



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

November 19, 2021

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

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

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

CERTIFICATE OF SERVICE

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

A handwritten signature in cursive script, reading "Donna J. Brown", is written over a horizontal line.

Donna J. Brown
Clerk of the Council

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

Applicant: Woodside Development, LLC

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

ZONING ORDINANCE NO. 8 –2021

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. The Ordinance shall become effective upon enactment.

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

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

Opposed:

Abstained:

Absent: Council Member Franklin, Streeter, and Taveras.

Vote: 7-0.

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

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

ATTEST:

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