

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

**ZONING MAP AMENDMENT  
A-9973-C-01**

**DECISION**

Application:	Amendment of Basic Plan
Applicant:	Westphalia Meadows, LLC/Woodside Village
Opposition:	Terry Goolsby et al
Hearing Date:	December 1, 2021
Hearing Examiner:	Joyce B. Nichols
Recommendation:	Approval with Conditions

**NATURE OF REQUEST**

- (1) A-9973-C-01 is a request for the Amendment of Basic Plan of approval of A-9973 which rezoned the Subject Property from the R-A (Rural Agricultural) to the R-M (Residential-Medium) Zone.
- (2) Westphalia Meadows, LLC is the owner/contract purchaser of the Subject Property (Parcel 14/A. Bean) containing approximately 63.30 acres of land, located on the south side of Westphalia Road and west of Ritchie Marlboro Road, Accokeek, Maryland.
- (3) Several citizens appeared with comments on the request.
- (4) The record of the original Application A-9973-C has been made a part of the record in this case and is incorporated herein by reference.
- (5) At the close of the hearing the record was left open to allow the inclusion into the record of several documents. Upon receipt of these documents the record was closed on January 14, 2022.

**FINDINGS OF FACT**

**Subject Property**

- (1) 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 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 Parcel 13 (Wholey) 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 Subject Property is adjacent to the Wholey and Yergat properties (part of the original Woodside Village Basic Plan), which is to the west. Marlboro Ridge is to the south. Vacant land in the R-E (Residential Estate) Zone is to the east. Westphalia Road is to the north, with single-family and vacant land in the R-M (Residential Medium) and L-A-C (Local Activity Center) Zones beyond.

### **Zoning History**

(2) 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 R-A Zone. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) rezoned the Subject Property from R-A to 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.

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.

### **Neighborhood and Surrounding Uses**

(3) 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)

The following uses and roadways immediately surround the site:

- North**— Single-family and multifamily dwellings in the R-M and L-A-C Zones;
- South**— Single-family residential dwellings in the R-R (Rural Residential) Zone;
- East**— Single-family residential dwellings and vacant land in the R-E Zone; and
- West**— Single-family and multifamily dwellings in the R-M Zone.

## **Master Plan and Sectional Map Amendment**

### (4) 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 Subject 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 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 Subject 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.**

Plan 2035 recommends a maximum residential density of up to 3.5 dwelling units per acre. 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 Subject Property in the Sectional Map Amendment. The Applicant plans to construct 354 single-family attached and detached dwellings that would equal 5.6 dwelling units per gross acre.

## **Environmental**

(5) The existing site features on the property and the impact of the requested amendment to A-9973-01, as it pertains to environmental conformance:

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

A Natural Resources Inventory (NRI) is not required as part of a Zoning Map Amendment application; however, a NRI is necessary to confirm the presence or absence of regulated environmental features. NRI-158-05-01, approved on March 30, 2020, which only included Parcel 14, was also submitted with this Application. No further information is needed at this time.

### **Grandfathering**

The Subject Property 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 includes environmentally related policies and their respective strategies in the Environmental Infrastructure section. Below 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 the 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 Subject Property is subject to the environmental regulations contained in Subtitles 24, 25, and 27 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.

**Applicant's Request**

(6) The development has proceeded in a manner different from that anticipated in 2007 and as a result the Applicant is requesting the removal of the Subject Property (the Bean Property) from the remainder of the original Basic Plan area of approximately 381.95 acres. (A-9973) A-9973-02, separating the Yergat and Case properties from the original Basic Plan, has been approved.

**APPLICABLE LAW**

(1) §27-197(b) governs the amendment of an approved Basic Plan into two or more Basic Plans as follows:

(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:

\* \* \* \* \*

(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.

(2) §27-297(b)(4)(C) requires that the proposed amended Basic Plan conforms to the requirements of §27-295(b) 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 Map plan, 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;

(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 27-515\(b\)](#)), 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.

## CONCLUSIONS OF LAW

### Section 27-197

(1) The Basic Plan Amendment proposes the division of A-9973 into two Basic Plans, the Applicant's subject area, consisting of the Bean property, and the remaining area.

Another Application, A-9973-02, which divide the Yergat and Case properties, was approved by the District Council by its adoption of Zoning Ordinance No 8-2021 on November 15, 2021, and if the instant Application is approved, the original acreage will be divided into three Basic Plans.

The Applicant argues that practical difficulties require an amendment to A-9973; in order to proceed to the Comprehensive Design Phase, the Applicant needs to divide the subject area from original Basic Plan, since 41 percent of the land has been purchased by M-NCPPC.

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.

The acquisition of the Suit property occurred prior to the Applicant's acquisition of the Subject Property. The later acquisition of the Wholey Property further complicated the ability to unify the remaining portions of the Basic Plan, and the Applicant had no involvement in that acquisition. Finally, the circumstances that exist which prevented the implementation of the Basic Plan as a single unit were clearly not known at that time the Basic Plan was approved. 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 the subject parcel and are further complicated by the fact that the fee-simple purchase by M-NCPPC included a much larger area than what was approved in A-9973.

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. 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 Subject Property, as well as 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 indicted 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). The Bean property should be amended as a standalone Basic Plan. §27-195(b)

(2) 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 Bean property from the total assemblage of properties in A-9973. The Bean property is controlled by the Applicant and will stand on its own as a separate Basic Plan. The residential development of Westphalia Meadows will not exceed the total 1,497 dwelling units approved in A-9973. Specifically, the Applicant proposes a maximum aggregate density of 354 dwelling units for the Bean property. An additional 661 dwelling units are proposed for the Case and Yergat properties. (A-9973-02) This leaves a density of 482 remaining units that were approved in the Basic Plan and can be allocated to the 11.66-acre Wholey property and the 148.7-acre Suit property (the remaining properties within the original Woodside Village assemblage). As such, this Basic Plan Amendment is eligible to be processed under the condensed review procures set forth in Section 27-197(b) of the Zoning Ordinance. §27-197(b)(4)(A)

(3) 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 Bean property are consistent with those approved in the initial Basic Plan. The Applicant is considering developing the property only with single-family attached dwelling units and the original Basic Plan proposed single-family detached and attached dwelling units. The mix of dwelling unit types should be evaluated at the time of Comprehensive Design Plan. §27-197(b)(4)(B)

(4) This Basic Plan Amendment conforms to the requirements of Section 27-197(b), *infra*. §27-197(b)(4)(C)

(5) This Basic Plan Amendment will be capable of standing alone as an individual development. There is currently a separate Basic Plan for the Yergat and Case properties (A-9973-02), proposing residential development, which will be cohesive with this development, made up of the Bean property. Both developments will be cohesive with the remaining portions of Woodside Village, which are owned by M-NCPPC. §27-197(b)(4)(D)

(6) There is no staging required in A-9973. §27-197(b)(4)(E)

(7) 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 Yergat and Case properties have an approved Basic Plan (A-9973-02). The residential development of the Applicant's property, the Bean property, and the Case and Yergat portion 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 354 dwellings on the Bean property and 661 dwellings are approved for the Case and Yergat properties (A-9973-02). This leaves a density of 483 remaining units that were approved in the Basic Plan and can be allocated to the Suit or Wholey property, which are the remaining properties within the original Woodside Village assemblage. §27-197(b)(4)(F)

### **Section 27-195**

(8) 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 Subject Property as residential low, and this land use is appropriate for primary single-family detached dwellings up to 3.5 dwelling units per-acre. The Westphalia Sector Plan rezoned the property R-M, 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 Applicant plans to construct 354 single-family attached and/or detached dwellings in this portion of the Woodside Village development. These dwelling units are equal to 5.6 dwelling units per gross acre.

The Subject 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 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 Basic Plan 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, *supra*. 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 with the Westphalia Sector Plan and SMA.

The District Council could also approve the Basic Plan Amendment 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 Subject Property is not currently zoned Residential Suburban Development or developed with uses permitted in the Employment and Institutional Area Zone, as authorized, pursuant to Section 27-515(b) of the Zoning Ordinance. §27-195(b)(1)(A)

(9) The Application does not contain a proposal for retail commercial development. Therefore, an economic analysis is not required for this Application. §27-195(b)(1)(B)

(10) The Applicant for the A-9973-02 provided an April 2021 Traffic Impact Study which was incorporated in the instant record. (Ex 35) This Study was found by the District Council to be consistent with the “2012 Transportation Review Guidelines, Part 1” and formed the basis for its approval of A-9973-02. This Study is equally sportive of the instant Application. §27-195(b)(1)(C)

(11) The public facilities, which are either existing, under construction or fully-funded within the County’s Capital Improvement Program, 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 Subject 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, engineer, and construction of the Westphalia Road/MD 4 intersection/interchange. §27-195(b)(1)(D)

(12) The Amendment is in conformance with the environmental regulations set forth in the *Westphalia Sector Plan and Sectional Map Amendment*. §27-195(b)(1)(E)

### **Section 27-487 – Housing Provisions**

(13) All Comprehensive Design Zone proposals shall contain provision for housing to serve all income groups. §24-487

(14) The Applicant proposes single-family attached, or single-family attached and detached dwelling units. Conformance with this requirement for the overall Basic Plan containing 381 acres, with the variety of dwelling unit types approved in the Concept Plan, would have been simply accomplished. With the reduced size of the instant Basic Plan, fewer variety of dwelling unit types can be offered than was originally proposed for the overall Basic Plan, in that it does not include multifamily dwellings. Providing dwelling unit types consistent with the land use types approved for the Subject Property in the Basic Plan is the preferred option for demonstration conformance with the Sector Plan and the Basic Plan principles. The portion of the Woodside Village Basic Plan, which contained the multifamily dwelling units, is now part of the land acquired by M-NCPPC. The Applicant cannot provide multifamily units on the Subject Property and stay within the Density Cap applicable in the R-M Zone.

## Purposes

(15) The proposed Basic Plan Amendment is in conformance with the purposes of the R-M Zone, §27-507, as follows:

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

(1) Establish (in the public interest) a plan implementation one, 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.

The Basic Plan Amendment is requesting a maximum residential density of 5.6 dwelling units per acre with the development of 354 single-family detached an/or attached residential units. The residential development of the Bean portion of Woodside Village would not exceed the total 1,497 dwelling units approved in A-9973. With the requested 354 dwelling units and the 661 for the Case and Yergat properties, this leaves a density of 453 remaining units that were approved in the Basic Plan and can be allocated to the 148.7-acre Suit property and 11.33-acre Wholey property, (the remaining properties within the original Woodside Village assemblage). No public benefit features are proposed 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 on 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 followed by the R-M Zone. The CDP will establish an exact density and apply the other R-M Zone regulations. This Basis 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, and 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 Subject Property.

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

There are single-family residential and large vacant single-family residential lands surrounding the property. The Basic Plan incorporates 354 single-family attached or 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 to be addressed during the Specific Design Plan stage.

## **CONCLUSION**

This Application meets the requirements of Section 27-197(b) of the Prince George's County Zoning Ordinance. The division of the original Basic Plan is needed for development to proceed to the Comprehensive Design Phase, given that a significant portion of the original development was purchased by the Maryland-National 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 Approved 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*.

**RECOMMENDATION**

Based on a finding of compliance with §27-197(b), amend the Basic Plan of A-9973-C, which has subsequently been amended into two Basic Plans, A-9973 and A-9973-02, into two (2) separate Basic Plans by the removal of the Bean Property (Parcel 14), from Basic Plan A-9973. A-9973-01, Westphalia Meadows, development of 354 single-family detached dwelling units, be approved 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:

<b>Total Area</b>	<b>63.30 acres</b>
Land in the 100-year floodplain*	0.0 acres
Adjusted gross area: (63.3 acres less half the floodplain)	63.30 acres
Density permitted under the Residential Medium Zone	3.6–5.8 dwelling units/acre
Base residential density (3.6 du/ac)	228 dwelling units
Maximum residential density (5.7 du/ac)	367 dwelling units

<b>Proposed Land Use Types and Quantities</b>	
Residential: 63.30 gross acres @ 3.6-5.6 du/ac	228- 354 dwelling units
Number of the units above the base density:	126 dwelling units
Density proposed in the Residential Medium Zone	5.6 dwelling units/acre
Permanent open space: (33 percent of original site area) (Includes environmental, recreational, and HOA areas)	20.52 acres

2. Prior to certification of the Basic Plan, add bearings and distances for the boundaries of the Subject Property (on Sheet 2) and for the A-9973 Basic Plan area (on Sheet 1).
3. Internal streets and shared-use paths are to follow the *2009 Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles* and provide multimodal transportation.

4. The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:
  - a. Provide a description of the type, amount, and general 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.
  - 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 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.
  - c. 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 the Prince George's County Department of Parks and Recreation (DPR) prior to CDP approval. The total value of the monetary contribution (or in-kind services) for 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.
  - d. Submit a signed Natural Resources Inventory (NRI) with the CDP. All subsequent Plan submittals shall clearly show the Patuxent River Primary Management Area, as defined in Section 24-101(b)(10) of the Prince George's County Subdivision Regulations, and as shown on the signed NRI.
  - e. 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.
  - f. 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) Mitigate woodland cleared within the Primary Management Area's preservation area on-site at a ratio of 1:1, with the exception of impacts caused by Master pPan roads, which shall be mitigated 1:25. This Note shall also be placed on all TCPs.
    - (3) Focus afforestation in currently open areas within the Primary Management Area 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.
    - (4) Prohibit woodland conservation on all residential lots.
  - g. Submit an exhibit showing areas where Marlboro Clay occurs on-site.
5. The following Comprehensive Design Plan (CDP) considerations shall be addressed and incorporated into the CDP guidelines:
- a. Traffic calming measures are to be provided within the internal roadway network, including but not limited to, curb extension, mini traffic circles, chicanes, neckdowns and narrow traffic lanes, speed tables, elevated pedestrian crossings, and roadway striping and markings;
  - b. Shared-use paths, consistent with the 2012 AASHTO Guide for the Development of Bicycle Facilities (or later edition), provided to extend beyond the termini of internal culs-de-sac;
  - c. Shared-lane roadway markings (sharrows) provided along internal streets to create a neighborhood bicycle boulevard.
6. At the time of Preliminary Plan of Subdivision, and/or prior to the first Plat of Subdivision, the Applicant shall:
- a. Submit a 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.
  - b. Submit a letter of justification for all proposed Primary Management Area impacts, in the event disturbances are unavoidable.
  - c. Submit three original, executed agreements for participation in the Park Club to the Prince George's County Department of Parks and Recreation (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 Prince George's County Land Records, Upper Marlboro, Maryland.

