

## SIGN POSTING INFORMATION

**Application Number:** A-9973-02

**Applicant(s) Name:** Woodside Village

**Date sign(s) were transmitted to applicant or applicant's agent:** \_\_\_\_\_

**Number of signs transmitted:** Six (6)

**Person to whom signs were transmitted:** \_\_\_\_\_ **(Print)**

\_\_\_\_\_ **(Signature)**

**Capacity in which that person was acting:** \_\_\_\_\_  
**(owner, applicant, agent)**

**Date of scheduled Zoning Hearing Examiner meeting:** September 29, 2021

**Last date sign(s) can be posted:** August 29, 2021

**Zoning Hearing Examiner**

Prince George's County • 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 • 301-952-3644

**NOTICE OF VIRTUAL HEARING**

Application Number: A-9973-02

Applicant(s) Name: Woodside Village

Date and time of scheduled Zoning Hearing Examiner meeting: September 29, 2021 at 9:30 A.M.

Description of Request: **Application of Woodside Development, LLC, Applicant and Lynn Norton, Owner request to separate the Yergat (Parcel 5) and Case (Parcel 19) properties (158.11 acres) from the Woodside Village Basic Plan, 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, MD 20772 and Map 83, Grid A4, Parcels 5 and 19.**

\* \* \* \* \*

**Attention:** Due to the current state of the novel coronavirus (COVID-19) pandemic, and the implications of the Council's Emergency Resolutions including, CR-35-2020, the Zoning Hearing Examiners Office is operating under emergency procedures. As authorized by CB-33-2020, all or a portion of the hearing will be conducted virtually and in accordance with District Council Rules of Procedure.

**Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us no later than 5:00 p.m. on September 27, 2021.** Persons of Record will receive an email with information to join the virtual meeting platform. **Once you have received your Notice of Hearing, please provide an email address to ZHE@co.pg.md.us**

**If you have not viewed the documents you can find them at https://pgccouncil.us/LZIS. Once there select "Guide", then "ZHE", then the application name and hearing date, then "meeting details" and finally "attachments".**

Upon notification of an evidentiary hearing before the Zoning Hearing Examiner, any interested party shall submit documents for the record in person, by email, by other electronic portals, or in the County provided drop box. **A copy of all large Site Plans or other documents must be submitted in person or the County provided drop box.** All documents for the record shall be submitted no later than five (5) business days before the scheduled evidentiary hearing. With permission from the Zoning Hearing Examiner, a party may submit supplemental documents for the record. Any interested party may contact The Office of the Zoning Hearing Examiner to receive a paper copy of a document if the document is not accessible online

The Zoning Hearing Examiner shall not be responsible for resolving any technical difficulties incurred by any person participating in a virtual/remote hearing.

This notice is for informational purposes only. Per CB-1-2004 you have received this Notice of Public Hearing because you signed up to become a Person of Record. If you have any questions, please contact the Zoning Hearing Examiner at email ZHE@co.pg.md.us. or call (301) 952-3644.

**DATE MAILED BY US POSTAL SERVICE/EMAILED: August 26, 2021** to Persons of Record  
(List attached to original in file)

SIGN POSTING AND INSPECTION AFFIDAVIT

I, DAVID BICKEL, hereby certify that the subject property was posted with  
(print or type name)

Six (6) sign(s) on 8-27-21  
specify number (date)

I further certify that the signs were inspected no later than the 15th day of posting and were maintained in a reasonable manner.

Signature: David Bickel

Application Numbers: A-9973-02 Name: Woodside Village

Date: 09/10/2021

Address: 4300 Forbes Ave, Suite 230  
Lanham, Md 20706

Telephone: 301-794-7555

Capacity in which you are acting: Agent  
(Owner, Applicant, Agent)

**NOTE:** Attach legible photograph(s) showing sign(s) in place. Return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

\* \* \* \* \*

**The affidavit must be received no later than 15 days prior to the Zoning Hearing Examiner hearing. Failure to deliver the affidavit may result in rescheduling your hearing date or a recommendation for denial of the application.**



COMING HEARING EXAMINER  
**HEARING**  
FOR INFORMATION  
**301-952-3644**  
UNLICENSED TYPE  
**AARON**  
FOR MORE INFORMATION CONTACT THE  
STATE OF MARYLAND  
COUNTY ADMINISTRATION BUILDING  
10778 HARBORVIEW, MD  
www.maryland.gov





10009  
WESTPHALIA RD



HEARING  
301-952-3044





HEARING HEARING  
304-957-3644 304-952-3644

ZONING HEARING EXAMINER  
**HEARING**  
FOR INFORMATION  
**301-952-3644**  
APPLICATION# A-9973-02  
A-9973-02  
For more info Please contact  
301-952-3644 or email: ZHE@CO.PG.MD.US  
DATE: 9/29/2021 TIME: 9:30am  
VIRTUAL HEARING  
COUNTY ADMINISTRATION BUILDING  
UPPER MARLBORO, MD  
www.princegeorgescountymd.gov

ZONING HEARING EXAMINER  
**HEARING**  
FOR INFORMATION  
**301-952-3644**  
APPLICATION# A-9973-02  
A-9973-02  
For MORE INFO Please call 301-952-3644  
or email: ZHE@CO.PG.MD.US  
DATE: 9-29-2021 TIME: 9:30A.M.  
VIRTUAL HEARING  
COUNTY ADMINISTRATION BUILDING  
UPPER MARLBORO, MD  
www.princegeorgescountymd.gov

ZONING HEARING EXAMINER  
**HEARING**

FOR INFORMATION  
**301-952-3644**

APPLICATION# A-9973-02  
A-9973-02  
For more info, call 301-952-3644 or Email  
ZHEE@CG.MD.US

DATE: 1/31/2021  
TIME: 9:30 A.M.

**VIRTUAL HEARING**  
COUNTY ADMINISTRATION BUILDING  
UPPER MARLBORO, MD  
www.princegeorgescountymd.gov

ZONING HEARING EXAMINER  
**HEARING**

FOR INFORMATION  
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APPLICATION# A-9973-02  
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For more info, call 301-952-3644  
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TIME: 9:30 A.M.

**VIRTUAL HEARING**  
COUNTY ADMINISTRATION BUILDING  
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ZONING HEARING EXAMINER  
**VIRTUAL HEARING**  
FOR INFORMATION  
**301-952-3644**  
COUNTY ADMINISTRATION BUILDING  
17700 MARLBURG, MD  
www.potomac.org

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**301-952-3644**  
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17700 MARLBURG, MD  
www.potomac.org

***STATE OF MARYLAND***  
***Department of Assessments and Taxation***

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I, MICHAEL L. HIGGS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO LIMITED LIABILITY COMPANIES , OR THE RIGHTS OF LIMITED LIABILITY COMPANIES TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT THE ATKINSON TRUST, L.L.C. (Z22181523) , REGISTERED SEPTEMBER 16, 2021, IS A LIMITED LIABILITY COMPANY EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF FLORIDA, AND THAT THE LIMITED LIABILITY COMPANY IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING TO TRANSACT BUSINESS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS SEPTEMBER 21, 2021.



Michael L. Higgs  
Director



*301 West Preston Street, Baltimore, Maryland 21201*  
*Telephone Baltimore Metro (410) 767-1340 / Outside Baltimore Metro (888) 246-5941*  
*MRS (Maryland Relay Service) (800) 735-2258 TT/Voice*

Online Certificate Authentication Code: guayvsYx5kKBCWy5z1eMRA  
To verify the Authentication Code, visit <http://dat.maryland.gov/verify>



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

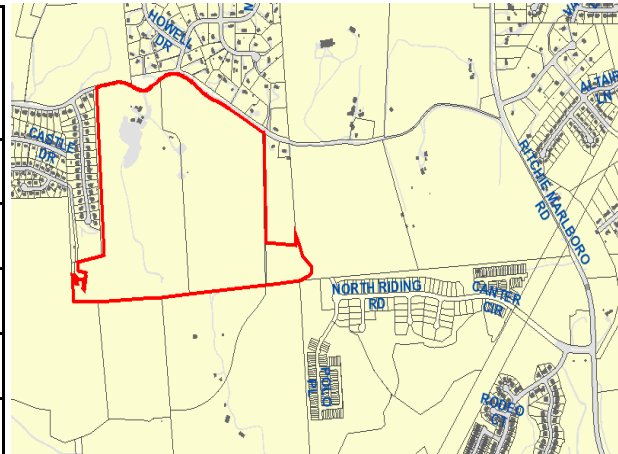
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

## Zoning Map Amendment Woodside Village

## A-9973-02

REQUEST	STAFF RECOMMENDATION
Amendment to divide a single basic plan into two basic plans. This application concerns the Yergat Property and Case Property.	APPROVAL with conditions

<b>Location:</b> On the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road.	
Gross Acreage:	158.11
Zone:	R-M/M-I-O
Gross Floor Area:	N/A
Lots:	0
Parcels:	2
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	205SE09
<b>Applicant/Address:</b> Woodside Development, LLC 919 North Market Street, Suite 950 Wilmington, Delaware 19810	
<b>Staff Reviewer:</b> Tom Sievers <b>Phone Number:</b> 301-952-3994 <b>Email:</b> Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	09/16/2021
Planning Board Action Limit:	N/A
Staff Report Date:	09/09/2021
Date Accepted:	07/14/2021
Informational Mailing:	03/24/2021
Acceptance Mailing:	07/08/2021
Sign Posting Deadline:	08/17/2021

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/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section  
Development Review Division

FROM: Tom Sievers, Senior Planner, Zoning Section  
Development Review Division

SUBJECT: Zoning Map Amendment A-9973-02  
Woodside Village

REQUEST: **Amendment to divide a single basic plan into two or more separate basic plans. This application concerns the Yergat Property and Case Property.**

RECOMMENDATION: **APPROVAL with conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of September 16, 2021. If the Planning Board decides to hear the application, it will be placed on a future agenda. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions on becoming a person of record should be directed to the Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS

1. **Location and Site Description:** The overall Woodside Village development is 381.95 acres of land with about 4,500 feet of frontage along the south side of Westphalia Road, one-third of a mile southwest of its intersection with Ritchie Marlboro Road, and opposite the Westphalia Woods Subdivision. The property is hatchet-shaped and comprises five contiguous parcels ranging in size from 11 to 149 acres: Parcel 5 (Yergat); Parcel 13 (Wholey), 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 development to the west, and Marlboro Ridge (Villages of Clagett Farm) to the east. The southern boundary is the Cabin Branch stream. The Woodside Development, LLC, (applicant) is the owner and/or contract purchaser of the Yergat and Case properties, totaling 158.11 acres (leaving 223.84 acres from the initial basic plan area of 381.95 acres). The applicant is requesting to divide Zoning Map Amendment (Basic Plan) A-9973 into two plans; one containing the Yergat and Case properties (applicant's subject area) and the other containing the remaining properties within the basic plan area.

2. **History:** The 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* (Melwood-Westphalia Master Plan and SMA) retained the property in the Residential-Agricultural (R-A) Zone. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) rezoned the property from R-A to Residential Medium Development (R-M).

A Certified Nonconforming Use (CNU 6730-88-U) for a trash hauling operation exists on the westernmost portion of the property on Parcel 19, operating under the name PG Trash.

In 2006, the Prince George's County Planning Board recommended approval of A-9973, which requested rezoning from R-A to R-M.

On July 13, 2006, the Zoning Hearing Examiner (ZHE) approved A-9973, but the Prince George's County District Council remanded the decision back to the ZHE on September 26, 2006, pending the Council's consideration of the Westphalia Sector Plan and SMA. On February 6, 2007, the District Council approved the Westphalia Sector Plan and SMA (CR-2-2007). A-9973 was included within the Council's approval of the SMA.

In 2008, the Planning Board approved Comprehensive Design Plan CDP-0601, requesting approval of 1,496 residential dwelling units (1,276 attached and detached single-family units and 220 multifamily units) in the R-M Zone.

3. **Neighborhood:** Significant natural features or major roads usually define neighborhoods. The following roadways define the boundary of this neighborhood:

- North—** Ritchie Marlboro Road;
- South—** MD 4 (Pennsylvania Avenue);
- East—** Ritchie Marlboro Road; and
- West—** I-95/I-495 (Capital Beltway)

**Surrounding Uses and Roadways:** The following uses and roadways immediately surround the site:

- North—** Single-family residential dwellings in the Residential-Estate (R-E) Zone, and vacant land in the R-A Zone;
- South—** Vacant land in the R-M and Mixed Use-Transportation Oriented Zones, and single-family residential dwellings in the R-M Zone;
- East—** Single-family residential dwellings and vacant land in the R-E Zone; and
- West—** Single-family residential dwellings in the Rural Residential Zone, and vacant land in the Townhouse Zone.

4. **Request:** The applicant is seeking approval of an amendment to A-9973 to divide the basic plan into two separate plans. The amendment requires approval by the District Council after a hearing held by the ZHE. The Planning Board is required to submit any comments on the application to the District Council, the ZHE, the applicant, and all persons of record in the original zoning map amendment application.

5. **General and Master Plan Recommendations:**

**2007 Approved Westphalia Sector Plan**

The basic plan is in the Developing Tier, as described in the 2002 *Prince George's County Approved General Plan*. 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. The sector plan recommends a low-density residential land use for the property (map 4, page 19). There are no design or density recommendations for low-density residential land uses within the sector plan.

**2014 Plan Prince George's 2035 Approved General Plan**

The basic plan is in the Established Communities growth policy area, as defined by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The vision for Established Communities is context-sensitive infill and low- to medium-density development. The Generalized Future Land Use Map in Plan 2035 recommends a residential low land use for the property. Plan 2035 defines residential low land use as primarily single-family detached residential areas with a maximum density of up to 3.5 dwelling units per acre.

The property is not within a regional transit district, a local center, or an employment area, as defined in Plan 2035.

Plan 2035 established the following policies and strategies that are relevant to the basic plan.

**Policy 8 (page 115): Strengthen and enhance existing residential areas and neighborhoods in the Plan 2035 Established Communities.**

As previously indicated, Plan 2035 recommends a maximum residential density of up to 3.5 dwelling units per acre. However, the R-M Zone permits a residential density of 3.6 to 5.8 dwelling units per acre. In 2007, the District Council approved the R-M Zone on the property in the SMA. The statement of justification (SOJ) indicates that the applicant plans to construct between 626 and 661 single-family attached and detached dwellings in the applicant's subject area that would roughly equal between 3.95–4.18 dwelling units per gross acre.

6. **Environmental Review:** This finding is provided to describe the existing site features on the property and the impact of the requested amendment to A-9973-02, as it pertains to environmental conformance.

#### **Existing Conditions/Natural Resources Inventory**

A natural resources inventory (NRI) is not required as part of a zoning amendment application; however, expired NRI-158-05-03, covering the land area included in the application, was included in the package. No further information is needed at this time. An updated NRI will be needed for future Development Review cases.

#### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010, and February 1, 2012, because the development proposal will be required to file an amended CDP and a new preliminary plan of subdivision (PPS) application to reflect changes proposed under the basic plan amendment.

#### **Site Description**

The subject property is a 381.95-acre site in the R-M Zone, located on the south side of Westphalia Road and west of Ritchie-Marlboro Road. There are streams, wetlands and 100-year floodplains, and associated areas of steep slopes. Marlboro clay is found to occur along the southern property line of Parcel 48, which now belongs to the Maryland-National Capital Park and Planning Commission (M-NCPPC). No sensitive species project review areas are indicated or mapped on the site. Furthermore, no rare, threatened, or endangered species are indicated as present on-site. Westphalia Road is a designated historic road affected by this development. This property is located in the Western Branch watershed in the Patuxent River basin. The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site contains regulated areas and evaluation areas, as designated on the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). The subject property is in the Westphalia Sector Plan and SMA.

#### **Master Plan Conformance**

The Westphalia Sector Plan and SMA, approved by the Prince George's County District Council, is the current master plan for this area. This master plan included environmentally related policies and their respective strategies in the Environmental Infrastructure section.

Below in **BOLD** are the primary policies relating to the site. More detail regarding the strategies can be found in the Westphalia Sector Plan and SMA.

**Policy 1 – Green Infrastructure**

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

This policy has been addressed under the Green Infrastructure Plan analysis.

**Policy 2—Water Quality and Quantity**

**Restore and enhance water quality and quantity of receiving streams that have been degraded and preserve water quality and quantity in areas not degraded.**

As part of Policy 2, environmental site design will be required for stormwater management (SWM) control to ensure that water quality and quantity is protected to the fullest extent practical, as required by the County. A SWM plan reviewed by the Prince George’s County Department of Permitting, Inspections and Enforcement will be required at the time of PPS.

**Green Infrastructure Plan**

The site is mapped within the Green Infrastructure Network, as delineated in accordance with the Green Infrastructure Plan. The regulated area is mapped along the streams and other regulated environmental features, and the evaluation area is mapped on the remainder of the site, due to the existing forest contiguous to the streams. The plans, as submitted, generally show the preservation of the regulated areas; however, more detailed information will be evaluated during subsequent applications. Prior to acceptance of any future development applications, an updated NRI is required to confirm the regulated features on the site and to establish the primary management area. The amended basic plan can be found in conformance with the Green Infrastructure Plan.

**Woodland Conservation**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George’s County Code that came into effect on September 1, 2010, and February 1, 2012. The woodland conservation threshold (WCT), per A-9973, shall be 25 percent with the WCT requirements being met on-site. There is an approved Type I Tree Conservation Plan (TCPI-006-08) on the overall development, and a TCPII (TCPII-223-92) for Parcel 19. All future applications will require a revision to the TCPs.

- 7. **Zoning Requirements:** The District Council cannot approve an application to divide an existing basic plan unless it finds that the entire development meets the criteria for approval, as set forth in Section 27-197(b) of the Prince George’s County Zoning Ordinance, as follows.
  - (b) **An amendment of an approved basic plan, which results in dividing a single approved basic plan into two 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 CDP 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:**

The basic plan amendment proposes the division of A-9973 into two parcels: the applicant's subject area consisting of the Yergat and Case properties and the remaining area.

The applicant argues that practical difficulties require an amendment to A-9973, in order to allow "for the appropriate development of the Case and Yergat parcels." In other words, the applicant is not currently able to proceed to the comprehensive design phase.

The practical difficulties cited by the applicant are multiple ownership of properties within the existing basic plan area and M-NCPPC's purchase of property within the basic plan area.

According to the applicant, the lack of common ownership makes the implementation of A-9973 a "practical impossibility." Staff agrees with the applicant because the implementation of the original basic plan was predicated by a cohesive land development scheme, which has since been compromised by the lack of common ownership. The basic plan should be amended to reflect the loss of the Suit property, which occurred after the approval of A-9973. Therefore, some of the conditions set forth in the original basic plan are no longer feasible, due to the lack of common ownership with this parcel and are further complicated by the fact that the fee-simple purchase of the land by M-NCPPC included a much larger area than what was approved in A-9973.

The applicant argues that M-NCPPC's purchase of property within the basic plan area "prevents the Applicant from conforming to the land use requirements for a park/school site mandated by Conditions 1 and 4(e)." Condition 1 requires the basic plan area contain 56.0 acres of public open space consisting of 26.0 acres of minimum parkland, 10 acres minimum for an elementary school, and 20 acres minimum for a middle school. Condition 4(e) requires the dedication of the 56 acres of public open space to the Prince George's County Board of Education and M-NCPPC, respectively. Staff agrees with the applicant because the acquisition of these parcels by M-NCPPC significantly alters the development patterns approved in A-9973 and necessitates the division of the basic plan area to allow for the appropriate development of the Case and Yergat properties controlled by the applicant. The original development pattern required the dedication of parkland within the Suit property, which was possible at the time because said parcel was held in common ownership and was a viable site to be used for dedication of parkland. Since M-NCPPC acquired the property, it is no longer available to be dedicated, as indicated by Condition 4(e). Therefore, the original development pattern is impaired by the lack of common ownership and the remaining parcels should be amended as a standalone basic plan.

The initial basic plan contemplated that Woodside Village would be developed as 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. Although the

Suit and Wholey properties now form part of the land assemblage for the Westphalia Central Park, its ownership by M-NCPPC prevents the applicant from conforming to the land use requirements for a park/school site mandated by Conditions 1 and 4(e) in the initial basic plan, which requires that the applicant dedicate approximately 56 acres for the park/school site on property now owned by M-NCPPC. Further, the residential development designated in A-9973 for the Suit and Wholey properties will no longer be achieved (due to its ownership by M-NCPPC). Again, staff recommends the Case and Yergat properties should be amended as a standalone basic plan.

**(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;**

The proposed basic plan amendment does not involve an increase in the overall density approved for the Woodside Village development, set forth in A-9973. The central purpose of this basic plan amendment is to divide the basic plan area by separating the Yergat and Case properties from the total assemblage of 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 total 1,497 dwelling units approved in A-9973. Specifically, the applicant proposes a maximum aggregate density of 661 dwelling units for the Case and Yergat properties. This leaves a density of 836 remaining units that were approved in the basic plan and can be allocated to the 63.30-acre Bean property, (the only other remaining privately held property within the original Woodside Village assemblage). As such, this basic plan amendment is eligible to be processed under the condensed review procedures set forth in Section-27-197(b).

On August 31, 2021, the applicant provided further justification concerning density and bonus density, stating that "The R-M Zone has a base residential density of 3.6 dwelling units per acre (which equates to 569 dwelling units on the subject property). The R-M Zone has a maximum density of 5.7 dwelling units per acre (which equates to the potential for 901 dwelling units)." The maximum density the applicant proposes is 661 dwelling units, which is 92 units over the base density (or a 16.2 percent density increase). At the time of CDP, the applicant must justify any increase over the 569 unit base density, with bonus increment features. This case will require a CDP amendment, at which time the applicant will demonstrate how the project earns the additional 16.2 percent over the base residential density. The applicant further explained that "The case (via CDP-0601) received a 10% increment for the

previously proposed community building on the park/school site. This project is now proposing a community building within the boundaries of A-9973-02 (and should remain eligible for the 10% bonus increment)." CDP-0601 also established a 25 percent increment for open space land, which this application is eligible for by proposing 37 acres of open space. Staff concurs with the applicant's justification.

- (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;**

The basic plan amendment will not impair the character of the originally approved basic plan. The land use, density ranges, circulation patterns, and amenities proposed for the Yergat and Case properties are consistent with those approved in the initial basic plan.

- (C) The proposed amended Basic Plan conforms to the requirements of Section 27-195(b);**

This basic plan amendment conforms to the requirements of Section 27-195(b) of the Zoning Ordinance, as detailed in the finding below.

- (D) The separate Basic Plans that result will be capable of standing by themselves as individual, cohesive developments;**

This basic plan amendment will be capable of standing alone as an individual development. There is currently a separate application for the Bean property, A-9973-01, proposing residential development, which will be cohesive with this development, made up of the Case and Yergat properties. Both developments will be cohesive with the remaining portions of Woodside Village, which are owned by M-NCPPC.

- (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**

There is no staging required in A-9973.

- (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.**

No owner(s) of land included in the original basic plan will be denied reasonable use of their property. The Suit and Wholey properties are

owned by M-NCPPC and abut other M-NCPPC land for the Westphalia Central Park. The subject area will stand on its own as a separate basic plan. The residential development will not exceed the total 1,497 dwelling units approved in A-9973. Specifically, the applicant proposes a maximum aggregate density of 661 dwelling units. This leaves a density of 836 remaining units that were approved in the basic plan and can be allocated to the 63.30-acre Bean property, which is the only other remaining privately held property within the original Woodside Village assemblage. The remaining 836 dwelling units are sufficient for the reasonable development of the Bean property, as only a maximum 367 dwelling units could be developed on the Bean property, resulting in 469 less units than the original basic plan.

**Section 27-195 – Map Amendment approval.**

**(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 Map plan, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text that address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact that the development may have on the environment and surrounding properties;**
- (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;**
- (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. The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;**

In order to approve the requested amendment, the District Council must find, among other things, that the proposed amendment conforms to either Section 27-195(b)(1)(A)(i), (ii), or (iii).

Section 27-195(b)(1)(A)(i) is drafted in the disjunctive, providing two alternative bases for approval, separated by a semi-colon. With respect to the first, the basic plan conforms to the specific recommendations of the general map plan, the area master plan map, or the urban renewal plan map.

#### **2014 Plan Prince George's Approved General Plan**

Plan 2035's Future Land Use Map (page 101), classifies the property as residential low, and this land use is appropriate for primarily single-family detached dwellings up to 3.5 dwelling units per acre. The Westphalia Sector plan rezoned the property to the R-M Zone, which is a Comprehensive Development Plan Zone. The R-M Zone permits a residential density of 3.6 to 5.8 dwelling units per acre. In 2006, the Planning Board approved A-9973 that rezoned the property from R-A to R-M. The SOJ indicates that the property owner plans to construct between 626 and 661 single-family attached and detached dwellings in this portion of the Woodside Village development. These dwelling units would roughly equal between 3.95–4.18 dwelling units per gross acre.

The property is within the Established Communities category on the Growth Policy Map (Map 11), and the vision for the Established Communities is to create the most appropriate and context sensitive infill for low-to medium density development (page 20).

#### **2007 Westphalia Sector Plan and Sectional Map Amendment**

The Westphalia Sector Plan and SMA recommends a low-density residential land use for the property (map 4, page 19). The SMA also placed the development within the R-M Zone and prescribed the recommended density of 3.5–5.8 dwelling units per acre. There are no design or density recommendations for low-density residential land uses within the sector plan. Therefore, this basic plan amendment conforms to the sector plan.

With respect to the criteria requiring conformance to the “urban plan map,” there is no such map applicable to this application.

#### **Environmental**

As for the second half of Section 27-195(b)(1)(A)(i)—the principles and guidelines of the plan text that address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact that the development may have on the environment and surrounding properties—which is drafted in the conjunctive (i.e., and), the relevant portion is “the impact the development may have on the environment and surrounding properties.”

The Environmental Planning Section determined that the requested zoning amendment can be found in conformance with the Woodlands, Wildlife and Habitat Policy of the Environmental Infrastructure Section within the master plan for the reasons outlined above. Therefore, the requested amendment would not have a significant negative impact on the environment, and it

aligns with the master plan’s goals of protecting the environmental features within the Westphalia Sector Plan and SMA.

The District Council could also approve the basic plan if it meets Section 27-195(b)(1)(A)(ii)—that is if it finds that the proposed basic plan conforms to 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.” Much of the discussion for Section 27-195(b)(1)(A)(i) could apply to this criterion as well. The basic plan requests a density that conforms to the master plan’s recommended density and satisfies this criterion. Specifically, the basic plan conforms to the principles and guidelines with respect to the number of dwelling units for residential low areas based on the approved rezoning of the property from the R-A to the R-M Zone.

Section 27-195(b)(1)(A)(iii) allows approval of a basic plan if “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.” This criterion is inapplicable because the property is not currently zoned R-S or developed with uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b) of the Zoning Ordinance.

**(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;**

The application does not contain a proposal for retail commercial development. Therefore, an economic analysis is not required for this application.

**(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;**

To meet the legal threshold cited above, the applicant has provided staff, with an April 2021 traffic impact study. 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 “2010 Transportation Review Guidelines, Part 1.” The table below shows the intersections deemed to be critical, as well as the levels of service representing existing

conditions. The following represents the intersections deemed critical for the proposed development:

EXISTING CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	A/627	A/833
Ritchie Marlboro Road and Whitehouse Road	A/580	A/815
MD 4 and Westphalia Road-Old Marlboro Pike	A/860	C/1293
Westphalia Road and D'Arcy Road*	11.0 seconds	18.8 seconds
Ritchie Marlboro Road and Westphalia Road*	12.7 seconds	23.1 seconds
MD 4 and Suitland Parkway	B/1093	E/1591
D'Arcy Road and Sansbury Road*	10.3 seconds	11.3 seconds
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

The traffic study identified 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 are as follows:

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	A/794	D/1333
Ritchie Marlboro Road and Whitehouse Road	A/655	A/951
MD 4 and Westphalia Road-Old Marlboro Pike		
MD 4 SB Ramps and Old Marlboro Pike	A/461	A/839
MD 4 NB Ramps and Westphalia Road	A/361	A/597
Westphalia Road and D'Arcy Road*		
Tier 1 - HCM Delay Test	233.9 seconds	1182.5 seconds
Tier 2 - Minor Street Volume Test	>100	>100
Tier 3 - CLV Test	A/906	B/1064
Ritchie Marlboro Road and Westphalia Road *	28.7 seconds	20.2 seconds
MD 4 and Suitland Parkway		
MD 4 SB Ramp and Suitland Parkway	B/1119	A/917
MD 4 NB Ramp and Presidential Parkway	A/795	A/744
D'Arcy Road and Sansbury Road*		
Tier 1 - HCM Delay Test	56.8 seconds	105.7 seconds
Tier 2 - Minor Street Volume Test	>100	>100
Tier 3 - CLV Test	A/856	A/878

\*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.

Using the trip rates from the Guidelines, the study has indicated that the subject application represents the following trip generation:

<b>Table 1 - Trip Generation</b>							
		<b>AM Peak</b>			<b>PM Peak</b>		
		In	Out	Total	In	Out	Total
Single Family homes (county rates)	574	86	345	431	336	181	517
Townhouse (county rates)	87	12	49	61	46	24	70
<b>Total new trips</b>		<b>98</b>	<b>394</b>	<b>492</b>	<b>382</b>	<b>205</b>	<b>587</b>

The table above indicates that 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, yielding the following results:

<b>TOTAL CONDITIONS</b>		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	A/799	D/1338
Ritchie Marlboro Road and Whitehouse Road	A/656	A/953
MD 4 and Westphalia Road-Old Marlboro Pike MD 4 SB Ramps and Old Marlboro Pike MD 4 NB Ramps and Westphalia Road	A/463 A/361	A/850 A/597
Westphalia Road and D'Arcy Road* <i>Tier 1 - HCM Delay Test</i> <i>Tier 2 - Minor Street Volume Test</i> <i>Tier 3 - CLV Test</i>	272.9 seconds >100 A/927	1265.3 seconds >100 B/1086
Westphalia Road and West Site Access	12.8 seconds	13.4 seconds
Westphalia Road and East Site Access	11.1 seconds	9.5 seconds
Westphalia Road and Main Site Access	11.9 seconds	11.0 seconds
Ritchie Marlboro Road and Westphalia Road * <i>Tier 1 - HCM Delay Test</i> <i>Tier 2 - Minor Street Volume Test</i> <i>Tier 3 - CLV Test</i>	29.8 seconds	66.3 seconds >100 B/1029
MD 4 and Suitland Parkway MD 4 SB Ramp and Suitland Parkway MD 4 NB Ramp and Presidential Parkway	B/1121 A/797	A/921 A/746
D'Arcy Road and Sansbury Road* <i>Tier 1 - HCM Delay Test</i> <i>Tier 2 - Minor Street Volume Test</i> <i>Tier 3 - CLV Test</i>	59.9 seconds >100 A/858	120.2 seconds >100 A/892

\*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.

The 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.

- (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;**

The public facilities which are either existing, under construction, or fully funded within the County's Capital Improvement Program (CIP), will be adequate for residential uses proposed in this application. Moreover, it should be noted that the residential units proposed in this development will be subject to all appropriate school and public safety surcharges imposed by the County.

The applicant's property is also subject to the provisions of CR-66-2010, and the applicant is required to pay a share of the cost for the planning, engineering, and construction of the Westphalia Road/MD 4 intersection/interchange.

- (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.**

As previously mentioned, the request has been found in conformance with the environmental regulations set forth in the Westphalia Sector Plan and SMA. Therefore, the requested amendment satisfies Section 27-195(b)(1)(E).

**Section 27-487 – Housing Provisions**

**All Comprehensive Design Zone proposals shall contain provisions for housing to serve all income groups.**

The applicant proposes a variety of residential options at price points targeted at the middle market segment of the County. The variety ranges from economic mid-group townhouses to larger-end townhouses, and small lot single-family products to larger lot single-family products. A greater mix of housing types should be considered in the overall development. The lack of low income housing this development should be addressed. The mix of housing types should be further analyzed at the time of CDP.

**Section 27-507(a) – Purposes of the Residential Medium (R-M) Zone**

Pursuant to Section 27-507(a) of the Zoning Ordinance, the proposed location is consistent with the purposes of the R-M Zone. This analysis is provided for additional context as to the position of this application within the R-M Zone. The complete list of purposes is copied below, followed by comments:

**(a) The purposes of the R-M Zone are to:**

- (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 Plans, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change.**

As previously noted, the basic plan amendment is requesting a maximum residential density of 3.95–4.18 dwelling units per acre, with the development of between 626 to 661 single-family detached residential units. The residential development of the Case and Yergat portions of Woodside Village would not exceed the total 1,497 dwelling units approved in A-9973. With the requested 661 dwelling units for the Case and Yergat properties, this leaves a density of 836 remaining units that were approved in the basic plan and can be allocated to the 63.30-acre Bean property, (the only other remaining privately held property within the original Woodside Village assemblage). The SOJ has not included any public benefit features with this basic plan amendment.

The location of the R-M Zone on the property is in accordance with the following:

- (1) The residential low land use recommendation from Plan 2035;**

- (2) The residential low land use recommendation from the Westphalia Master Plan and SMA; and
- (3) The minimum WCT for the property conforms to the recommendations of the Green Infrastructure Plan.

**(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, and Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual physical development proposals;**

The R-M Zone establishes the density ranges and regulations. The site plan will establish the range, as allowed by the R-M Zone. The CDP will establish an exact density and apply the other R-M Zone regulations. This basic plan amendment conforms to the policies and recommendations of Plan 2035, the Westphalia Sector Plan and SMA, and the Green Infrastructure Plan.

**(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;**

As an overall use, the proposed single-family attached and detached homes are compatible with the existing and proposed surrounding land uses, with single-family residential land and single-family homes immediately adjacent to the property. The development has access to existing public facilities and services, and needed improvements will be determined at the time of PPS.

**(4) Encourage amenities and public facilities to be provided in conjunction with residential development;**

The basic plan has incorporated open space areas, passive and active recreational facilities, and trails that create opportunities for an active environment for residents that eases the impact on the public park system.

**(5) Encourage and stimulate balanced land development;**

The basic plan amendment conforms with the recommendations of Plan 2035, the Westphalia Sector Plan and SMA, and the Green Infrastructure Plan. Therefore, it encourages and stimulates balanced land development for the immediate adjacent areas. There are no commercial uses included on the basic plan for the property.

**(6) Improve the overall quality and variety of residential environments in the Regional District; and**

As previously indicated, there are single-family residential and large vacant single-family residential lands surrounding the property. The basic plan incorporates between 626 and 661 single-family detached residential units

that could improve the overall quality and variety of residential environments in the regional district. The variety and quality of the residential units proposed for the property will need addressing during the specific design plan stage.

**8. Referral Comments:** Referral memoranda comments directly related to the request to amend the basic plan on the property were included in the body of this technical report. Referral memoranda were received from the following divisions, all are included as backup to this report, and are incorporated herein by reference:

- a. Transportation Planning Section (Pedestrian/Bicycle), dated August 16, 2021 (Smith to Spradley);
- b. Prince George's County Department of Parks and Recreation, dated August 16, 2021 (Burke to Hurlbutt);
- c. Community Planning Section, dated August 6, 2021 (Gravitz to Spradley);
- d. Environmental Planning Section, dated August 10, 2021 (Rea to Spradley);
- e. Historic Planning Section, dated August 12, 2021 (Stabler to Spradley);
- f. Subdivision Section, dated August 17, 2021 (Diaz-Campbell to Hurlbutt);
- g. Transportation Planning Section, dated August 31, 2021 (Burton to Hurlbutt)

**9. Basic Plan A-9973 Conditions**

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 of this staff report because it provides further details on the Park Club agreement.

**CONCLUSION**

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, will be able to stand on its own, and will not impair other development nor deny the use of other land in 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.

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:

<b>Total Area</b>	<b>158.28 acres</b>
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 Residential Medium Zone	3.6–5.7 dwelling units/acre
Base residential density (3.6 du/ac)	569 dwelling units
Maximum residential density (5.7 du/ac)	901 dwelling units

<b>Proposed Land Use Types and Quantities</b>	
Residential: 157.25 gross acres @ 3.98-4.205 du/ac	626–661 dwelling units
Number of the units above the base density:	57–92 dwelling units
Density proposed in the 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.

**RESOLUTION OF  
THE ATKINSON TRUST, L.L.C.**

The undersigned, being the managing member of The Atkinson Trust, L.L.C., a Florida limited liability company ("Company"), does hereby acknowledge the adoption of the following resolution with the same force and effect as though said resolution was adopted at an organizational meeting of the Company and duly noticed and convened as follows:

WHEREAS, the Company owns approximately 79.37 acres of real property more specifically shown on County Tax Map 82, Grid F4; Tax Account No. 1738137 (the "Subject Property").

WHEREAS, the Subject Property is currently part of an assemblage of land to be developed as a residential subdivision known as "**Woodside Village**" in the R-M (Residential Medium Development) Zone.

WHEREAS, on or around July 14, 2021, the Company filed for acceptance, a Basic Plan Amendment application (to wit: A-9973-02) with the Clerk of Prince George's County Council and the Development Review Division of The Maryland-National Capital Park and Planning Commission (the "M-NCPPC") requesting an amendment to the previously approved Basic Plan (A-9973) for the Subject Property.

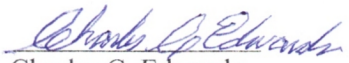
WHEREAS, the Company now wishes to authorize and direct **Charles C. Edwards** to act on behalf of the Company and take whatever steps necessary and enter into any future agreements required to accommodate the approval of A-9973-02 for the Subject Property. This authorization shall include, but is not limited to, testifying on behalf of the Company at any hearing (evidentiary or otherwise) before the Prince George's County Planning Board, the Zoning Hearing Examiner, and/or the County Council for Prince George's County, sitting as the District Council.

WHEREAS, **Charles C. Edwards** is qualified and has agreed to act on behalf of the Company and take whatever steps necessary to accommodate the approval A-9968-02 for the Subject Property.

NOW THEREFORE, RESOLVED, **Charles C. Edwards** is hereby approved, authorized, and directed to act on behalf of the Company and take any and all steps necessary to accommodate the approval of A-9973-02 for the Subject Property. This authorization and direction to act on behalf of the Company includes, but is not limited to, appearing before any boards, municipalities, administrative agencies, hearing examiners, county, or district councils, etc.; entering into or accepting any agreement(s)/condition(s) necessary to accommodate the development of the Subject Property; and provide testimony or evidence by the Company.

APPROVED AND EXECUTED by the Manager of The Atkinson Trust, L.L.C. as of the 21st day of September 2021.

**THE ATKINSON TRUST, L.L.C.**

By:   
Name: Charles C. Edwards  
Title: Managing Member

## RESOLUTION OF WOODSIDE DEVELOPMENT, LLC

The undersigned, being the managing member of Woodside Development, LLC, a Delaware limited liability company ("Company"), does hereby acknowledge the adoption of the following resolution with the same force and effect as though said resolution was adopted at an organizational meeting of the Company and duly noticed and convened as follows:

WHEREAS, the Company owns approximately 78.91 acres of real property more specifically shown on County Tax Map 83, Grid A4; Tax Account No. 1716356 (the "Subject Property").

WHEREAS, the Subject Property is currently part of an assemblage of land to be developed as a residential subdivision known as "**Woodside Village**" in the R-M (Residential Medium Development) Zone.

WHEREAS, on or around July 14, 2021, the Company filed for acceptance, a Basic Plan Amendment application (to wit: A-9973-02) with the Clerk of Prince George's County Council and the Development Review Division of The Maryland-National Capital Park and Planning Commission (the "M-NCPPC") requesting an amendment to the previously approved Basic Plan (A-9973) for the Subject Property.

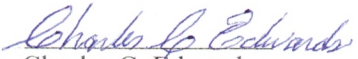
WHEREAS, the Company now wishes to authorize and direct **Charles C. Edwards** to act on behalf of the Company and take whatever steps necessary and enter into any future agreements required to accommodate the approval of A-9973-02 for the Subject Property. This authorization shall include, but is not limited to, testifying on behalf of the Company at any hearing (evidentiary or otherwise) before the Prince George's County Planning Board, the Zoning Hearing Examiner, and/or the County Council for Prince George's County, sitting as the District Council.

WHEREAS, **Charles C. Edwards** is qualified and has agreed to act on behalf of the Company and take whatever steps necessary to accommodate the approval A-9968-02 for the Subject Property.

NOW THEREFORE, RESOLVED, **Charles C. Edwards** is hereby approved, authorized, and directed to act on behalf of the Company and take any and all steps necessary to accommodate the approval of A-9973-02 for the Subject Property. This authorization and direction to act on behalf of the Company includes, but is not limited to, appearing before any boards, municipalities, administrative agencies, hearing examiners, county, or district councils, etc.; entering into or accepting any agreement(s)/condition(s) necessary to accommodate the development of the Subject Property; and provide testimony or evidence by the Company.

APPROVED AND EXECUTED by the Manager of Woodside Development, LLC as of the 16<sup>th</sup>  
day of September 2021.

**WOODSIDE DEVELOPMENT, LLC**

By:   
Name: Charles C. Edwards  
Title: Managing Member



## EDUCATION

Bachelor of Science  
Landscape Architecture  
Oklahoma State University  
Wetland Training Institute, Basic Wetland  
Delineation

## REGISTRATIONS

Registered Landscape Architect:  
Maryland #1074/1993  
American Institute of Certified Planners  
#016173  
LEED Associated Professional

## ADDITIONAL QUALIFICATIONS

Qualified Professional Status, State of  
Maryland Department of Natural Resources  
(DNR)

Working knowledge of Interagency Mitigation  
Guidelines, Maryland Department of  
Environment (MDE), and Corps of Engineers  
(USACE)

Formal Training in Wetland Delineation, Hydric  
Soils, Hydrology and Hydrophytic Vegetation

Experience with Wetland Mitigation Site  
Selection, Design, Monitoring that conforms to  
the Maryland Compensatory Mitigation  
Guidance

## YEARS OF EXPERIENCE

32

## AFFILIATIONS

Maryland Building Industry Association  
Chairman, Prince George's County Chapter

With over 30 years of professional experience, Ken Dunn is responsible for managing the daily operations of the Lanham, Maryland, office, which serves as the Corporate Office for Soltesz, LLC. His duties involve financial management, resource allocation to meet client schedules, and management of the project teams and support staff. He has extensive experience as Principal-in-Charge for many municipal, residential, commercial, and institutional projects. Throughout his career, he has advocated the industry's position on stormwater regulations and revisions to the local permitting process. He has also participated in public hearings and presentations for septic system requirements and sediment control policies. Ken is qualified as an expert in land planning to testify in front of the Prince George's County zoning hearing examiner. With his finger on the pulse of the growth of suburban Maryland and Washington, DC, he uses his reputable knowledge to bring about positive results on important issues.

## REPRESENTATIVE PROJECTS

**Kiplinger, Hyattsville, MD. Principal-in-Charge.** This Transportation-Oriented Development (TOD) project is located within property owned by the Washington Metropolitan Area Transit Authority (WMATA). This project was the first TOD successfully built in Prince George's County at or adjacent to a Metro Station. The project contains 263 multi-family residential units, 130,000 square feet of commercial retail space and 24,000 square feet of office space. The project included the design of the required infrastructure including facilities to accommodate buses, which is integral to the operations of WMATA. The design required de-confliction of issues surrounding vehicular, pedestrian and mass transit interface. Stormwater management design was an integral part of the entitlement and engineering process.

**Cafritz Property Expansion of College Park/Riverdale Park TDOZ, Riverdale Park, MD. Principal-in-Charge.** Soltesz is working with the Cafritz Company on the development of 36 acres in Riverdale Park Maryland. The site is proposed for mixed use, residential and retail uses, and is proposed as a walkable community which will be close to mass transit. The site will include a SWM pond in order to control the 100 year storm due to undersized downstream culverts. The design concept includes the extensive use of Environmental Site Design techniques to provide water quality control near the source of the runoff. The site will include a variety of ESD techniques to treat the various site areas. The roads are proposed to include infiltration tree pits to collect storm water runoff from the proposed streets and infiltrate this water into the ground.

**UMD, Clarice Smith Performing Arts Center, College Park, MD. Principal-in-Charge.** Soltesz provided civil engineering services for the Clarice Smith Performing Arts Center project and related roadway and infrastructure improvements. The site is a 24-acre parcel located on the western edge of the University of Maryland, College Park campus. The Performing Arts Center is a \$90 Million, 300,000 gross square foot building with classroom, rehearsal and performance spaces for the Music, Theatre and Dance departments. The facility houses a 1,200-seat concert hall, a 350-seat recital hall, a 650-seat proscenium theatre, a 200-seat dance studio, and a 200-seat experimental theater. Additionally, there is academic spaces including 15 classrooms, 31 class laboratories, 46 teaching studios, 46 practice rooms, 101 faculty/staff offices, and a performing arts library. The project also includes a parking garage and extensive road improvements to create a boulevard in accordance with the revised Master Plan for this area of the campus

**P3 Stormwater Management Effort, Prince George's County, MD Principal in Charge**  
Prince George's County is subject to the NPDES MS4 General Permit expectations that require Prince George's County to meet the Chesapeake Bay TMDL (Total Maximum Daily Loads) for nitrogen, phosphorous, and total suspended solids. The TMDL reduction requirement created a significant and robust public program managed by the Prince George's Department of the Environment (DoE). In turn, DoE retained Soltesz to manage and design ESD devices to treat previously untreated impervious acreage. Soltesz has, under this program, retrofitted numerous ponds with forebays and other improvements to provide credentialed acreage on behalf of Prince George's County to MDE. Soltesz has improved approximately 40 older stormwater management ponds and delivered approximately 1800 credits total with another approximately 600 acres in design. This effort has included outreach, negotiations, arranging for the signature of easements and covenants, public presentations, design, construction management, and as-built documents.

# Lenhart Traffic Consulting, Inc.

Traffic Engineering & Transportation Planning

## MICHAEL M. LENHART, P.E., P.T.O.E.

### PRESIDENT

Mike Lenhart is a professional traffic engineer with over 28 years of combined technical and academic experience. Responsibilities with the firm include, but are not limited to, proposal preparation, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning, as well as providing expert witness testimony at public hearings and community meetings.

Mr. Lenhart has worked as a transportation professional in the private sector since 1999 and has provided traffic engineering and transportation planning services for over one thousand projects in numerous jurisdictions across Maryland. Previously, Mr. Lenhart served as the Chief of the Engineering Access Permits Department for the Maryland State Highway Administration (SHA). During his tenure at the SHA, Mr. Lenhart also served as the Traffic Engineer overseeing Southern Maryland. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning. He has also participated in engineering training programs and researched transportation related topics.

### Job History

#### **2005 - Present**

*President* – Lenhart Traffic Consulting, Inc.

#### **2002 - 2005**

*Senior Project Manager* - The Traffic Group, Inc.

#### **2000 – 2002**

*Independent Consultant* - The Traffic Group, Inc.

#### **1999 - 2000**

*Senior Associate* - The Traffic Group, Inc.

#### **1998 – 1999**

*Division Chief – Engineering Access Permits*  
Maryland State Highway Administration

#### **1990 - 1998**

*Traffic Engineer*  
Maryland State Highway Administration

### Educational Background

- *Bachelors of Science in Civil Engineering*  
-1990 (U of MD @ College Park)
- *Masters of Science in Traffic Engineering & Transportation Planning*  
-1998 (U of MD @ College Park)

### Affiliations

- Registered Professional Engineer (P.E.) – MD, DE
- Professional Traffic Operations Engineer (PTOE) - ITE
- Member ITE

### Places where Mr. Lenhart has testified as an expert witness

Allegany County – Board of Appeals, Planning Commission  
Annapolis - Planning Commission, Board of Appeals  
Anne Arundel County – Board of Appeals, Administrative Hearing Officer  
Baltimore County – Zoning Commissioner, Planning Board  
Calvert County – Planning Commission, Board of Appeals, County Commissioners  
Carroll County – Board of Zoning Appeals; Planning Board  
Charles County – County Commissioners, Circuit Court, Board of Appeals, Planning Commission,  
Town of LaPlata Planning Commission & Town Council  
City of Frederick – Planning Commission  
Frederick County – Planning Commission, County Commissioners  
Harford County – Circuit Court  
Prince George’s County – District Council, Planning Board, Zoning Examiner, Bowie City Council & Planning Commission, City of Laurel  
Montgomery County – Planning Board, Zoning Examiner  
Queen Anne’s County – Planning Commission, Board of Appeals  
St. Mary’s County – Planning Commission; County Commissioners  
Sussex County, DE – Planning Commission, Board of County Commissioners  
Talbot County – Planning Commission  
Town of Leesburg, VA – Planning Commission  
Washington County – Board of County Commissioners  
Worcester County – Planning Commission

### **MARYLAND STATE HIGHWAY ADMINISTRATION-ENGINEERING SERVICES, DISTRICT 5**

High Accident Sections and Traffic Safety Studies  
Traffic Signal Warrant Studies  
Highway Design Consultation  
Project Planning Consultation  
Traffic Impact Study Review

Lenhart Traffic Consulting, Inc.  
645 Baltimore Annapolis Blvd, Suite 214  
Severna Park, MD 21146

Phone (410) 216-3333

Fax (443) 782-2288

email: [mlenhart@lenharttraffic.com](mailto:mlenhart@lenharttraffic.com)





**Woodside Village  
(A-9973-02)  
Zoning Hearing Examiner  
September 29, 2021**

Revised 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:

<b>Total Area</b>	<b>158.28 acres</b>
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)	<u>566</u> <del>569</del> dwelling units
Maximum residential density (5.7 du/ac)	<u>896</u> <del>901</del> dwelling units

<b>Proposed Land Use Types and Quantities</b>	
Residential: 157.25 gross acres @ 3.98-4.205 du/ac	626 - 661 dwelling units
Number of the units above the base density:	<u>60-95</u> <del>57-92</del> 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

Strikethrough represents deleted language  
Underline represents added language

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.

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Underline represents added language

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

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Underline represents added language

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~~ 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.

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Underline represents added language

LAW OFFICES  
**SHIPLEY & HORNE, P.A.**

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Largo, Maryland 20774  
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**Russell W. Shipley**  
**Arthur J. Horne, Jr.\***  
**Dennis Whitley, III\***  
**Robert J. Antonetti, Jr.**

**Bradley S. Farrar**  
**L. Paul Jackson, II\***

\* Also admitted in the District of Columbia

**TRANSMITTAL**

**VIA ELECTRONIC DELIVERY**

TO: Hon. Joyce B. Nichols  
Office of Zoning Hearing Examiner  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

DATE : September 22, 2021

CLIENT NO.: 4127-0001

CASE NAME : Woodside Village

RE: Basic Plan Amendment, A-9973-02

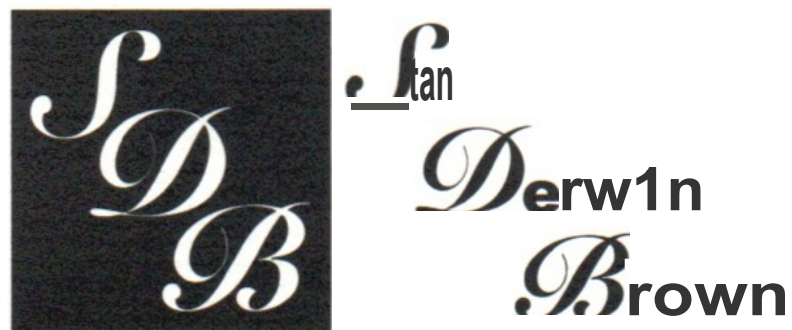
Reason for Sending: Submission of Exhibits for the September 29, 2021, ZHE Hearing for A-9973-02, Woodside Village.

No. Copies	Drawing No.	Description
1	-	Transmittal – Hon. Joyce B. Nichols
1	-	Certificate of Good Standing, The Atkinson Trust, L.L.C.
1	-	M-NCPPC Staff Report, A-9973-02
1	-	Resolution of the Atkinson Trust, L.L.C.
1	-	Resolution of Woodside Development, LLC
1	-	Resume – Ken Dunn, RLA, AICP, LEED AP
1	-	Resume – Mike Lenhart, P.E., P.T.O.E.
1	-	Revised Basic Plan, A-9973-02
1	-	Revised Conditions – A-9973-02 – Woodside Village

Sent Via: \_\_\_\_\_ Pick Up: \_\_\_\_\_ Courier: \_\_\_\_\_ Deliver: \_\_\_\_\_ Email:   X  

Respectfully submitted,

  
John J. Ferrante  
Senior Land Planner



**ATTORNEY AT LAW**

Stan Brown, Esq.

Stan Derwin Brown Law Office, LLC  
1300 Caraway Court, Suite 101 • Largo, Maryland 20774-5462  
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E-mail: [attorney@StanBrown.law](mailto:attorney@StanBrown.law)  
*Licensed in Maryland & Washington, D.C.*

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To: Clerk of the Council  
All Parties of Record  
Zoning Hearing Examiner  
Planning Board  
District Council

Fr: Stan Brown, People's Zoning Counsel

Date: 9-22-2021

Re: A-9973-02

**NOTICE OF INTENTION TO PARTICIPATE**

Pursuant to Prince George's County Zoning Ordinance § 27-139.01 (C) (Powers & Duties), this memo is formal notification that the People's Zoning Counsel intends to participate in the above-noted pending zoning cases before the Prince George's County District Council, the Prince George's County Planning Board and/or the Prince George's County Zoning Hearing Examiner. Please file this memo in your official file for the record in the above-noted zoning cases.

Stan Brown, Esq.  
People's Zoning Counsel