery to ensure that no burials or cemetery features are disturbed.**

21. **Prior to approval of any grading permits or any ground disturbance for the parcel containing the Magruder/McGregor Family Cemetery and adjoining roads, the applicant and the applicant's heirs, successors, and/or assignees shall:**

- a. **Submit an inventory of existing cemetery elements.**
- b. **Submit a list of measures to protect the cemetery during development.**

Conditions 17 and 21 will be applicable at the time of grading permit application following the approval of this SDP and platting of this property.

26. **Prior to acceptance of the specific design plan, a global stability analysis performed on critical slopes shall be submitted for both unmitigated and mitigated conditions, in compliance with Techno-gram 005-2018.**

The Environmental Planning Section should determine conformance with this condition.

Additional Comments:

1. The line type used for proposed outparcel boundary lines is not consistent. Also, some of the property boundary lines are not described by the bearings and distances. The SDP should be revised to reflect consistent boundary line type, and provide all property line bearings and distances.

Recommended Conditions:

1. Prior to certification, the specific design plan shall be revised as follows:
 - a. Revise the boundary lines for outparcels using a consistent line type and providing all bearings and distances.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The SDP has been found to be in conformance with the approved preliminary plan of subdivision. All bearings and distances must

be clearly shown on the SDP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Countywide Planning Division
 Environmental Planning Section

301-952-3650

February 22, 2023

MEMORANDUM

TO: Tom Burke, Acting Planner IV, Urban Design Section, DRD

VIA: Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *MM*

FROM: Alexander Kirchhof, Planner I, Environmental Planning Section, CWPD *AK*

SUBJECT: **Case Yergat; SDP-2203 and TCP2-048-2022**

The Environmental Planning Section (EPS) has reviewed the above referenced Specific Design Plan (SDP-2203) and Type 2 Tree Conservation Plan (TCP2-048-2022) application accepted on December 14, 2022. Comments were provided at the Subdivision and Development Review Committee (SDRC) meeting held on January 6, 2023. Revised materials were received February 2, 2023. A revised specimen tree variance request was submitted on February 9, 2023. Staff recommends approval of SDP-2203 and TCP2-048-2022, subject to the recommended findings and conditions found at the end of this memorandum.

BACKGROUND

The EPS has reviewed this site previously with the review of the following applications:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
NRI-158-05	N/A	Staff	Approved	7/10/2006	N/A
A-9973	N/A	District Council	Approved	2/6/2007	Z.O. No.
CDP-0601	TCP1-006-08	District Council	Approved	2/9/2009	PGCPB No. 08-121
N/A	TCPII-223-92	Staff	Approved	11/30/1992	N/A
NRI-158-05-01	N/A	Staff	Approved	10/4/2012	N/A
N/A	TCP2-083-05-14	Staff	Approved	2/12/2020	N/A
A-9973-02	N/A	District Council	Approved	11/15/2021	Z.O. No. 8-2021
A-9973-01	N/A	District Council	Approved	4/11/2022	Z.O. No. 5-2022
NRI-158-05-03	N/A	Staff	Approved	9/16/2021	N/A
CDP-0601-01	TCP1-006-2022	Planning Board	Approved	4/28/2022	PGCPB No. 2022-50

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
4-21049	TCP1-006-2022-01	Planning Board	Approved	7/21/2022	PGCPB No. 2022-86
SDP-2203	TCP2-048-2022	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

This application is for the development of residential dwellings, a trail system, and clubhouse on a 158.28-acre site in the Legacy Comprehensive Design Zone (LCD), which references the approval history of this site as a comprehensive design zone; however, the applicant has elected to proceed with this development using the requirement established for the prior Residential Medium Development (R-M) Zone. Prior approvals include a basic plan, comprehensive design plan (CDP), and preliminary plan of subdivision (PPS). An SDP is required to follow the PPS.

GRANDFATHERING

The project is subject to the environmental regulations contained in Subtitle 25, and in the prior Subtitles 24 and 27 that came into effect on September 1, 2010, because the application was subject to a new PPS.

SITE DESCRIPTION

The subject property is located on the south side of Westphalia Road, just east of the intersection with Valley Forest Drive. This site contains streams and wetlands associated with the Western Branch of the Patuxent River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. Westphalia Road is a designated historic road. Three master-planned roadways are mapped on the site; primary road P-616 runs from north to south on the western portion of the property; primary road P-617 connects to P-616 and crosses from west to east; and major collector road MC-631 proposes a connection with Westphalia Road along the eastern edge of the site. According to the *Countywide Green Infrastructure Plan of the Approved Prince George's Resources Conservation Plan* (May 2017), the site contains both Regulated and Evaluation Areas with the majority of Regulated Areas associated with the on-site stream network, and the Evaluation Areas present on the southern portion of the site. The site is located within the Established Community areas of the Growth Policy Map and Environmental Strategy Area (ESA) 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*. The Dunblane Cemetery historic site is present in the northwestern corner of the site.

PREVIOUSLY APPROVED CONDITIONS

Type 2 Tree Conservation Plan TCPII-223-92 was approved on November 30, 1992, and associated with the Woodside Village project, which included additional adjacent properties; however, the TCPII was never implemented.

Review of Environmental Conditions and Considerations of Approval for A-9973

Basic Plan amendment A-9973-02 was approved on April 11, 2022, and supersedes all previous approvals. This amendment was to separate the Case and Yergat Parcels from those associated with

the remainder of Woodside Village, and to amend the sector plan via the Sectional Map Amendment. All environmental conditions of approval that are applicable to this case were addressed.

Comprehensive Design Plan CDP-0601-01 was approved by the Planning Board by PGCPB Resolution No. 2022-50 on April 28, 2022. The conditions of approval, which are environmental in nature, were addressed with the certification of CDP-0601-01.

Preliminary Plan of Subdivision 4-21049 was approved by the Planning Board by PGCPB No. 2022-86 on July 21, 2022, subject to 30 conditions, 6 of which are environmental in nature. The conditions and considerations of approval for the preliminary plan, which are environmental in nature for 4-21049, as provided in the Planning Board, are addressed below:

22. **Prior to signature approval of the preliminary plan of subdivision, the Type 1 Tree Conservation Plan (TCP1) shall be revised as follows:**
 - a. **The legend shall be revised to indicate the wetlands symbology present on the TCP1.**
 - b. **All easements and impacts associated with the Washington Suburban Sanitary Commission easement shall be shown on the TCP1.**
 - c. **The TCP1 shall be revised to remove the proposed site-wide recreational trail and associated primary management area impacts and to include these areas as part of the on-site woodland preservation or afforestation, to the extent possible.**
 - d. **The TCP1 associated with this PPS is TCP1-006-2022-01. Indicate the prior approval information associated with TCP1-006-2022 in the approval block. In the woodland conservation worksheet, identify that this is the -01 revision of TCP1-006-2022.**

Condition 22 was addressed with the signature approval of TCP1-006-2022-01.

23. **Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-2022-01). The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-006-2022-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

24. **Prior to issuance of permits for this subdivision, a Type 2 Tree Conservation Plan shall be approved. The following note shall be placed on the final plat of subdivision:**

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

25. **At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

Conditions 23, 24, and 25 shall be addressed at the time of final plat.

26. **Prior to acceptance of the specific design plan, a global stability analysis performed on critical slopes shall be submitted for both unmitigated and mitigated conditions, in compliance with Techno-gram 005-2018.**

Prior to certification of the SDP, a final geotechnical report, including the revised slope stability analysis on Section DD, which the slope stability had failed in the original geotechnical report, shall be submitted for review. The revised slope analysis on Section DD was provided on February 7, 2023, and indicated that the grading and the unit weight of the New Fill has changed making this section qualify as passing. The specifications of the materials and the construction of the New Fill shall be described on the final geotechnical report. The final geotechnical report shall be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of the grading permit process.

27. **Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition shall be addressed prior to the approval of any permits for the site.

ENVIRONMENTAL REVIEW

Natural Resource Inventory

The application has a Natural Resource Inventory Plan (NRI-158-05-03), approved on September 16, 2021. The SDP shows the required NRI information and is in general conformance with the NRI plan for the overall site. The SDP clearly shows the wetlands areas; however, the symbology is missing from the legend, and the legend shall appear on each sheet of the TCP2.

Woodland Conservation

A revised TCP2-048-2022 has been submitted with the current application, which shows the overall 158.28-acre site with a net tract area of 156.21 acres. The site has 31.52 acres of existing woodland in the net tract area, and 2.07 acres of existing woodlands in the floodplain. The woodland conservation threshold is 31.24 acres (20 percent of the net tract area). The woodland conservation worksheet shows the removal of 16.23 acres of woodland on the net tract area, 0.41-acre of woodlands in the floodplain, and 0.32 acres off-site resulting in a woodland conservation requirement of 63.95 acres. This requirement is proposed to be met with 15.29 acres of woodland preservation, 9.31 acres of afforestation, and 39.35 acres of off-site credits.

Specimen Trees

Section 25-122(b)(1)(G) 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 of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The Code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The required findings of Section 25-119(d) were adequately addressed with the PPS. Staff reviewed a Specimen Tree Variance request for the removal of 25 specimen trees (24, 25, 26, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 45, 46, 49, 50, 51, 53, 54, 55, 56, 57, and 60). Specimen tree removals were approved by the Planning Board on July 21, 2022 in association with PPS approval.

Due to required grading for the 1.5 factor of safety line, modifications are required to the proposed stormwater management (SWM) facility on sheet 15, which has resulted in the request for removal of an additional two specimen trees numbered 13 and 14. A variance request was submitted with the revised material dated January 26, 2023. A revised variance request was submitted on February 9, 2023, which provided an analysis of each specimen tree proposed for removal.

Tree #	DBH	Common Name	Condition	Reason for Removal
13	57	Red oak	Fair	1.5 Factor of Safety
14	31	White oak	Fair	1.5 Factor of Safety

Evaluation

Staff supports the removal of the two specimen trees requested by the applicant, based on the findings below. 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 the two specimen trees. Those "special conditions" relate to the specimen trees themselves, such as their size, condition, species, and on-site location. The property is 158.28 acres, and the NRI shows approximately 24.42 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 15 percent of the overall site area. The applicant proposed nine impacts to the site's PMA with the preliminary plan, which were fully minimized to the extent practicable, and is proposing woodland conservation and afforestation to further protect the PMA.

The specimen trees are located across the entire site, many within the PMA or just outside the PMA. The specimen trees proposed for removal are located in the areas of the site that are being utilized for the safe transference of stormwater off-site. This required additional grading is due to the nature of the soils and slopes on-site. This site contains steep slopes, wetlands, streams, and floodplains, which restrict grading. Complete retention of these trees would severely limit the developable area of the site. A summary of each tree follows.

Specimen Tree #13

Specimen Tree #13 is identified on the TCP2 as 57-inch diameter at breast height, red oak in fair condition. Provided within the variance request, the condition of the tree is further detailed. The assessment of this tree reports some trunk and top decay, as well as general dieback. The trunk is split in one area and limited amounts of decay was observed. This tree is located within the south-central portion of the site outside of the PMA. While the red oak species tend to have good to medium construction tolerances, the fair condition of the tree shows that further stress could result in additional decay or hazard. The applicant is proposing to remove this tree due to the limitations of the slope type, which requires the 1.5 factor of safety line in certain areas of the site. If this tree were to be retained, the required slope stability grading could not occur, which may lead to slope failure of the associated stormwater feature. The submerged gravel wetland proposed in this area of the site is used as a catchment area for runoff and rainwater from the proposed development. In the event of a slope failure, additional water/runoff may enter the PMA. Specimen Tree #13 is supported for removal in order to establish the safe transference of stormwater off-site.

Specimen Tree #14

Specimen Tree #14 is identified on the TCP2 as 31-inch diameter at breast height, white oak in fair condition. Provided within the variance request, the condition of the tree is further detailed. The assessment of the tree reports some trunk and top decay, as well as general dieback. The trunk was observed to be in good visual condition, with limited scarring. This tree is located within the south-central portion of the site outside of the PMA, roughly 30 feet away from Specimen Tree #13. While the white oak species tend to have good to medium construction tolerances, the fair condition of the tree shows that further stress could result in additional decay or hazard. The applicant is proposing to remove this tree due to the limitations of the slope type, which requires the 1.5 factor of safety line in certain areas of the site. If this tree were to be retained, the required slope stability grading could not occur, which may lead to slope failure of the associated stormwater feature. This submerged gravel wetland proposed in this area of the site is used as a catchment area for runoff and rainwater from the proposed development. In the event of a slope failure, additional water/runoff may enter the PMA. Specimen Tree #14 is supported for removal in order to establish the safe transference of stormwater off-site.

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 critical root zone (CRZ), would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual (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 stormwater control and slope stability for the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential development is a use that aligns with the uses permitted in the R-M Zone. The specimen trees requested for removal are located within the most structurally sound engineering parts of the site.

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

Not granting the variance would prevent the project from being developed in a functional, safe, and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, it would be given the same considerations 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 existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the two specimen trees would be the result of the stormwater infrastructure and 1.5 factor of safety grading required due to underlying soil types for the development. While oak species have good to medium tolerances, the above trees are in fair condition, and may become stressed by grading activities required to stabilize the slopes, thus retaining these trees could lead to hazardous conditions. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

There are no existing conditions relating to land, building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on 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 the

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 the State's standards. State standards are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of two specimen trees, identified as Specimen Trees #13 and #14. Staff recommends that the Planning Board approve the requested variance for the removal of two specimen trees for the construction of a residential development.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains streams, wetlands, and wetland buffers within the delineated PMA, which shall be protected by conservation easements to the fullest extent possible. At the time of PPS, impacts to the PMA were evaluated. Impacts are for roadway crossings, sewer connections, and stormdrain outfalls, in accordance with the requirements of Subtitle 24-130-(b)(5) and were numbered 1 through 10. From this analysis, it was found that Impact 10 was supported in its entirety, Impacts 1,2,3,5,6,7,8, and 9 were partially supported, and Impact 4 was not supported. The reason for partial support was due to the proposed on-site recreational trail, which was being used to meet density. In discussion with the applicant, the trail was no longer proposed with the subject SDP. With the SDP, no additional PMA impacts are requested on-site from what was approved by the Planning Board on July 21, 2022, in association with PPS 4-21049.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey, are in the Adelpia-Holmdel complex, Croom-Marr complex, Dodon Fine Sandy Loam, Evesboro-Downer complex, Issue Silt Loam, Marr-Dodon complex, Woodstown Sandy Loam, and Widewater and Issue soils. Marlboro clays occur on sites in proximity to the subject site. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report in conformance with CB-94-2004 during the permit process review.

Hillis-Carnes Engineering Associates (HCEA) has performed the geotechnical explorations and the slope stability analysis (SSA) and submitted the report "Global Slope Stability Study, Yergat Property-GSS", revised dated August 17, 2022. Additional slope analysis was provided via an email on February 7, 2023. In summary, HCEA conducted four sections (section AA through section DD) of the SSA for unmitigated conditions. The slope sections evaluated at the site appear to be stable having the factor of safety higher than 1.5. Overall, the SSA report has provided the information required by Prince George's County. Prior to certification of the SDP, a final geotechnical report, including the revised slope stability analysis on Section DD, which the slope stability had failed in the original geotechnical report, shall be submitted for review.

Stormwater Management

An approved Stormwater Management Plan (38822-2021-00) was submitted for review with the SDP. The approved concept plan shows the use of submerged gravel wetlands, bioswales, and ponds. The TCP2 shall be revised to be reflective of the locations of the proposed stormwater features, and shall show outfalls and identify each feature with the same numbering system as shown on the approved stormwater concept.

Special Roadways

Westphalia Road, which borders the site on the north, is designated as a historic roadway. Appropriate buffering for special roadways, consistent with the requirements originally established for the R-M Zoned site, should be maintained.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The EPS has reviewed SDP-2203 and TCP2-048-2022, and recommend approval, subject to the following findings:

RECOMMENDED FINDINGS

1. Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, in accordance with the requirements of Subtitle 24-130-(b)(5).
2. The required findings of Section 25-119(d) have been adequately addressed for the removal of two specimen trees, identified as Specimen Trees #13 and #14.

RECOMMENDED CONDITIONS

1. Prior to signature approval of the specific design plan (SDP), the TCP2 shall be revised as follows:
 - a. The legend shall appear on each sheet of the TCP2
 - b. The legend shall be revised to indicate the wetlands symbology present on the TCP2.
 - c. All easements and impacts associated with the Washington Suburban Sanitary Commission easement shall be shown on the TCP2.
 - d. Each stormwater facility shall be labeled and be reflective of the approved stormwater concept plan.
2. Prior to certification of the SDP, a final geotechnical report, including the revised slope stability analysis on Section DD, which the slope stability had failed in the original geotechnical report, shall be submitted for review.



Division of Environmental Health/Disease Control

Date: December 21, 2022

To: Thomas Burke, Urban Design, M-NCPPC

From: ~~Adedola Adepoju~~, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: SDP-2203 CASE YERGAT

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the specific design plan submission for the Yergat (Woodside Village) located near the intersection of Westphalia road and Ritchie Marlboro Road and has the following comments/recommendations:

1. Prior to the grading of the Yergat property if any well and septic structures are discovered then the applicant is to abandon and backfill those structures according to the guidance of the local regulatory agency. Contact the Health Department's Environmental Engineering and Policy Program for guidance at (301) 883-7681.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: February 6, 2023

TO: Thomas Burke, Acting Planner IV
Urban Design Section
Development Review Division
Planning Department

VIA: Sonja Ewing, Assistant Division Chief *SME*
Department of Parks and Recreation

FROM: Dominic Quattrocchi, Planning Supervisor *DQ*
Ivy R. Thompson, AICP, Planner III *IRT*
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **Specific Design Plan SDP- 2203 Case Yergat**

The Department of Parks and Recreation (DPR) has reviewed and evaluated this Preliminary Plan of Subdivision (PPS) application as it pertains to public parks and recreational facilities.

PROPOSAL

This application is for the placement of infrastructure associated with the residential development, as per the approved **(PPS) 4-21049**.

BACKGROUND

The subject property consists of two parcels of land, totaling 158.28 acres, located on the southern side of Westphalia Road approximately ½ mile west of its intersection with Ritchie Marlboro Road. The subject property is zoned Legacy Comprehensive Design Zone (LCD), which references the approval history of this site as a comprehensive design zone; however, the applicant has elected to proceed with this development using the requirement established for the prior Residential Medium Development (R-M) Zone.

REVIEW OF PREVIOUS CONDITIONS OF APPROVAL

Zoning Map Amendment A-9973 approved by the Prince George's County Planning Board June 1, 2006, with the accompanying basic plan (PGCPB Res. No. 06-112) rezoning 370.3-acres of land, including Parcel 5 (Yergat property) and Parcel 19 (Case property).

Zoning Map Amendment A-9973 -02 approved by the District Council effective November 15, 2021, to separate the basic plan and approve up to 661 dwelling units on only two parcels, including Parcel 5 (Yergat property) and Parcel 19 (Case property), with 15 conditions that supersedes the prior basic plan for these two parcels.

Conceptual Design Plan CDP-0601 was approved by the Prince George's County District Council on September 11, 2008, (PGCPB Res. No. 08-121) relating to land dedication to DPR and the Westphalia Central Park.

Conceptual Design Plan CDP-0601-01 was approved by the Prince George's County Planning Board on May 19, 2022, (PGCPB Res. No. 2022-50) amending the previously approved plan with seven conditions, none specifically relating to DPR.

Preliminary Plan of Subdivision (PPS) 4-21049 was approved by the Prince George's County Planning Board on September 8, 2022 (PGCPB Res. No. 2022-86) with 30 conditions, the following of which relate to DPR:

4. **In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for on-site private recreational facilities in accordance with the standards outlined in the Prince George's County Parks and Recreation Facilities Guidelines.**
5. **The private 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 Parks and Recreation Facilities Guidelines, and establishment of triggers for construction, with the submittal of the specific design plan.**
6. **Prior to submission of the final plat of subdivision, 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.**
7. **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 the on-site recreational facilities recreational facilities listed in the recreational facilities agreement.**
8. **The applicant shall make a monetary contribution into a "park club". The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.**

9. **Prior to approval of a final plat of subdivision:**
- a. **The applicant shall enter into an agreement with the Prince George’s County Department of Parks and Recreation establishing a mechanism for payment of fees into a “park club” account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the land records of Prince George’s County, Maryland by the applicant prior to final plat approval.**
 - b. **The applicant and the applicant’s heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public and private rights-of-way, in accordance with the approved preliminary plan of subdivision.**
 - c. **The applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a homeowner’s association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation. The draft covenants shall include a plan for the long-term maintenance and preservation of the Magruder/McGregor Family Cemetery by the HOA.**

DISCUSSION:

The SDP plans shows the proposed siting for infrastructure only and includes grading, clearing, sediment control and required stormwater management facilities. There are no visible impacts to MNCPPC – DPR owned property. The conditions of the PPS 4-21049 will be reviewed with future site plan submittals.

RECOMMENDATION

The Park Planning & Development Division of DPR recommends approval of Specific Design Plan SDP-2203 Case Yergat for infrastructure only.

cc: Alvin McNeal
Bridget Stesney

Additional Back-up

For

**SDP-2203
Case Yergat**

Memorandum

TO: Tom Burke
FROM: Ken Dunn, Soltesz, LLC
DATE: March 3, 2023
SUBJECT: Case/Yergat SDP 2023
Woodland Conservation Justification
Soltesz #4150-00-00

Dear Tom:

Per the Natural Resources Inventory (NRI – 158-05), approved on September 16, 2021, the site referenced above established 33.59 acres of on-site forest of which 2.07 acres are in the 100-year floodplain.

On behalf of the applicant, Soltesz is submitting a Tree Conservation Plan 2 (TCP 2) along with a Specific Design Plan. The TCP2 proposes to meet the woodland conservation via combination of on-site and off-site preservation of connected woodlands including an approved woodland conservation bank. Per Section 25-122(c), priority woodland conservation methods were evaluated with on-site preservation of 15.52 acres and by onsite reforestation of 9.31 acres approved.

(A) On-site preservation of connected woodland and wildlife habitat areas using woodlands in good condition with limited amounts of invasive or exotic plants.

On-site preservation has been utilized as a method to honor a portion of the conservation obligation. 15.29 acres of the total 31.52 acres of non-floodplain forest (48.5%) has been preserved.

(B) On-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site, or surrounding areas.

A total of 9.31 acres of on-site reforestation has been approved.

(C) On-site afforestation/reforestation of connected planting areas using native whip and seedling stock.

Native stock is being utilized to provide reforestation on-site.

(D) On-Site specimen, champion, and historic trees in good condition when the plan has been designed to ensure long-term survival.

On-site specimen trees are being preserved. There are a total of 68 specimen tree on-site. The Plan proposes to preserve 41 of the 68 specimen trees.

(E) On-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management.

This site is not suitable for natural regeneration. Public infrastructure such as Master Planned roads, stormwater management, and parks prevent this.

(F) Off-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site, or surrounding areas, in an approved woodland conservation bank.

The subject property does not contain native stock worthwhile to transfer.

(G) Off-site afforestation/reforestation of connected planting areas using native whip and seedling stock in an approved woodland conservation bank.

If an off-site tree bank suitable for reforestation of connected planting areas using native whip and seedling stock is available at the time of TCP2 approval, that option will be considered.

(H) Off-site preservation of connected woodlands in an approved woodland conservation bank.

The current plan proposes to meet the woodland conservation requirements by purchasing off-site credits from an approved tree bank.

This concludes our justification for the request to provide off-site preservation of connected woodlands in an approved woodland conservation ban.

Very truly yours,

Soltesz, LLC



Ken Dunn, RLA, AICP, LEED AP
Managing Member

3214 Valley Forest Drive
Upper Marlboro, MD 20772

March 3, 2023

Hon. Peter A. Shapiro
Chairman, Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: SDP 2203 Case Yergat

Dear Mr. Shapiro,

I am writing to express my support for the proposed residential community, Woodside, that is to be built adjacent to my home. As a longtime resident of this area, I believe that this development will be a significant asset to our community.

One of the main benefits of this new residential community is that it will likely result in an increase in property value for homes in the surrounding area. This is great news for homeowners like myself who have invested in our properties and want to see our neighborhoods continue to grow and thrive. On two occasions, Mr. Pat Ricker has taken me to tour new home communities being built by Dream Finders Homes in Frederick and Waldorf, Maryland. The homes appear to be of high quality and value

Additionally, I am pleased to see that road improvements are planned as part of this development. The current layout of Westphalia Road unsafe as it is a very windy, one-lane, two-way road and does not have a shoulder space. Better roads will not only make it easier for residents of the new community to access their homes but will also improve traffic flow and safety for all those who use the surrounding streets.

I understand that some residents may have concerns about the impact of this new development on our community and overcrowded schools, but I believe that knowing more than 80 percent of the new homes will be single family homes is more favorable than if the planned development were more townhomes or multi-family units (condominiums). It is the hope our residents in my community that the development of this community triggers the need to build new schools or increase capacity of existing schools.

In conclusion, I am in support of the new residential community and support the positive changes it will bring to our neighborhood. Thank you for your time and consideration.

Respectfully,



Dr. Ramona Burton

Mar 9, 2023
Prince George's Planning Board Hearing
Agenda
SDP-2203 Woodside Village- Case Yergat Property

Tiffani Harris-Davis
Westphalia Woods Subdivision
10007 Howell Drive
Upper Marlboro, MD 20774
Thdavis417@gmail.com
240-461-2539

Greetings Honorable Chairman Shapiro and Planning Board Members

I am submitting this written testimony as a Person of Record in Case Number SDP-2203 Woodside Village, resident of the Westphalia Woods Sub-division and member of the *Westphalia Woods Community: New Development Sub-Committee*. In the fall of 2021 and after learning of the new development occurring in Westphalia, the neighbors of Westphalia Woods galvanized and accomplished the following.

- Learned about the planned development along Westphalia Road and Ritchie-Marlboro Road
- Educated ourselves on the Prince George's Zoning and Planning Process, our role and responsibility as residents of the County, and became actively engaged in these processes
- Cultivated relationships with developers so that we could be involved and make informed recommendations about the development occurring in Westphalia.

To this end, I would like to express that Patrick Ricker and the Ricker Brothers Realty Company representatives of the Woodside Village have worked in good faith and actively engaged the Westphalia Woods Community to keep us involved and informed of their progress. For instance, during the fall 2022 meeting called by the developers, residents of Westphalia Woods learned of the archeological discovery of deceased enslaved African American artifacts on the Yergat property. During that meeting, the developers committed to honoring the lives of these deceased enslaved persons by naming streets of Woodside Village after them or erecting a plaque to honor these deceased Prince Georgians. As you might expect, we were surprised to hear of this discovery and impressed that they plan to pay homage to these Prince Georgians and their contributions to our great County.

Lastly, residents of Westphalia Woods are aware the Prince George's Planning Department has not required Woodside Village to connect Matapeake Drive [the main road entrance to Westphalia Woods] or to MC-631. It is our hope that the Prince George's Planning Department will maintain this position in the interest of the Westphalia Woods opposition to any connection to Matapeake Drive; and adhere to the safety standards of State and County road regulations.

We look forward to continuing our partnership with this developer as this project unfolds and continued engagement in future Planning Board Meetings.

Thank you for your time and consideration. Should you need additional information or would like to discuss further, do not hesitate to reach out to residents of Westphalia Woods.

Warm regards,
Tiffani Harris-Davis,
Westphalia Woods Resident
Westphalia Woods New Development Sub-Committee Member