

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

March 25, 2025

A-9973-C-03



ERRATA

TO DECISION FILED March 21, 2025.

The Zoning Hearing Examiner's Decision of March 21, 2025, inadvertently included a set of original conditions that I agreed should be revised after my review of the Technical Staff Report provided on February 3, 2025, and the other exhibits in the record. The attached Decision has been revised to delete the obsolete conditions and retain the conditions that were found on pages 24-28 of the Decision.

This Errata does not change the time within which an exception must be noted.

Maurene Epps McNeil
Chief Zoning Hearing Examiner

cc: Robert Antonetti, Jr., Esq.
Persons of Record (8)
Rajesh A. Kumar,
Stan D. Brown

OFFICE OF ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY, MARYLAND

NOTICE OF DECISION

Councilmanic District: 6

A-9973-03

Woodside Land Investments, LLC (the former Suit & Wholey properties)

Case Number

On the 21st day of March 2025, the attached Decision of the Zoning Hearing Examiner in Case No. A-9973-03 was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 15 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision and may request oral argument thereon before the District Council. *

ZONING HEARING EXAMINER
OFFICE WAYNE K. CURRY ADMINISTRATION BUILDING
Largo, MD 20774
(301) 952-3644

*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

Your failure to note an appeal may result in a waiver of your rights to an appeal.

cc: Robert J. Antonetti, Jr., 1101 Mercantile Lane, Suite 240, Largo, MD 20774
Mailed to Persons of Record (8)
Rajesh A. Kumar, Principal Counsel to the District Council (Hand Delivered)
Stan D. Brown, People's Zoning Counsel, 1300 Caraway Ct., Suite 101, Largo, MD 20774

INSTRUCTIONS FOR FILING

I. Exceptions(s) Taken to the Examiner's Decision Shall Be:

- a) In writing;
- b) Numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

- d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your appeal.

III. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons and their addresses is included in this notice of Examiner's decision is available from the Clerk to the Council.)

- IV. Where to File: Clerk of the County Council Electronically via
WAYNE K. CURRY or ClerkoftheCouncil@co.pg.md.us
ADMINISTRATION BUILDING
Largo, Maryland 20774
Fax: (301) 952-5178
Phone: (301) 952-3600

V. Aggrievement

Section 25-212 of the Maryland Annotated Code Land Use Article may require you to show you are aggrieved if you request a review of this decision. Section 25-212 provides as follows:

“In Prince George’s County, a person may make a request to the District Council for the review of a decision of the Zoning Hearing Examiner or the Planning Board only if:

- (1) The person is an aggrieved person that appeared at the hearing before the Zoning Hearing Examiner or Planning Board in person, by an attorney, or in writing; and
- (2) The review is expressly authorized under this division. [Division 2 of the Land Use

Article].”

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

**ZONING MAP AMENDMENT
A-9973-03**

DECISION

Application: Amendment of Basic Plan and Conditions
Applicant: Woodside Land Investments, LLC
Opposition: None
Hearing Dates: February 12, 2025, and February 19, 2025
Decision Date: March 21, 2025
Hearing Examiner: Maurene Epps McNeil
Recommendation: Approval with Conditions

NATURE OF REQUEST

(1) A-9973-03 is a request to amend the Woodside Village Basic Plan that currently includes approximately 381.95 acres of land (with multiple owners) in order to separate out Applicant's approximately 100.84 acre property (consisting of a portion of the former Suit Property and all of the former Wholley¹ farm) and create a separate Basic Plan, pursuant to Section 27-197(c) of the prior Edition of the Zoning Ordinance, as allowed by Section 27-1704 of the current Edition of the Zoning Ordinance. If approved, Applicant will develop the property with 359-369 single-family detached dwelling units.

(2) The property was formerly in the R-M (Residential Medium Development)/M-I-O (Military Installation Overlay) Zones. It was rezoned to the LCD (Legacy Comprehensive Design)/MIO Zones upon the adoption of the Countywide Map Amendment. While Applicant chose to have the request reviewed pursuant to the procedures of the prior Edition of the Zoning Ordinance, it makes no difference since the LCD Zone language in the current Edition directs you back to the rules of the R-M Zone in the prior.

(3) The property is located on the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road in Upper Marlboro,

¹ This property is also referred to as the "Wholley" property in the record.

Maryland. It consists of Parcel 13 (11.68 acres), Parcel 42 (36.79 acres), and Part of Parcel 48 (59.55 acres).

- (4) The Technical Staff recommended approval with conditions, and the Planning Board adopted the Staff's recommendation as its own. (Exhibit 74)²
- (5) No one appeared in opposition to the instant Amendment request.
- (6) The record was kept open for a few documents. These were received on February 19, 2025, and the record was closed at that time. ³
- (7) Applicant has elected to have the request reviewed under the provisions of the prior Zoning Ordinance pursuant to Section 27-1704 of the current Zoning Ordinance.

FINDINGS OF FACT

Subject Property, Neighborhood, and Surrounding Uses

- (1) The subject property is approximately 100.84 acres of the 381.95-acre Woodside Village planned residential community development. The entire development lies within the LCD (Legacy Comprehensive Design)/MIO (Military Installation Overlay) Zones. The Woodside Village development has approximately 4,500 feet of frontage along the south side of Westphalia Road. Access to the subject property is approximately 1,500 feet east of Westphalia Road's intersection with Matapeake Drive. The subject property is comprised of the 11.68-acre Wholey Property (Parcel 13), and the approximately 89.16-acre Suit Property (consisting of Parcel 42 (36.79 acres) and part of Parcel 48 (52.37 acres)). The remainder of Parcel 48 (59.55 acres) is owned by the Maryland-National Capital Park and Planning Commission ("MNCPPC") and is not part of the instant Application. (Exhibit 51)
- (2) The Applicant and the Technical Staff provided accurate and detailed zoning histories for the Woodside Village development and the prior two Basic Plan Amendments. (Exhibit 77, and Backup pp. 3-6) The various approvals for the prior two Basic Plan Amendments are also included in the record. (Exhibits 15-19) In short, Applicant Toll Brothers, Inc. filed Application A-9973 to rezone approximately 370.3 acres of land from the R-A to the R-M Zone. This assemblage of land was rezoned from the R-

² The Technical Staff also prepared a revised Staff Report to fix typographical errors and to ensure that the proper conditions from the prior approvals were carried forward.

³ The record consists of 81 exhibits, one transcript, and the records generated in A-9973-02, A-9973-01, and A-9973-C (each adopted herein by reference). Some of the exhibits are copies of others since they were reviewed at various stages in the process (pre-acceptance, acceptance, and post-acceptance).

A (Residential-Agricultural) Zone to the R-M (Residential Medium Development) Zone upon the District Council's approval of the 2007 Westphalia Sector Plan and Sectional Map Amendment via CR-2-2007. The District Council's approval of the SMA included approval of A-9973, with conditions, and added the 11.68-acre Parcel 13 ("Wholey" property) as an addition to A-9973. The approved Woodside Village Basic Plan envisioned "a residential development organized around a park/school site of approximately 56 acres within the Suit property, which would then be combined with the larger Westphalia Central Park located in the adjacent Parkside subdivision." (Exhibit 48, p. 8) Toll Brothers ultimately did not develop the property -leaving five farm properties under separate ownership. The 140-acre Suit Farm and 11.6-acre Wholey Farm were purchased by MNCPPC to be added to the planned Westphalia Central Park. The original Basic Plan (A-9973) was ultimately amended and divided into three Basic Plans (A-9973, A-9973-01, and A-9973-02).

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

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

(Exhibit 17, p. 2)

(4) The subject property is surrounded by the following uses:

- North - Westphalia Road and beyond single-family residential dwellings in the RE (Residential Estate), RR (Residential Rural), and the LCD (Legacy Comprehensive Design) Zones in the Westphalia Woods, Parkland, and Rock Creek development. All properties are within the MIO Zone for height
- South - Single-family dwellings in the LCD Zone, and in the MIO Zone for height
- East - Vacant land in the LCD Zone, single-family residential dwellings in the RE and RR Zones, and in the MIO Zone for height
- West - Vacant land and single-family residential dwellings in the LCD and RR Zones, and in the MIO Zone for height.

(Exhibit 77; T. 19, 47-48)

Master Plan and Sectional Map Amendment/General Plan

(5) The subject property is located in an area governed by the 2007 Westphalia Sector Plan and Sectional Map Amendment ("SMA"). That Plan includes a policy to

protect, preserve, and enhance the identified green infrastructure network within the Planning Area. [Applicant will have to update its Natural Resource Inventory Plan to confirm the regulated features onsite and to establish the primary management area prior to development.

(6) The 2014 General Plan (“Plan 2035”) placed the property within the Established Communities. The Plan defines the Established Communities as areas “most appropriate for context-sensitive infill and low-to medium-density development.” (2014 General Plan, p.20) Per staff, the Generalized Future Land Use Map recommends a low land use for the property, defined as primarily single-family detached residential areas with a maximum density of 3.5 dwelling units per acre. (Exhibit 77, p. 6) It is important to note, however, the following text that accompanies this Map:

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

(2014 General Plan, p. 101)

(7) The 2007 Westphalia Sector Plan and Sectional Map Amendment (“SMA”) recommends low-density residential and public/private open space land uses on the subject property. (2007 Westphalia Sector Plan, Map 4 Land Use, p. 19; Exhibit 77, Backup p.46) It envisioned that “new residential development [would] preserve, protect, and enhance existing residential neighborhoods” and encouraged the development of nearly “3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept.” (2007 Westphalia Sector Plan, p. 30) The SMA placed the property within the R-M Zone, which allows a density range of 3.6 – 5.8 dwelling units per acre, and A-9973-C provides the same range. (Exhibits 15-19).

Applicant’s Request

(8) Applicant, Woodside Land Investments, LLC, has been issued a certificate of good standing to conduct business within the State of Maryland. (Exhibit 46)

(9) The subject property consists of Parcels 13, 42, and a portion of Parcel 48 (acquired from the Maryland National Park and Planning Commission (“MNCPPC”) by deed in December 2023). (Exhibits 50 and 51) Applicant seeks an amendment of the District Council’s original approval of A- 9973-C to remove its property from that approved Basic Plan and create a stand-alone Basic Plan for its property, as was done in A-9973-

01 and A-9973-02. Applicant believes implementation of the original Basic Plan is an impossibility at this point because the original assemblage is no longer under common ownership. (T. 9)

(10) The District Council's approval of A-9973-C allowed the development of 1,422 - 1,497 dwellings on the adjusted gross acreage (374.14 acres, after providing approximately 116 acres of open space), which equated to approximately 3.8-4.0 dwelling units per acre. There were five conditions attached to the District Council's approval, three of which contained sub-conditions. Applicant requested that some of these be deleted or revised and agrees with the revisions to the conditions proffered by the Technical Staff. (T. 11) Applicant also requests to amend the prior plan to allow the development of 356-368 single-family detached dwelling units on the adjusted gross acreage of 100.84 acres, which equates to approximately 3.95-4.18 dwelling units per acre.

(11) Dr. Charles Edwards, the managing member of Woodside Land Investments, LLC, and was authorized to testify in support of the request. He stated that the Applicant has owned the subject property since December 2023. The instant request was filed because "what was originally one intact plan no longer exists [since] it [now] has four separate owners and two portions have been approved as separate plans." (T. 32) Applicant asks that the instant Basic Plan be approved to allow them to develop Parcels 13, 42, and most of 48 as a stand-alone single-family residential development. This will allow Applicant "to develop the single [-] family neighborhood in an efficient manner that will integrate with the adjacent properties." (T.33) Dr. Edwards also noted Applicant's agreement with and acceptance of the conditions and considerations of approval set forth in the Technical Staff Report. (T. 33)

(12) Rachel Leitzinger, accepted as an expert in the area of civil engineering, prepared the Basic Plan for this Application, and reviewed all of the exhibits. (T. 15-16) The new Basic Plan shows all the land that was initially part of A-9973-C on Page 1, and Page 2 focuses solely on the 100.84 acres for Parcels 13,42 and a portion of 48, which comprise the subject property and the improvements proposed thereon. (Exhibit 41; T. 17-18) The Applicant will construct single-family detached dwellings with a proposed density range between 3.6 and 3.68 dwelling units per acre, or approximately 359-368 homes. The Basic Plan provides approximately 28 acres of open space which "would include environmentally sensitive areas, recreational areas, stormwater management, and ... general HOA open space." (T. 20) There will be right-of-way dedication to the north for Westphalia Road, and nearly 13.4 acres of master plan rights-of-way dedication "but it is only proposed to be constructed to the end of the residential development, and not extended into Central Park because the park did not plan to construct the road through it." (T. 21) Ms. Leitzinger explained that 12.49 acres of the dedicated rights-of-way would be constructed. (Exhibit 41)

The Suit portion of the subject property to the south, includes two master plan roads, MC 631 and P 619, which serve as the property boundaries for this portion. There will be homes to the north of MC 631 and to the east of P 619. There will be loop roads to serve all of the lots and other residential roads. The northern portion of the subject property, the Wholey portion, has a small section of MC 631 running north to south, and a small section of P 617 running east to west. "No other connections to MC 631 or Westphalia Road would be proposed" and "all lots fronting on MC 631 would be [rear]loaded and served by alleys." (T. 25)

The witness described the pertinent environmental features on site. On the Suit portion there are areas of flood plain, streams; wetlands, and Primary Management Area ("PMA") to the northwest; additional streams, wetlands, and PMA to the east; and a "main stem of the Cabin Branch stream" to the south. (T.25) On the Wholey portion "there's just a small stream head in the southeast corner with associated PMA." (T. 26) Ms. Leitzinger concluded that the Basic Plan satisfies all technical drawing requirements in the Zoning Ordinance for a basic plan. (T. 26)

(13) Michael Lenhart, accepted as an expert in traffic engineering, prepared a traffic impact analysis for the Application that reviewed all of the study intersections used in the traffic impact analysis that was prepared for the original Basic Plan for Woodside Village. (Exhibit 22) He provided a synopsis of his report at the hearing:

[T]he traffic impact study that we prepared is a study that would normally be included as part of an adequacy assessment at the time of preliminary plan of subdivision. This detailed ... analysis is not typically required at the time of a zoning map amendment. However due to the high number of approved background developments in the Westphalia area, a full traffic study was prepared to prove that Section 27-195 (b)(1)(C) of the [Z]oning [O]rdinance would be satisfied....

We used a total of 25 developments [as background], including ... Smith Home Farm, Westphalia Center Parkside, to name a few.... So a total of 25 developments.... [T]his [Basic Plan Amendment] requests the development of up to 368 dwelling units. However, it is important to note that a similar number of units would also be allowed under the existing zoning.... Therefore, the act of approving this zoning amendment will not substantially change the trip generation characteristics of what could be developed on this property based upon the existing zoning.... [T]he actual impact of these 368 dwelling units will be further tested at the time of the preliminary plan....

[T]he property does include MC 631. It's a major collector roadway with [a] 100-foot right-of-way that runs through the site. It comes into the western boundary of the property and runs easterly into the site, and then turns north and continues up toward Westphalia Road. Ultimately, MC 631 will be constructed north of Westphalia Road to tie into Ritchie Marlboro Road through the Parkland and Rock Creek properties, and it would ultimately be developed and connected west of our property through Parkland and to tie into the Westphalia Town Center area....

[I have reviewed the conditions of approval recommended by the planning staff and agree with all conditions regarding transportation improvements. I am familiar with the criteria of approval of a Basic Plan related to transportation and public facility adequacy.] [T]he approval of this zoning really has no significant impact on what ... could be generated based on the current zoning and the criteria for approval. 27-195 (b)(1)(C) states that ... the transportation facilities which are existing, or under construction, or are 100 percent allocated ... within the current CIP, or CTP, or will be provided by the applicant will be ... adequate to carry the anticipated traffic.

The traffic impact study ... is in accordance with what is required at the time of preliminary plan, and that study shows that this will be able to satisfy that requirement.... [A]ll of the intersections did not pass the level of service test.] There are some failures. Specifically the intersection of Route 4 and Westphalia Road is projected to fail. There is a ... public facilities financing program that ... has been applied to all developments that have been approved in Westphalia. At the time of preliminary plan, that will be applied here as well. It's a payment based upon the pro rata impact that this development will have on the Route 4 at Westphalia Road intersection.... [T]hat's been applied to every development in the [Westphalia] Sector Plan.

The ... intersection of Suitland Parkway at Route 4 ... fails. That is currently funded for construction and under construction by [the] State Highway Administration, and the fact that it is funded fully allows us to take into consideration those improvements, and ... it does pass with that.

The intersection of Ritchie Marlboro [and] Westphalia Road fails ... the three-step test for unsignalized intersections. [A] the time of preliminary plan ... it would receive a condition of approval that requires [a] signal warrant study, and if a signal is warranted, to install said signal. Now that is unless ... a signal is bonded and permitted by another entity before we get to that stage. If that occurs, then the intersection would be deemed adequate.

The intersection of Westphalia Road at Darcy Road [is in] the same situation [since] it did not pass the three-step test....

(T. 36- 43)

(14) Ken Dunn, accepted as an expert in the area of land use planning testified in pertinent part, as follows:

The [Basic Plan Amendment] is necessary because of the original assemblage of the properties is no longer under common ownership.... That was the case under A-9973. It's no longer the case.

Park and Planning has subsequently purchased 150 acres ... of what was originally known as Woodside Village under A-9973. There have been ... two separate Basic Plan amendments, one for the Case [and Yergat] properties... A-9973-02, and one for the [Bean] property, that was A-9973-01. This application certainly allows for the

appropriate residential development of [P]arcels 13, 42, and a portion of 48, ... all property controlled by the applicant....

The applicant proposes 359 [dwellings]. It's a range of 359 to 368 single-family detached units, which equates to a 3.6 to 3.68 dwelling units per acre, slightly above the base density allowed under the R-M Zone⁴, but well under the maximum density of 5.7 dwelling units....

[T]he 2007 Westphalia Sector Plan recommends low density residential land use....

[T]he Sector Plan recommends that the residential areas outside of the core of the Westphalia [T]own [C]enter consist of townhouses and small lot single family homes, to add diversity to the neighborhoods, or as a transition between higher density, and lower density neighborhoods.... This application proposes single family detached units, and they're ... smaller units, to serve as the transitional buffer between the denser [Parkside] and the Westphalia Town Center projects to the south. The design proposed in this amendment reflects what I believe to be an efficient and interconnected street system, that seamlessly ties the adjacent Parkside project and the other ... previously approved amendments together....

[This application meets the criteria set forth in Section 27-195(b)...which] allows for an approved Basic Plan to be separated into two or more Basic Plans, 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, the applicant will be unable to proceed. I believe that's occurred in this case....

[U]nder 27-197 (b)(4)(A) through (F), you have ... multiple layers of requirements. The first one is ... that the District Council can find that the ... approval of the amended basic plan will not result in a change in the land area, or an increase in land use density.... So ... this proposal does not involve an increase in the overall density for the overall Woodside Village development, as set forth under A-9973.

The central purpose of this Basic Plan amendment is to divide the Basic Plan area by deleting the applicant's property from the total assemblage, much as we've done ... under the two previous applications, so that it can operate on ... its own.

The remaining parcels have already obtained ... approvals. So all we're really doing is ... mirroring those actions [so that]... [t]his ... property will be able to stand on its own. The overall residential development of the Woodside Village would not exceed what was ... specified earlier as 1,497 dwelling units, which was the number ... approved under A-9973.

(T. 49-54)

⁴ The witness may not have considered the range of densities approved by the District Council in its prior decisions concerning this development. They consistently note a range of densities between 3.6 and 5.8 dwelling units per acre. (See Exhibit 16)

The witness averred that no owner of land included in the original Basic Plan would be denied reasonable use of their property. (T. 54) He also opined that the request meets all the criteria for approval set forth in the Zoning Ordinance. (T. 55-56)

Agency Comment

(15) The MNCPPC Transportation Planning Section evaluated compliance with the 2009 Approved Countywide Master Plan of Transportation (“MPOT”), the 2007 Sector Plan and SMA, and the prior Edition of the Prince George’s County Zoning Ordinance:

The subject Basic Plan Amendment proposes to separate Parcels 13, 42, and 48 (except 59.55 acres owned by M-NCPPC) from the remaining Woodside Village property included within the previously approved Basic Plan (A-9973) to allow for development of up to 368 single family detached dwelling units....

The subject application is under the purview of Basic Plan A-9973 and Comprehensive Design Plan CDP-0601. There are no prior conditions of approval on the subject property that are relevant to the subject application....

The subject property is separated into two land areas, north and south. The northern area has frontage along Westphalia Road (C-626), a primary roadway (P-617), and Suitland Parkway Extended (MC-631). Westphalia Road is a two-lane collector roadway with an ultimate 80-foot right of way. The portion of Westphalia Road that fronts the subject property is constructed as a two-lane roadway. Suitland Parkway Extended is a planned four-lane major collector roadway with a 100-foot right of way. Planned road P-617 is proposed to have two lanes with an ultimate right-of-way of 70-feet. The southern area has frontage along Suitland Parkway Extended and planned road P-619, a two-lane primary road with a proposed 70-foot right-of-way. Right-of-way dedication for the planned roads within this application will be further examined at the time of subsequent development applications....

The MPOT recommends... [a] [p]lanned [s]ide [p]ath [at] Westphalia Road and Suitland Parkway Extended Shared Roadway: P-617 and P-619. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes policies regarding ...[road frontage improvements and road capital improvement projects that are] designed to accommodate all modes of transportation....

The 2007 Westphalia Sector Plan recommends ... [improvement of] existing roadways, [development of] new roadways[,] ... [provision of] a comprehensive, multimodal transportation network to support ... growth [, and the provision of] appropriate trails and bicycle[/] pedestrian facilities throughout the Westphalia area....

The submitted plan proposes pedestrian circulation through a network of internal paths and side paths along Suitland Parkway Extended and P-619, while P-617 is shown as a

shared roadway. Additional bicycle and pedestrian recommendations will be further examined and recommended with subsequent development applications.

Section 27-197 (b)(4) [of the Zoning Ordinance] includes provisions for findings the District Council must make in approving the application for a basic plan amendment that divides a single approved Basic Plan into two or more separate Basic Plans. This includes conforming to the requirements of Section 27-195(b)(1)(A)...[T]he roadways proposed within this development are unbuilt and will be analyzed in accordance with the recommendations of the MPOT and [S]ector [P]lan with subsequent development applications. As development occurs within the proposed area, staff will further evaluate bicycle and pedestrian facilities and amenities. The applicant submitted a traffic impact study analysis for the proposed development; however, adequacy will be evaluated with future development applications. Staff find that the subject application will conform to the General Map Plan, Area Master Plan, and principles and guidelines of the plan if pedestrian and bicycle facilities provided are in accordance with the recommendations of the 2009 MPOT Complete Streets Policies and Principles....

Section 27-507 [of the Zoning Ordinance] includes ... the purposes of the R-M Zone.... Staff recommend the applicant provide six-foot-wide sidewalks and traffic calming devices throughout the subject site. These facilities will provide opportunities for multimodal travel and contribute to an improved residential environment as envisioned in the R-M Zone....

(Exhibit 77, Backup pp. 33-37)

(16) The MNCPPC Department of Parks and Recreation reviewed the request as it applies to public parks and recreational facilities, and provided the following comment:

Park and Recreation amenities serving the subject property include Westphalia Park located approximately 1 mile west of Woodside Village and Mellwood Park located 5 miles to the south. The subject property is also approximately 1.5 miles east of Westphalia Community Center. Adjacent to the property (south and west) is the proposed Westphalia Central Park, a premier park facility currently being developed. Once completed, the park will provide playgrounds, a network of trails, informal fields and lawn areas, a recreational pond, a seasonal ice rink, and several other amenities for public enjoyment.

The property is subject to the 2007 *Approved Westphalia Sector Plan; Plan Prince George's County*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and *Formula 2040, Functional Master Plan for Parks, Recreation and Open Space*. One of the strategies of the [Sector Plan] is to designate Westphalia Central Park and Cabin Branch Greenway as community focus areas. Another strategy calls for the establishment of a parks fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia Sector Plan area to fund the construction of the public par facilities in the sector plan.

Basic Plan A-9973 was approved by the ... District Council ... via Council Resolution No. CR-2-2007 ... [and Conditions 3 (g) (1)-(4), (i), (j), (k), (l), (m), 4 (e), (f) and (g) are related to Parks and Recreation.]

(Exhibit 77, Backup pp.39-43)

The Department of Parks and Recreation recommended that Conditions 3(g) (concerning hiker-biker-equestrian trails, internal HOA trails/sidepaths, and 8-foot-wide sidepaths/ sidewalks along Suitland Parkway and along frontage on Westphalia Road), 3 (k) (concerning submission of a scope of services and a comprehensive concept plan for the urban park), 3(l)(concerning public recreational facilities which are not proposed on the subject property), 3 (m)(concerning a multiuse stream valley trail along Cabin Branch, since this condition does not apply to the subject property), and 4(e)(concerning acreage owned by MNCPPC and not Applicant) be deleted. (Exhibit 77, Backup pp.40-43)

(17) The MNCPPC Environmental Planning Section approved several Natural Resources Inventories for the original assemblage of properties in A-9973-C and for the subsequent approved Basic Plan Amendments. (Exhibit 77, Backup p. 52) It notes that no further information is needed at this time, although a new Natural Resources Inventory “reflective of the current requirements of the Woodland Conservation Ordinance that came into effect July 1, 2024, including expanded stream buffers, will be needed for future development review cases.”(Exhibit77,Backupp.56) Moreover, a Type 1 Tree Conservation Plan must be submitted with any future Comprehensive Design Plan or Preliminary Plan of Subdivision that is submitted for the subject property, and a Type 2 Tree Conservation Plan will be required to be filed with any Specific Design Plan submitted for the site. (Exhibit 77, Backup p. 56) All future applications will require a revision to these Tree Conservation Plans.

The Environmental Planning Section recommended that certain conditions from the District Council’s original approval in A-9973-C -Conditions 3(o)(concerning submission of a Natural Resources Inventory), 3(p)(concerning preservation of the Primary Management Area), 3(q)(concerning requirements for future Type 1 Tree Conservation Plans), 3(r)(concerning locations where Marlboro Clay occurs on site), and 4(c)(concerning submittal of a letter of justification for all Primary Management Area impacts) - be included if the instant request is approved. (Exhibit 77, Backup pp. 54-55)

(18) The MNCPPC Historic Preservation Section noted that the Sector Plan included goals and policies related to historic preservation, but none were specific to the subject property. Phase I archeological surveys have been conducted on both the Suit and Wholey sites. It recommended that further evaluation occur prior to approval of a preliminary plan of subdivision, and that Applicant provide a plan for any interpretive

signage to be erected and public outreach measures prior to the approval of a final plat. (Exhibit 77, Backup pp. 65-66)

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

- The request will not impair the recommendation of the 2007 Westphalia Sector Plan or the 2014 General Plan since there are no design or density recommendations for low-density development in the former, and although the density proffered in the amended Basic Plan is slightly higher than the 3.5 dwelling units per acre recommended in the Generalized Future Land Use Map in the General Plan. It is within that allowed in the R-M Zone (3.6-5.8 dwelling units per acre.) The request does meet the General Plan Policy that urges the strengthening and enhancement of existing residential areas in the Established Communities.
- No sensitive species project review areas are indicated as mapped on the site, nor are there rare, threatened, or endangered species indicated as present on-site. The site is mapped within the green infrastructure network, and the submitted plans generally show the preservation of the regulated areas, but more detailed information will be evaluated during later required applications. Stormwater management will be addressed at the time of preliminary plan of subdivision review. Accordingly, the request would not have a significant negative impact on the environment and aligns with the Master Plan goals of protecting the environmental features within the Sector Plan areas.
- Applicant's traffic impact study indicates that, under total traffic conditions, all affected intersections will operate adequately. Moreover, Applicant will have to pay its share of the cost for the planning, engineering and construction of the Westphalia Road/MD 4 intersection/interchange, and all proposed residential development will be subject to the appropriate school and public safety surcharges. The adequacy of schools, recreation areas, water and sewerage systems, libraries, police, and fire facilities will also be further evaluated at the time of preliminary plan of subdivision. Thus, other existing or planned public facilities will be adequate to serve the development proposed.
- The amendment is necessary since the total assemblage of properties in A-9973 is no longer under common ownership and Applicant cannot proceed to the comprehensive design phase if it does not own all of the land subject to A-9973. The original Basic Plan was to be a residential development centered by a park/school site and the larger Westphalia Central Park located in an adjacent subdivision. MNCPPC acquired Parcels 13, 42, and

48. It has since sold Parcel 13, 42, and part of 48 to the Applicant, and two other Basic Plan Amendments have been approved. There is no longer a cohesive land development scheme, and this practical difficulty was not created by Applicant.

- The instant request will not involve an increase in density for the overall area included in the original Basic Plan since the overall residential development for Woodside Village will not exceed the 1,497 dwelling units approved for the original Basic Plan. A-9973-01 approved a maximum of 354 dwelling units; A-9973-02 approved a maximum of 661 units; and A-9973-03 is requesting a maximum of 368 dwelling units.
- The proposed dwellings, density ranges, circulation patterns, and amenities are consistent with those approved in the original Basic Plan.
- If the request is approved, the new Basic Plan will be a stand-alone, cohesive development that complements the surrounding development.
- There was no staging requirement approved in the original Basic Plan. No owner of any land included in the original Basic Plan will be denied reasonable use of its land. With the exception of this Applicant and MNCPPC (as the owner of the remainder of Parcel 48), all owners have approved Basic Plan Amendments, and have been allocated a share of the overall density approved in A-9973, and will not be denied reasonable use of its land.
- At the time of the Comprehensive Design Plan review, the Applicant will submit further information about how the plan will provide housing to serve all income groups. The applicant has stated that it will develop homes with various price points and a range of finished square footage.
- The instant request satisfies the purposes of the R-M Zone since: public benefit features will be required at the time of Comprehensive Design Plan review, the location is consistent with the General Plan and the Sector Plan; the request conforms to the policies and recommendations of the General Plan, the Sector Plan, and the Green Infrastructure Plan; the proposed single-family dwellings are compatible with the other housing in the area, and will have access to existing public and proposed public facilities and services; the Basic Plan has incorporated open space and recreational areas; the Basic Plan will stimulate/encourage land development since the single-family detached houses will fit with the surrounding single-family attached and detached dwellings in the area, and there are no commercial uses proposed; and the single-family detached dwellings proposed will

balance the concentration of townhouses within the Westphalia area market.

(Exhibit 77, pp. 5 -14)

(20) As noted *supra*, the Technical Staff submitted Additional Backup for its Staff Report, and explained its genesis as follows:

This addendum to the technical staff report (TSR) provides staff's revisions to Condition 1 and 7 (underlying new language), and deletion of Conditions 8,9, and 10, (brackets and strikethrough for deleted language), as shown in the TSR dated December 31, 2024. The revisions and deletions ... are for the purpose of correcting a typographical error, providing clarifications, and removing those conditions which have been satisfied. The changes to the conditions will be made to the TSR before transmitting the Prince George's County Planning Board's recommendation to the Zoning Hearing Examiner.

(Exhibit 80)

LAW APPLICABLE

(1) This Application is being reviewed under the terms of the prior Zoning Ordinance, pursuant to Section 27-1704 of the current Edition of the Prince George's County Zoning Ordinance. Section 27-197(b) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan that does not involve a change in land area or an increase in land use density or intensity may be approved:

(b) An amendment of an approved Basic Plan which results in dividing a single approved Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council where significant changes in circumstances with regard to the approved Basic Plan have created practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to separate a specified amount of land area, the applicant will be unable to proceed to the Comprehensive Design Plan phase. An amendment will not be granted where the practical difficulty is selfcreated or self-imposed, or where the applicant had knowledge of, and control over, the changing circumstances and the problems bringing about the practical difficulty at the time the Basic Plan was approved. The following procedures shall apply to consideration of any such amendment in lieu of the requirements of Subsection (c), below:

(1) The applicant shall file the request in triplicate with the Clerk of the Council. The petition shall be accompanied by a new reproducible copy of the proposed new Basic Plan graphic showing how the Basic Plan is to be divided and any other proposed revisions, three (3) copies of the proposed new Basic Plan Text if any, and the names and addresses of the current owners of the property separated by the

proposed amendment. The Clerk's office shall advise the applicant in writing that the Technical Staff has found that the request is complete.

- (2) The Clerk of the Council shall refer copies of the request and accompanying documents to the Planning Board and to the People's Zoning Counsel. The Planning Board and the People's Zoning Counsel shall submit any comments which they have on the request to the District Council, the Zoning Hearing Examiner, the petitioner, and all persons of record in the original Zoning Map Amendment application. The comments shall be submitted not later than sixty (60) days after the date the petition is referred, unless such deadline is waived in writing by the applicant.
- (3) Within one hundred twenty (120) days after referral of the petition to the Planning Board and People's Zoning Counsel, the Zoning Hearing Examiner shall conduct a public hearing on the petition. The hearing shall be held in accordance with Section 27-129. The hearing shall not be held until after the sixty (60) day review period has expired, unless both the Planning Board and People's Zoning Counsel have submitted their comments.
- (4) In approving the petition, the applicant shall establish, and the District Council shall find, that:
 - (A) The approval of the amended Basic Plan will not result in a change in land area, or an increase in land use density or intensity, for the overall area included in the original, approved Basic Plan;
 - (B) The approval of the amended Basic Plan will not significantly impair the character of the original, approved Basic Plan with respect to land uses, density ranges, unit types, circulation, accessibility, public facilities, public benefit features, and open space;
 - (C) The proposed amended Basic Plan conforms to the requirements of Section 27-195(b);
 - (D) The separate Basic Plans that result will be capable of standing by themselves as individual, cohesive developments;
 - (E) Any staging of development that was required in the approval of the original Basic Plan, and that is still appropriate, is included as part of the amended Basic Plan; and
 - (F) No owner of any land which is included in the original, approved Basic Plan will, by the approval of the proposed amended Basic Plan, be denied reasonable use of his property.
- (5) Within thirty (30) days from the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council, unless such deadline is waived in writing by the applicant.
- (6) Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council.
- (7) Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- (8) If the Council does not act within forty-five (45) days of the filing of the written recommendation, the petition shall be considered to have been denied.

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

(b) **Criteria for approval.**

- (1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:
- (A) The proposed Basic Plan shall either conform to:
- (i) The specific recommendation of a General 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 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.
- (3) In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:
 - (A) Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or
 - (B) No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.
- (4) In the case of a V-M or V-L Zone, the applicant shall demonstrate to the satisfaction of the District Council that the commercial development proposed to serve the village is no larger than needed to serve existing and proposed residential development within and immediately surrounding the village, within the parameters of Section 27-514.03(d)(1)(A).

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

CONCLUSIONS OF LAW

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

(2) The Application satisfies all of the criteria for approval set forth in Section 27-197 (b) and (b)(4) of the Zoning Ordinance, for the reasons stated by the Technical Staff, Applicant, and its witnesses. A few of these reasons are summarized as follows:

- The request results from the significant change to the original basic plan after it was twice amended and MNCPPC sold a portion of its land. This destroyed the

cohesiveness of the original planned development, preventing the Applicant from proceeding to the next stages of development, and the cited change was not created by the Applicant. (Section 27-197(b))

- The instant request will not increase the land use density or intensity approved in A-9973-C. (Section 27-197(b)(4)(A))
- Approval of the request will not significantly impair the character of the original Basic Plan as it only proposes single-family detached dwellings, stays below the density approved in the original plan, has sufficient internal circulation and access to public rights-of-way, and the circulation patterns, type of housing, and amenities are essentially the same as those approved in the original plan. Applicant is including approximately 24 acres of the site as permanent open space. (Section 27-197(b)(4)(B))
- The request satisfies the requirements of Section 27-195(b) of the Zoning Ordinance, for reasons discussed below. (Section 27-197(b)(4)(C))
- This Basic Plan will be able to stand alone as an individual cohesive development if the request is approved since there is sufficient acreage, density and access to do so. Moreover, failure to approve the request makes it more likely that the property will not be able to develop in a cohesive manner since there is no longer a common ownership with the remaining properties that were subject to the original approval. (Section 27-197(b)(4)(D))
- There was no required staging of development in A-9973-C. (Section 27-197(b)(4)(E))
- Approval of the request will not deny any owner reasonable use of its property since except for Applicant's property and that owned by MNCPPC, all other property owners have already obtained approval of their own basic plans. (Section 27-197 (b)(4)(F))

(2) The subject property is in conformance with the General Plan's vision for Established Communities since Applicant is providing context-sensitive infill development consisting of a mix in size and price of single-family detached homes that complement the denser Parkside and Westphalia Town Center to the south and less dense area of the Sector Plan to the north and west. The Sector Plan encourages small lot single-family homes as a transition between townhouses and lower density neighborhoods in this area outside of the Westphalia Town Center. Moreover, the requested amendment proposes a range from 3.6 – 3.68 dwelling units per acre, well within that permitted in the Zone. (Section 27-195(b)(1)(A)) The instant Application does not propose retail or commercial uses. (Section 27-195(b)(1)(B)). The Transportation Planning Section and Applicant's expert transportation planner agree that all transportation facilities will be adequate to carry the traffic anticipated to be generated by this request. The Applicant will also be required to pay its per rata share of the cost for the planning, engineering, and construction of the Westphalia Road/MD 4 interchange. (Section 27-195(b)(1)(C)) The

record does not indicate that any public facility will be inadequate to serve the development. Fire services are found in the general area of the property, and adequacy will be determined for these and all public facilities at the time of preliminary plan of subdivision review. All residences will be subject to applicable school and public safety surcharges imposed by the County. Much of the public recreation will be provided by MNCPPC on the properties it has acquired that were part of the original assemblage in A-9973-C. (Section 27-195(b)(1)(D)) The Environmental Planning Section noted the existence of the prior Natural Resource Inventory approvals for the other approvals within the Woodside Village, and the property can be developed in a manner to protect environmentally sensitive areas. A new NRI and a stormwater management plan will be required as part of future entitlement applications. Marlboro Clay is only found on the Parcel owned by MNCPPC, and no rare, threatened or endangered species are found on the site. (Section 27-195(b)(1)(E))

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

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

RECOMMENDATION

I believe the Applicant has shown the requisite practical difficulty if forced to develop its land under the original Basic Plan, for reasons noted above, and recommend APPROVAL of A-9973-03 subject to the following Conditions:

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

Total Area

	100.84 acres
Land in the 100-year floodplain*	1.73 acres
Adjusted gross area: (100.84 acres less half the floodplain)	99.98 acres
Density permitted under the Residential Medium Zone	3.6–5.7 dwelling units/acre
Base residential density (3.6 du/ac)	359 dwelling units
Maximum residential density (5.7 du/ac)	569 dwelling units
Proposed Land Use Types and Quantities	
Residential Use (Single-Family Detached)	359–369 dwelling units
Number of the units above the base density	0–9 dwelling units
Density proposed in the Residential Medium Zone	3.6-3.68 dwelling units/acre
Permanent open space outside of proposed lots or rights-of way (Includes environmental, recreational, and homeowner association areas)	28.14 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 and for the A-9973 basic plan area (on Sheet 2).
 - b. In the Subject Property Table, show the Book/Page of each property's current deed reference.
 - c. Revise the Site Information Table on Sheet 2 to list the proposed dwelling units as single-family detached dwellings.
3. 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.
 - c. The Transportation Planning staff shall review minor street connections between the subject site and adjacent properties. All minor street connections shown on the comprehensive design plan shall conform to all other adjacent approved subdivisions.
 - d. The comprehensive design plan shall specify which lots located along Westphalia Road are single-family detached lots, in order to be compatible with the surrounding land use pattern, and to preserve a rural character as recommended in the Westphalia Comprehensive Concept Plan Study.
 - e. Submit a design package that includes an illustrations and general design guidelines that establish review parameters, including design, material, and color for architecture, signage, entrance features, and landscaping for the entire site.
 - f. The applicant and the applicant's heirs, successors, and/or assigns shall agree to make a monetary contribution to the central park. The total value of the monetary contribution for development, operation, and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. Monetary contributions may be used for the design,

- construction, operation, and maintenance of the recreational facilities in the central park.
- g. Submit a signed natural resources inventory (NRI) with the comprehensive design plan. All subsequent plan submittals shall clearly show the Patuxent River primary management area as defined in Section 24-101(b)(10) of the prior Prince George's County Subdivision Regulations, and as shown on the signed NRI.
 - h. 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.
 - i. Submit a required Type 1 tree conservation plan (TCP1). The TCP1 shall:
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.
 - (2) Concentrate priority area for tree preservation in areas within the framework of the approved Green Infrastructure Master Plan, such as stream valleys. Reflect a 25 percent woodland conservation threshold (WCT) and meet the WCT requirements on-site.
 - (3) Mitigate woodland cleared within the primary management area's preservation area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads which shall be mitigated 1:25. This note shall also be placed on all tree conservation plans.
 - (4) Focus afforestation in currently open areas within the 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.
 - (5) Prohibit woodland conservation on all residential lots.
 - j. Submit an exhibit showing areas where Marlboro Clay occurs on-site.
 - k. Submit a plan that addresses how housing will be provided for all income groups in accordance with Section 27-487 of the prior Prince George's County Zoning Ordinance and the master plan recommendations for the planned community.

1. Present all roadway improvement plans for Westphalia Road to Historic Preservation and Transportation Planning staff for review and comment, to ensure that all scenic and historic features associated with this historic road are properly evaluated and preserved, as necessary.
4. At the time of preliminary plan of subdivision (PPS) and/or prior to the first plat of subdivision, the applicant shall:
 - a. Show a proposed sewer layout and connection as required by the Washington Suburban Sanitary Commission.
 - b. Submit a 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.
 - c. Submit a letter of justification for all proposed primary management area impacts in the event disturbances are unavoidable.
 - d. Submit a plan, prior to Planning Board approval of a PPS, that shall provide for:
 - (1) Either the evaluation of any significant archaeological resources existing in the project area at the Phase II level, or
 - (2) Avoiding and preserving the resources in place.
 - e. Enter into an agreement with the Prince George's County Department of Parks and Recreation, prior to the first final plat of subdivision, that shall establish a mechanism for payment of fees into an account administered by the Maryland-National Capital Park and Planning Commission.
 - f. 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 submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.
5. Provide the below master plan facilities, designed to be consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities*, and to be reviewed as part of subsequent applications and shown prior to their acceptances, including the comprehensive design plan, unless modified by the permitting agency with written correspondence:

- a. A minimum 10-foot-wide path along Westphalia Road (C-626)
 - b. Shared roadway pavement markings and signage along P-617
 - c. A minimum 10-foot-wide path along P-619
 - d. A minimum 10-foot-wide path along MC-631.
6. Internal streets and shared-use paths are to follow the Complete Streets policies and principles of the 2009 *Approved Countywide Master Plan of Transportation* and include traffic calming measures. These will be reviewed as part of subsequent applications and shown prior to their acceptance.
 7. All sidewalks within the subject site shall be continuous within a connected pedestrian circulation network, at a minimum of 6 feet in width, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, or the Prince George's County Department of Public Works and Transportation with written correspondence.
 8. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assigns shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.

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

**ZONING MAP AMENDMENT
A-9973-03**

DECISION

Application: Amendment of Basic Plan and Conditions
Applicant: Woodside Land Investments, LLC
Opposition: None
Hearing Dates: February 12, 2025, and February 19, 2025
Decision Date: March 21, 2025
Hearing Examiner: Maurene Epps McNeil
Recommendation: Approval with Conditions

NATURE OF REQUEST

(1) A-9973-03 is a request to amend the Woodside Village Basic Plan that currently includes approximately 381.95 acres of land (with multiple owners) in order to separate out Applicant's approximately 100.84 acre property (consisting of a portion of the former Suit Property and all of the former Wholey¹ farm) and create a separate Basic Plan, pursuant to Section 27-197(c) of the prior Edition of the Zoning Ordinance, as allowed by Section 27-1704 of the current Edition of the Zoning Ordinance. If approved, Applicant will develop the property with 359-369 single-family detached dwelling units.

(2) The property was formerly in the R-M (Residential Medium Development)/M-I-O (Military Installation Overlay) Zones. It was rezoned to the LCD (Legacy Comprehensive Design)/MIO Zones upon the adoption of the Countywide Map Amendment. While Applicant chose to have the request reviewed pursuant to the procedures of the prior Edition of the Zoning Ordinance, it makes no difference since the LCD Zone language in the current Edition directs you back to the rules of the R-M Zone in the prior.

(3) The property is located on the southern side of Westphalia Road, approximately 2,000 feet west of its intersection with Ritchie-Marlboro Road in Upper Marlboro,

¹ This property is also referred to as the "Wholley" property in the record.

Maryland. It consists of Parcel 13 (11.68 acres), Parcel 42 (36.79 acres), and Part of Parcel 48 (59.55 acres).

- (4) The Technical Staff recommended approval with conditions, and the Planning Board adopted the Staff's recommendation as its own. (Exhibit 74)²
- (5) No one appeared in opposition to the instant Amendment request.
- (6) The record was kept open for a few documents. These were received on February 19, 2025, and the record was closed at that time. ³
- (7) Applicant has elected to have the request reviewed under the provisions of the prior Zoning Ordinance pursuant to Section 27-1704 of the current Zoning Ordinance.

FINDINGS OF FACT

Subject Property, Neighborhood, and Surrounding Uses

- (1) The subject property is approximately 100.84 acres of the 381.95-acre Woodside Village planned residential community development. The entire development lies within the LCD (Legacy Comprehensive Design)/MIO (Military Installation Overlay) Zones. The Woodside Village development has approximately 4,500 feet of frontage along the south side of Westphalia Road. Access to the subject property is approximately 1,500 feet east of Westphalia Road's intersection with Matapeake Drive. The subject property is comprised of the 11.68-acre Wholey Property (Parcel 13), and the approximately 89.16-acre Suit Property (consisting of Parcel 42 (36.79 acres) and part of Parcel 48 (52.37 acres)). The remainder of Parcel 48 (59.55 acres) is owned by the Maryland-National Capital Park and Planning Commission ("MNCPPC") and is not part of the instant Application. (Exhibit 51)
- (2) The Applicant and the Technical Staff provided accurate and detailed zoning histories for the Woodside Village development and the prior two Basic Plan Amendments. (Exhibit 77, and Backup pp. 3-6) The various approvals for the prior two Basic Plan Amendments are also included in the record. (Exhibits 15-19) In short, Applicant Toll Brothers, Inc. filed Application A-9973 to rezone approximately 370.3 acres of land from the R-A to the R-M Zone. This assemblage of land was rezoned from the R-

² The Technical Staff also prepared a revised Staff Report to fix typographical errors and to ensure that the proper conditions from the prior approvals were carried forward.

³ The record consists of 81 exhibits, one transcript, and the records generated in A-9973-02, A-9973-01, and A-9973-C (each adopted herein by reference). Some of the exhibits are copies of others since they were reviewed at various stages in the process (pre-acceptance, acceptance, and post-acceptance).

A (Residential-Agricultural) Zone to the R-M (Residential Medium Development) Zone upon the District Council's approval of the 2007 Westphalia Sector Plan and Sectional Map Amendment via CR-2-2007. The District Council's approval of the SMA included approval of A-9973, with conditions, and added the 11.68-acre Parcel 13 ("Wholey" property) as an addition to A-9973. The approved Woodside Village Basic Plan envisioned "a residential development organized around a park/school site of approximately 56 acres within the Suit property, which would then be combined with the larger Westphalia Central Park located in the adjacent Parkside subdivision." (Exhibit 48, p. 8) Toll Brothers ultimately did not develop the property -leaving five farm properties under separate ownership. The 140-acre Suit Farm and 11.6-acre Wholey Farm were purchased by MNCPPC to be added to the planned Westphalia Central Park. The original Basic Plan (A-9973) was ultimately amended and divided into three Basic Plans (A-9973, A-9973-01, and A-9973-02).

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

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

(Exhibit 17, p. 2)

(4) The subject property is surrounded by the following uses:

- North - Westphalia Road and beyond single-family residential dwellings in the RE (Residential Estate), RR (Residential Rural), and the LCD (Legacy Comprehensive Design) Zones in the Westphalia Woods, Parkland, and Rock Creek development. All properties are within the MIO Zone for height
- South - Single-family dwellings in the LCD Zone, and in the MIO Zone for height
- East - Vacant land in the LCD Zone, single-family residential dwellings in the RE and RR Zones, and in the MIO Zone for height
- West - Vacant land and single-family residential dwellings in the LCD and RR Zones, and in the MIO Zone for height.

(Exhibit 77; T. 19, 47-48)

Master Plan and Sectional Map Amendment/General Plan

(5) The subject property is located in an area governed by the 2007 Westphalia Sector Plan and Sectional Map Amendment ("SMA"). That Plan includes a policy to

protect, preserve, and enhance the identified green infrastructure network within the Planning Area. [Applicant will have to update its Natural Resource Inventory Plan to confirm the regulated features onsite and to establish the primary management area prior to development.

(6) The 2014 General Plan (“Plan 2035”) placed the property within the Established Communities. The Plan defines the Established Communities as areas “most appropriate for context-sensitive infill and low-to medium-density development.” (2014 General Plan, p.20) Per staff, the Generalized Future Land Use Map recommends a low land use for the property, defined as primarily single-family detached residential areas with a maximum density of 3.5 dwelling units per acre. (Exhibit 77, p. 6) It is important to note, however, the following text that accompanies this Map:

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

(2014 General Plan, p. 101)

(7) The 2007 Westphalia Sector Plan and Sectional Map Amendment (“SMA”) recommends low-density residential and public/private open space land uses on the subject property. (2007 Westphalia Sector Plan, Map 4 Land Use, p. 19; Exhibit 77, Backup p.46) It envisioned that “new residential development [would] preserve, protect, and enhance existing residential neighborhoods” and encouraged the development of nearly “3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept.” (2007 Westphalia Sector Plan, p. 30) The SMA placed the property within the R-M Zone, which allows a density range of 3.6 – 5.8 dwelling units per acre, and A-9973-C provides the same range. (Exhibits 15-19).

Applicant’s Request

(8) Applicant, Woodside Land Investments, LLC, has been issued a certificate of good standing to conduct business within the State of Maryland. (Exhibit 46)

(9) The subject property consists of Parcels 13, 42, and a portion of Parcel 48 (acquired from the Maryland National Park and Planning Commission (“MNCPPC”) by deed in December 2023). (Exhibits 50 and 51) Applicant seeks an amendment of the District Council’s original approval of A- 9973-C to remove its property from that approved Basic Plan and create a stand-alone Basic Plan for its property, as was done in A-9973-

01 and A-9973-02. Applicant believes implementation of the original Basic Plan is an impossibility at this point because the original assemblage is no longer under common ownership. (T. 9)

(10) The District Council's approval of A-9973-C allowed the development of 1,422 - 1,497 dwellings on the adjusted gross acreage (374.14 acres, after providing approximately 116 acres of open space), which equated to approximately 3.8-4.0 dwelling units per acre. There were five conditions attached to the District Council's approval, three of which contained sub-conditions. Applicant requested that some of these be deleted or revised and agrees with the revisions to the conditions proffered by the Technical Staff. (T. 11) Applicant also requests to amend the prior plan to allow the development of 356-368 single-family detached dwelling units on the adjusted gross acreage of 100.84 acres, which equates to approximately 3.95-4.18 dwelling units per acre.

(11) Dr. Charles Edwards, the managing member of Woodside Land Investments, LLC, and was authorized to testify in support of the request. He stated that the Applicant has owned the subject property since December 2023. The instant request was filed because "what was originally one intact plan no longer exists [since] it [now] has four separate owners and two portions have been approved as separate plans." (T. 32) Applicant asks that the instant Basic Plan be approved to allow them to develop Parcels 13, 42, and most of 48 as a stand-alone single-family residential development. This will allow Applicant "to develop the single [-] family neighborhood in an efficient manner that will integrate with the adjacent properties." (T.33) Dr. Edwards also noted Applicant's agreement with and acceptance of the conditions and considerations of approval set forth in the Technical Staff Report. (T. 33)

(12) Rachel Leitzinger, accepted as an expert in the area of civil engineering, prepared the Basic Plan for this Application, and reviewed all of the exhibits. (T. 15-16) The new Basic Plan shows all the land that was initially part of A-9973-C on Page 1, and Page 2 focuses solely on the 100.84 acres for Parcels 13,42 and a portion of 48, which comprise the subject property and the improvements proposed thereon. (Exhibit 41; T. 17-18) The Applicant will construct single-family detached dwellings with a proposed density range between 3.6 and 3.68 dwelling units per acre, or approximately 359-368 homes. The Basic Plan provides approximately 28 acres of open space which "would include environmentally sensitive areas, recreational areas, stormwater management, and ... general HOA open space." (T. 20) There will be right-of-way dedication to the north for Westphalia Road, and nearly 13.4 acres of master plan rights-of-way dedication "but it is only proposed to be constructed to the end of the residential development, and not extended into Central Park because the park did not plan to construct the road through it." (T. 21) Ms. Leitzinger explained that 12.49 acres of the dedicated rights-of-way would be constructed. (Exhibit 41)

The Suit portion of the subject property to the south, includes two master plan roads, MC 631 and P 619, which serve as the property boundaries for this portion. There will be homes to the north of MC 631 and to the east of P 619. There will be loop roads to serve all of the lots and other residential roads. The northern portion of the subject property, the Wholey portion, has a small section of MC 631 running north to south, and a small section of P 617 running east to west. "No other connections to MC 631 or Westphalia Road would be proposed" and "all lots fronting on MC 631 would be [rear]loaded and served by alleys." (T. 25)

The witness described the pertinent environmental features on site. On the Suit portion there are areas of flood plain, streams; wetlands, and Primary Management Area ("PMA") to the northwest; additional streams, wetlands, and PMA to the east; and a "main stem of the Cabin Branch stream" to the south. (T.25) On the Wholey portion "there's just a small stream head in the southeast corner with associated PMA." (T. 26) Ms. Leitzinger concluded that the Basic Plan satisfies all technical drawing requirements in the Zoning Ordinance for a basic plan. (T. 26)

(13) Michael Lenhart, accepted as an expert in traffic engineering, prepared a traffic impact analysis for the Application that reviewed all of the study intersections used in the traffic impact analysis that was prepared for the original Basic Plan for Woodside Village. (Exhibit 22) He provided a synopsis of his report at the hearing:

[T]he traffic impact study that we prepared is a study that would normally be included as part of an adequacy assessment at the time of preliminary plan of subdivision. This detailed ... analysis is not typically required at the time of a zoning map amendment. However due to the high number of approved background developments in the Westphalia area, a full traffic study was prepared to prove that Section 27-195 (b)(1)(C) of the [Z]oning [O]rdinance would be satisfied....

We used a total of 25 developments [as background], including ... Smith Home Farm, Westphalia Center Parkside, to name a few.... So a total of 25 developments.... [T]his [Basic Plan Amendment] requests the development of up to 368 dwelling units. However, it is important to note that a similar number of units would also be allowed under the existing zoning.... Therefore, the act of approving this zoning amendment will not substantially change the trip generation characteristics of what could be developed on this property based upon the existing zoning.... [T]he actual impact of these 368 dwelling units will be further tested at the time of the preliminary plan....

[T]he property does include MC 631. It's a major collector roadway with [a] 100-foot right-of-way that runs through the site. It comes into the western boundary of the property and runs easterly into the site, and then turns north and continues up toward Westphalia Road. Ultimately, MC 631 will be constructed north of Westphalia Road to tie into Ritchie Marlboro Road through the Parkland and Rock Creek properties, and it would ultimately be developed and connected west of our property through Parkland and to tie into the Westphalia Town Center area....

[I have reviewed the conditions of approval recommended by the planning staff and agree with all conditions regarding transportation improvements. I am familiar with the criteria of approval of a Basic Plan related to transportation and public facility adequacy.] [T]he approval of this zoning really has no significant impact on what ... could be generated based on the current zoning and the criteria for approval. 27-195 (b)(1)(C) states that ... the transportation facilities which are existing, or under construction, or are 100 percent allocated ... within the current CIP, or CTP, or will be provided by the applicant will be ... adequate to carry the anticipated traffic.

The traffic impact study ... is in accordance with what is required at the time of preliminary plan, and that study shows that this will be able to satisfy that requirement.... [A]ll of the intersections did not pass the level of service test.] There are some failures. Specifically the intersection of Route 4 and Westphalia Road is projected to fail. There is a ... public facilities financing program that ... has been applied to all developments that have been approved in Westphalia. At the time of preliminary plan, that will be applied here as well. It's a payment based upon the pro rata impact that this development will have on the Route 4 at Westphalia Road intersection.... [T]hat's been applied to every development in the [Westphalia] Sector Plan.

The ... intersection of Suitland Parkway at Route 4 ... fails. That is currently funded for construction and under construction by [the] State Highway Administration, and the fact that it is funded fully allows us to take into consideration those improvements, and ... it does pass with that.

The intersection of Ritchie Marlboro [and] Westphalia Road fails ... the three-step test for unsignalized intersections. [A] the time of preliminary plan ... it would receive a condition of approval that requires [a] signal warrant study, and if a signal is warranted, to install said signal. Now that is unless ... a signal is bonded and permitted by another entity before we get to that stage. If that occurs, then the intersection would be deemed adequate.

The intersection of Westphalia Road at Darcy Road [is in] the same situation [since] it did not pass the three-step test....

(T. 36- 43)

(14) Ken Dunn, accepted as an expert in the area of land use planning testified in pertinent part, as follows:

The [Basic Plan Amendment] is necessary because of the original assemblage of the properties is no longer under common ownership.... That was the case under A-9973. It's no longer the case.

Park and Planning has subsequently purchased 150 acres ... of what was originally known as Woodside Village under A-9973. There have been ... two separate Basic Plan amendments, one for the Case [and Yergat] properties... A-9973-02, and one for the [Bean] property, that was A-9973-01. This application certainly allows for the

appropriate residential development of [P]arcels 13, 42, and a portion of 48, ... all property controlled by the applicant....

The applicant proposes 359 [dwellings]. It's a range of 359 to 368 single-family detached units, which equates to a 3.6 to 3.68 dwelling units per acre, slightly above the base density allowed under the R-M Zone⁴, but well under the maximum density of 5.7 dwelling units....

[T]he 2007 Westphalia Sector Plan recommends low density residential land use....

[T]he Sector Plan recommends that the residential areas outside of the core of the Westphalia [T]own [C]enter consist of townhouses and small lot single family homes, to add diversity to the neighborhoods, or as a transition between higher density, and lower density neighborhoods.... This application proposes single family detached units, and they're ... smaller units, to serve as the transitional buffer between the denser [Parkside] and the Westphalia Town Center projects to the south. The design proposed in this amendment reflects what I believe to be an efficient and interconnected street system, that seamlessly ties the adjacent Parkside project and the other ... previously approved amendments together....

[This application meets the criteria set forth in Section 27-195(b)...which] allows for an approved Basic Plan to be separated into two or more Basic Plans, 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, the applicant will be unable to proceed. I believe that's occurred in this case....

[U]nder 27-197 (b)(4)(A) through (F), you have ... multiple layers of requirements. The first one is ... that the District Council can find that the ... approval of the amended basic plan will not result in a change in the land area, or an increase in land use density.... So ... this proposal does not involve an increase in the overall density for the overall Woodside Village development, as set forth under A-9973.

The central purpose of this Basic Plan amendment is to divide the Basic Plan area by deleting the applicant's property from the total assemblage, much as we've done ... under the two previous applications, so that it can operate on ... its own.

The remaining parcels have already obtained ... approvals. So all we're really doing is ... mirroring those actions [so that]... [t]his ... property will be able to stand on its own. The overall residential development of the Woodside Village would not exceed what was ... specified earlier as 1,497 dwelling units, which was the number ... approved under A-9973.

(T. 49-54)

⁴ The witness may not have considered the range of densities approved by the District Council in its prior decisions concerning this development. They consistently note a range of densities between 3.6 and 5.8 dwelling units per acre. (See Exhibit 16)

The witness averred that no owner of land included in the original Basic Plan would be denied reasonable use of their property. (T. 54) He also opined that the request meets all the criteria for approval set forth in the Zoning Ordinance. (T. 55-56)

Agency Comment

(15) The MNCPPC Transportation Planning Section evaluated compliance with the 2009 Approved Countywide Master Plan of Transportation (“MPOT”), the 2007 Sector Plan and SMA, and the prior Edition of the Prince George’s County Zoning Ordinance:

The subject Basic Plan Amendment proposes to separate Parcels 13, 42, and 48 (except 59.55 acres owned by M-NCPPC) from the remaining Woodside Village property included within the previously approved Basic Plan (A-9973) to allow for development of up to 368 single family detached dwelling units....

The subject application is under the purview of Basic Plan A-9973 and Comprehensive Design Plan CDP-0601. There are no prior conditions of approval on the subject property that are relevant to the subject application....

The subject property is separated into two land areas, north and south. The northern area has frontage along Westphalia Road (C-626), a primary roadway (P-617), and Suitland Parkway Extended (MC-631). Westphalia Road is a two-lane collector roadway with an ultimate 80-foot right of way. The portion of Westphalia Road that fronts the subject property is constructed as a two-lane roadway. Suitland Parkway Extended is a planned four-lane major collector roadway with a 100-foot right of way. Planned road P-617 is proposed to have two lanes with an ultimate right-of-way of 70-feet. The southern area has frontage along Suitland Parkway Extended and planned road P-619, a two-lane primary road with a proposed 70-foot right-of-way. Right-of-way dedication for the planned roads within this application will be further examined at the time of subsequent development applications....

The MPOT recommends... [a] [p]lanned [s]ide [p]ath [at] Westphalia Road and Suitland Parkway Extended Shared Roadway: P-617 and P-619. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes policies regarding ...[road frontage improvements and road capital improvement projects that are] designed to accommodate all modes of transportation....

The 2007 Westphalia Sector Plan recommends ... [improvement of] existing roadways, [development of] new roadways[,] ... [provision of] a comprehensive, multimodal transportation network to support ... growth [, and the provision of] appropriate trails and bicycle[/] pedestrian facilities throughout the Westphalia area....

The submitted plan proposes pedestrian circulation through a network of internal paths and side paths along Suitland Parkway Extended and P-619, while P-617 is shown as a

shared roadway. Additional bicycle and pedestrian recommendations will be further examined and recommended with subsequent development applications.

Section 27-197 (b)(4) [of the Zoning Ordinance] includes provisions for findings the District Council must make in approving the application for a basic plan amendment that divides a single approved Basic Plan into two or more separate Basic Plans. This includes conforming to the requirements of Section 27-195(b)(1)(A)...[T]he roadways proposed within this development are unbuilt and will be analyzed in accordance with the recommendations of the MPOT and [S]ector [P]lan with subsequent development applications. As development occurs within the proposed area, staff will further evaluate bicycle and pedestrian facilities and amenities. The applicant submitted a traffic impact study analysis for the proposed development; however, adequacy will be evaluated with future development applications. Staff find that the subject application will conform to the General Map Plan, Area Master Plan, and principles and guidelines of the plan if pedestrian and bicycle facilities provided are in accordance with the recommendations of the 2009 MPOT Complete Streets Policies and Principles....

Section 27-507 [of the Zoning Ordinance] includes ... the purposes of the R-M Zone.... Staff recommend the applicant provide six-foot-wide sidewalks and traffic calming devices throughout the subject site. These facilities will provide opportunities for multimodal travel and contribute to an improved residential environment as envisioned in the R-M Zone....

(Exhibit 77, Backup pp. 33-37)

(16) The MNCPPC Department of Parks and Recreation reviewed the request as it applies to public parks and recreational facilities, and provided the following comment:

Park and Recreation amenities serving the subject property include Westphalia Park located approximately 1 mile west of Woodside Village and Mellwood Park located 5 miles to the south. The subject property is also approximately 1.5 miles east of Westphalia Community Center. Adjacent to the property (south and west) is the proposed Westphalia Central Park, a premier park facility currently being developed. Once completed, the park will provide playgrounds, a network of trails, informal fields and lawn areas, a recreational pond, a seasonal ice rink, and several other amenities for public enjoyment.

The property is subject to the 2007 *Approved Westphalia Sector Plan; Plan Prince George's County*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and *Formula 2040, Functional Master Plan for Parks, Recreation and Open Space*. One of the strategies of the [Sector Plan] is to designate Westphalia Central Park and Cabin Branch Greenway as community focus areas. Another strategy calls for the establishment of a parks fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia Sector Plan area to fund the construction of the public par facilities in the sector plan.

Basic Plan A-9973 was approved by the ... District Council ... via Council Resolution No. CR-2-2007 ... [and Conditions 3 (g) (1)-(4), (i), (j), (k), (l), (m), 4 (e), (f) and (g) are related to Parks and Recreation.]

(Exhibit 77, Backup pp.39-43)

The Department of Parks and Recreation recommended that Conditions 3(g) (concerning hiker-biker-equestrian trails, internal HOA trails/sidepaths, and 8-foot-wide sidepaths/ sidewalks along Suitland Parkway and along frontage on Westphalia Road), 3 (k) (concerning submission of a scope of services and a comprehensive concept plan for the urban park), 3(l)(concerning public recreational facilities which are not proposed on the subject property), 3 (m)(concerning a multiuse stream valley trail along Cabin Branch, since this condition does not apply to the subject property), and 4(e)(concerning acreage owned by MNCPPC and not Applicant) be deleted. (Exhibit 77, Backup pp.40-43)

(17) The MNCPPC Environmental Planning Section approved several Natural Resources Inventories for the original assemblage of properties in A-9973-C and for the subsequent approved Basic Plan Amendments. (Exhibit 77, Backup p. 52) It notes that no further information is needed at this time, although a new Natural Resources Inventory “reflective of the current requirements of the Woodland Conservation Ordinance that came into effect July 1, 2024, including expanded stream buffers, will be needed for future development review cases.”(Exhibit77,Backupp.56) Moreover, a Type 1 Tree Conservation Plan must be submitted with any future Comprehensive Design Plan or Preliminary Plan of Subdivision that is submitted for the subject property, and a Type 2 Tree Conservation Plan will be required to be filed with any Specific Design Plan submitted for the site. (Exhibit 77, Backup p. 56) All future applications will require a revision to these Tree Conservation Plans.

The Environmental Planning Section recommended that certain conditions from the District Council’s original approval in A-9973-C -Conditions 3(o)(concerning submission of a Natural Resources Inventory), 3(p)(concerning preservation of the Primary Management Area), 3(q)(concerning requirements for future Type 1 Tree Conservation Plans), 3(r)(concerning locations where Marlboro Clay occurs on site), and 4(c)(concerning submittal of a letter of justification for all Primary Management Area impacts) - be included if the instant request is approved. (Exhibit 77, Backup pp. 54-55)

(18) The MNCPPC Historic Preservation Section noted that the Sector Plan included goals and policies related to historic preservation, but none were specific to the subject property. Phase I archeological surveys have been conducted on both the Suit and Wholey sites. It recommended that further evaluation occur prior to approval of a preliminary plan of subdivision, and that Applicant provide a plan for any interpretive

signage to be erected and public outreach measures prior to the approval of a final plat. (Exhibit 77, Backup pp. 65-66)

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

- The request will not impair the recommendation of the 2007 Westphalia Sector Plan or the 2014 General Plan since there are no design or density recommendations for low-density development in the former, and although the density proffered in the amended Basic Plan is slightly higher than the 3.5 dwelling units per acre recommended in the Generalized Future Land Use Map in the General Plan. It is within that allowed in the R-M Zone (3.6-5.8 dwelling units per acre.) The request does meet the General Plan Policy that urges the strengthening and enhancement of existing residential areas in the Established Communities.
- No sensitive species project review areas are indicated as mapped on the site, nor are there rare, threatened, or endangered species indicated as present on-site. The site is mapped within the green infrastructure network, and the submitted plans generally show the preservation of the regulated areas, but more detailed information will be evaluated during later required applications. Stormwater management will be addressed at the time of preliminary plan of subdivision review. Accordingly, the request would not have a significant negative impact on the environment and aligns with the Master Plan goals of protecting the environmental features within the Sector Plan areas.
- Applicant's traffic impact study indicates that, under total traffic conditions, all affected intersections will operate adequately. Moreover, Applicant will have to pay its share of the cost for the planning, engineering and construction of the Westphalia Road/MD 4 intersection/interchange, and all proposed residential development will be subject to the appropriate school and public safety surcharges. The adequacy of schools, recreation areas, water and sewerage systems, libraries, police, and fire facilities will also be further evaluated at the time of preliminary plan of subdivision. Thus, other existing or planned public facilities will be adequate to serve the development proposed.
- The amendment is necessary since the total assemblage of properties in A-9973 is no longer under common ownership and Applicant cannot proceed to the comprehensive design phase if it does not own all of the land subject to A-9973. The original Basic Plan was to be a residential development centered by a park/school site and the larger Westphalia Central Park located in an adjacent subdivision. MNCPPC acquired Parcels 13, 42, and

48. It has since sold Parcel 13, 42, and part of 48 to the Applicant, and two other Basic Plan Amendments have been approved. There is no longer a cohesive land development scheme, and this practical difficulty was not created by Applicant.

- The instant request will not involve an increase in density for the overall area included in the original Basic Plan since the overall residential development for Woodside Village will not exceed the 1,497 dwelling units approved for the original Basic Plan. A-9973-01 approved a maximum of 354 dwelling units; A-9973-02 approved a maximum of 661 units; and A-9973-03 is requesting a maximum of 368 dwelling units.
- The proposed dwellings, density ranges, circulation patterns, and amenities are consistent with those approved in the original Basic Plan.
- If the request is approved, the new Basic Plan will be a stand-alone, cohesive development that complements the surrounding development.
- There was no staging requirement approved in the original Basic Plan. No owner of any land included in the original Basic Plan will be denied reasonable use of its land. With the exception of this Applicant and MNCPPC (as the owner of the remainder of Parcel 48), all owners have approved Basic Plan Amendments, and have been allocated a share of the overall density approved in A-9973, and will not be denied reasonable use of its land.
- At the time of the Comprehensive Design Plan review, the Applicant will submit further information about how the plan will provide housing to serve all income groups. The applicant has stated that it will develop homes with various price points and a range of finished square footage.
- The instant request satisfies the purposes of the R-M Zone since: public benefit features will be required at the time of Comprehensive Design Plan review, the location is consistent with the General Plan and the Sector Plan; the request conforms to the policies and recommendations of the General Plan, the Sector Plan, and the Green Infrastructure Plan; the proposed single-family dwellings are compatible with the other housing in the area, and will have access to existing public and proposed public facilities and services; the Basic Plan has incorporated open space and recreational areas; the Basic Plan will stimulate/encourage land development since the single-family detached houses will fit with the surrounding single-family attached and detached dwellings in the area, and there are no commercial uses proposed; and the single-family detached dwellings proposed will

balance the concentration of townhouses within the Westphalia area market.

(Exhibit 77, pp. 5 -14)

(20) As noted *supra*, the Technical Staff submitted Additional Backup for its Staff Report, and explained its genesis as follows:

This addendum to the technical staff report (TSR) provides staff's revisions to Condition 1 and 7 (underlying new language), and deletion of Conditions 8,9, and 10, (brackets and strikethrough for deleted language), as shown in the TSR dated December 31, 2024. The revisions and deletions ... are for the purpose of correcting a typographical error, providing clarifications, and removing those conditions which have been satisfied. The changes to the conditions will be made to the TSR before transmitting the Prince George's County Planning Board's recommendation to the Zoning Hearing Examiner.

(Exhibit 80)

LAW APPLICABLE

(1) This Application is being reviewed under the terms of the prior Zoning Ordinance, pursuant to Section 27-1704 of the current Edition of the Prince George's County Zoning Ordinance. Section 27-197(b) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan that does not involve a change in land area or an increase in land use density or intensity may be approved:

(b) An amendment of an approved Basic Plan which results in dividing a single approved Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council where significant changes in circumstances with regard to the approved Basic Plan have created practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to separate a specified amount of land area, the applicant will be unable to proceed to the Comprehensive Design Plan phase. An amendment will not be granted where the practical difficulty is selfcreated or self-imposed, or where the applicant had knowledge of, and control over, the changing circumstances and the problems bringing about the practical difficulty at the time the Basic Plan was approved. The following procedures shall apply to consideration of any such amendment in lieu of the requirements of Subsection (c), below:

(1) The applicant shall file the request in triplicate with the Clerk of the Council. The petition shall be accompanied by a new reproducible copy of the proposed new Basic Plan graphic showing how the Basic Plan is to be divided and any other proposed revisions, three (3) copies of the proposed new Basic Plan Text if any, and the names and addresses of the current owners of the property separated by the

proposed amendment. The Clerk's office shall advise the applicant in writing that the Technical Staff has found that the request is complete.

- (2) The Clerk of the Council shall refer copies of the request and accompanying documents to the Planning Board and to the People's Zoning Counsel. The Planning Board and the People's Zoning Counsel shall submit any comments which they have on the request to the District Council, the Zoning Hearing Examiner, the petitioner, and all persons of record in the original Zoning Map Amendment application. The comments shall be submitted not later than sixty (60) days after the date the petition is referred, unless such deadline is waived in writing by the applicant.
- (3) Within one hundred twenty (120) days after referral of the petition to the Planning Board and People's Zoning Counsel, the Zoning Hearing Examiner shall conduct a public hearing on the petition. The hearing shall be held in accordance with Section 27-129. The hearing shall not be held until after the sixty (60) day review period has expired, unless both the Planning Board and People's Zoning Counsel have submitted their comments.
- (4) In approving the petition, the applicant shall establish, and the District Council shall find, that:
 - (A) The approval of the amended Basic Plan will not result in a change in land area, or an increase in land use density or intensity, for the overall area included in the original, approved Basic Plan;
 - (B) The approval of the amended Basic Plan will not significantly impair the character of the original, approved Basic Plan with respect to land uses, density ranges, unit types, circulation, accessibility, public facilities, public benefit features, and open space;
 - (C) The proposed amended Basic Plan conforms to the requirements of Section 27-195(b);
 - (D) The separate Basic Plans that result will be capable of standing by themselves as individual, cohesive developments;
 - (E) Any staging of development that was required in the approval of the original Basic Plan, and that is still appropriate, is included as part of the amended Basic Plan; and
 - (F) No owner of any land which is included in the original, approved Basic Plan will, by the approval of the proposed amended Basic Plan, be denied reasonable use of his property.
- (5) Within thirty (30) days from the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council, unless such deadline is waived in writing by the applicant.
- (6) Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council.
- (7) Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- (8) If the Council does not act within forty-five (45) days of the filing of the written recommendation, the petition shall be considered to have been denied.

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

(b) **Criteria for approval.**

- (1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:
- (A) The proposed Basic Plan shall either conform to:
- (i) The specific recommendation of a General 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 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.
- (3) In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:
 - (A) Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or
 - (B) No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.
- (4) In the case of a V-M or V-L Zone, the applicant shall demonstrate to the satisfaction of the District Council that the commercial development proposed to serve the village is no larger than needed to serve existing and proposed residential development within and immediately surrounding the village, within the parameters of Section 27-514.03(d)(1)(A).

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

CONCLUSIONS OF LAW

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

(2) The Application satisfies all of the criteria for approval set forth in Section 27-197 (b) and (b)(4) of the Zoning Ordinance, for the reasons stated by the Technical Staff, Applicant, and its witnesses. A few of these reasons are summarized as follows:

- The request results from the significant change to the original basic plan after it was twice amended and MNCPPC sold a portion of its land. This destroyed the

cohesiveness of the original planned development, preventing the Applicant from proceeding to the next stages of development, and the cited change was not created by the Applicant. (Section 27-197(b))

- The instant request will not increase the land use density or intensity approved in A-9973-C. (Section 27-197(b)(4)(A))
- Approval of the request will not significantly impair the character of the original Basic Plan as it only proposes single-family detached dwellings, stays below the density approved in the original plan, has sufficient internal circulation and access to public rights-of-way, and the circulation patterns, type of housing, and amenities are essentially the same as those approved in the original plan. Applicant is including approximately 24 acres of the site as permanent open space. (Section 27-197(b)(4)(B))
- The request satisfies the requirements of Section 27-195(b) of the Zoning Ordinance, for reasons discussed below. (Section 27-197(b)(4)(C))
- This Basic Plan will be able to stand alone as an individual cohesive development if the request is approved since there is sufficient acreage, density and access to do so. Moreover, failure to approve the request makes it more likely that the property will not be able to develop in a cohesive manner since there is no longer a common ownership with the remaining properties that were subject to the original approval. (Section 27-197(b)(4)(D))
- There was no required staging of development in A-9973-C. (Section 27-197(b)(4)(E))
- Approval of the request will not deny any owner reasonable use of its property since except for Applicant's property and that owned by MNCPPC, all other property owners have already obtained approval of their own basic plans. (Section 27-197 (b)(4)(F))

(2) The subject property is in conformance with the General Plan's vision for Established Communities since Applicant is providing context-sensitive infill development consisting of a mix in size and price of single-family detached homes that complement the denser Parkside and Westphalia Town Center to the south and less dense area of the Sector Plan to the north and west. The Sector Plan encourages small lot single-family homes as a transition between townhouses and lower density neighborhoods in this area outside of the Westphalia Town Center. Moreover, the requested amendment proposes a range from 3.6 – 3.68 dwelling units per acre, well within that permitted in the Zone. (Section 27-195(b)(1)(A)) The instant Application does not propose retail or commercial uses. (Section 27-195(b)(1)(B)). The Transportation Planning Section and Applicant's expert transportation planner agree that all transportation facilities will be adequate to carry the traffic anticipated to be generated by this request. The Applicant will also be required to pay its per rata share of the cost for the planning, engineering, and construction of the Westphalia Road/MD 4 interchange. (Section 27-195(b)(1)(C)) The

record does not indicate that any public facility will be inadequate to serve the development. Fire services are found in the general area of the property, and adequacy will be determined for these and all public facilities at the time of preliminary plan of subdivision review. All residences will be subject to applicable school and public safety surcharges imposed by the County. Much of the public recreation will be provided by MNCPPC on the properties it has acquired that were part of the original assemblage in A-9973-C. (Section 27-195(b)(1)(D)) The Environmental Planning Section noted the existence of the prior Natural Resource Inventory approvals for the other approvals within the Woodside Village, and the property can be developed in a manner to protect environmentally sensitive areas. A new NRI and a stormwater management plan will be required as part of future entitlement applications. Marlboro Clay is only found on the Parcel owned by MNCPPC, and no rare, threatened or endangered species are found on the site. (Section 27-195(b)(1)(E))

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

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

RECOMMENDATION

I believe the Applicant has shown the requisite practical difficulty if forced to develop its land under the original Basic Plan, for reasons noted above, and recommend APPROVAL of A-9973-03 subject to the following Conditions:

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

Total Area

	100.84 acres
Land in the 100-year floodplain*	1.73 acres
Adjusted gross area: (100.84 acres less half the floodplain)	99.98 acres
Density permitted under the Residential Medium Zone	3.6–5.7 dwelling units/acre
Base residential density (3.6 du/ac)	359 dwelling units
Maximum residential density (5.7 du/ac)	569 dwelling units
Proposed Land Use Types and Quantities	
Residential Use (Single-Family Detached)	359–369 dwelling units
Number of the units above the base density	0–9 dwelling units
Density proposed in the Residential Medium Zone	3.6-3.68 dwelling units/acre
Permanent open space outside of proposed lots or rights-of way (Includes environmental, recreational, and homeowner association areas)	28.14 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 and for the A-9973 basic plan area (on Sheet 2).
 - b. In the Subject Property Table, show the Book/Page of each property's current deed reference.
 - c. Revise the Site Information Table on Sheet 2 to list the proposed dwelling units as single-family detached dwellings.
3. 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.
 - c. The Transportation Planning staff shall review minor street connections between the subject site and adjacent properties. All minor street connections shown on the comprehensive design plan shall conform to all other adjacent approved subdivisions.
 - d. The comprehensive design plan shall specify which lots located along Westphalia Road are single-family detached lots, in order to be compatible with the surrounding land use pattern, and to preserve a rural character as recommended in the Westphalia Comprehensive Concept Plan Study.
 - e. Submit a design package that includes an illustrations and general design guidelines that establish review parameters, including design, material, and color for architecture, signage, entrance features, and landscaping for the entire site.
 - f. The applicant and the applicant's heirs, successors, and/or assigns shall agree to make a monetary contribution to the central park. The total value of the monetary contribution for development, operation, and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. Monetary contributions may be used for the design,

- construction, operation, and maintenance of the recreational facilities in the central park.
- g. Submit a signed natural resources inventory (NRI) with the comprehensive design plan. All subsequent plan submittals shall clearly show the Patuxent River primary management area as defined in Section 24-101(b)(10) of the prior Prince George's County Subdivision Regulations, and as shown on the signed NRI.
 - h. 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.
 - i. Submit a required Type 1 tree conservation plan (TCP1). The TCP1 shall:
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.
 - (2) Concentrate priority area for tree preservation in areas within the framework of the approved Green Infrastructure Master Plan, such as stream valleys. Reflect a 25 percent woodland conservation threshold (WCT) and meet the WCT requirements on-site.
 - (3) Mitigate woodland cleared within the primary management area's preservation area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads which shall be mitigated 1:25. This note shall also be placed on all tree conservation plans.
 - (4) Focus afforestation in currently open areas within the 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.
 - (5) Prohibit woodland conservation on all residential lots.
 - j. Submit an exhibit showing areas where Marlboro Clay occurs on-site.
 - k. Submit a plan that addresses how housing will be provided for all income groups in accordance with Section 27-487 of the prior Prince George's County Zoning Ordinance and the master plan recommendations for the planned community.

1. Present all roadway improvement plans for Westphalia Road to Historic Preservation and Transportation Planning staff for review and comment, to ensure that all scenic and historic features associated with this historic road are properly evaluated and preserved, as necessary.
4. At the time of preliminary plan of subdivision (PPS) and/or prior to the first plat of subdivision, the applicant shall:
 - a. Show a proposed sewer layout and connection as required by the Washington Suburban Sanitary Commission.
 - b. Submit a 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.
 - c. Submit a letter of justification for all proposed primary management area impacts in the event disturbances are unavoidable.
 - d. Submit a plan, prior to Planning Board approval of a PPS, that shall provide for:
 - (1) Either the evaluation of any significant archaeological resources existing in the project area at the Phase II level, or
 - (2) Avoiding and preserving the resources in place.
 - e. Enter into an agreement with the Prince George's County Department of Parks and Recreation, prior to the first final plat of subdivision, that shall establish a mechanism for payment of fees into an account administered by the Maryland-National Capital Park and Planning Commission.
 - f. 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 submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.
5. Provide the below master plan facilities, designed to be consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities*, and to be reviewed as part of subsequent applications and shown prior to their acceptances, including the comprehensive design plan, unless modified by the permitting agency with written correspondence:

- a. A minimum 10-foot-wide path along Westphalia Road (C-626)
 - b. Shared roadway pavement markings and signage along P-617
 - c. A minimum 10-foot-wide path along P-619
 - d. A minimum 10-foot-wide path along MC-631.
6. Internal streets and shared-use paths are to follow the Complete Streets policies and principles of the 2009 *Approved Countywide Master Plan of Transportation* and include traffic calming measures. These will be reviewed as part of subsequent applications and shown prior to their acceptance.
 7. All sidewalks within the subject site shall be continuous within a connected pedestrian circulation network, at a minimum of 6 feet in width, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, or the Prince George's County Department of Public Works and Transportation with written correspondence.
 8. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.